

Board of Zoning Appeals

Minutes

February 12, 2019

Members present: John Golzy (Chairperson), Edward Baum, Lisa Carson, John Gutekanst, Kay Tousley.

City officials present: Rick Sirois (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:00pm in City Council Chambers, third floor of City Hall. The Chairperson introduced a video about the policies and procedures of the Board. The Chairperson noted that Case #19-01C has been withdrawn due to deed restrictions for the condominium development there. The Chairperson then swore in, under oath, those intending to give testimony.

**Case #19-01C 10 Meadow Lane Zone R-3 Marilza & Ezekiel
Thornton,
appellants**

Appellant is requesting a conditional use for a bed-and-breakfast establishment in an R-3 zone, under ACC 23.04.03(C)(2).

(Withdrawn.)

**Case #19-02V 59 ½ Pomeroy Road Zone R-1 David Gelhauf/
D & D Investments,
Appellants**

Appellant is requesting a variance from ACC 23.04.01(A)(1) to allow two (2) rental units on one property in an R-1 zone, where one (1) rental unit per property is the maximum allowance.

The Chairperson asked about the rental history of this property.

The secretary noted that there would be no physical changes to either building. He also said that he checked past rental permits for this property as far back as 1983, and never found two rental units listed there.

The Chairperson called on the appellant to testify.

David Gelhauf said that they rent out the main house to a family, and that his son lived in the garage apartment at 59 ½ Pomeroy Road. He said that this arrangement caused no issues with traffic and no complaints from neighbors. Mr. Gelhauf said that his son has moved, and it

would be prudent to rent the garage apartment. He added that the garage is used for equipment storage for his business.

Mr. Baum asked what practical difficulty or exceptional circumstances there are for this case. The Chairperson added that the garage apartment does not have to be rented. Mr. Gelhauf said he wanted to use the property in the best way. He added that the property was unique for this area as it has two separate structures for living space. Mr. Gelhauf said that he did not know if his situation was unique or special.

On a motion by Mr. Baum, seconded by Ms. Tousley, the Board moved to grant to the property at 59 ½ Pomeroy Road a variance from ACC 23.04.01(A)(1) to allow two (2) rental units on one property in an R-1 zone, where one (1) rental unit per property is the maximum allowance.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** No.
- 2.) **HARDSHIP AND DIFFICULTY:** No, was not rented up to this point.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** No.
- 4.) **MINIMUM VARIANCE:** No.
- 5.) **ABSENCE OF DETRIMENT:** There is one driveway.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Yes – no one. No – Baum, Carson, Golzy, Gutekanst, Tousley. Motion denied 5-0; variance denied.

OTHER BUSINESS:

--*Disposition of minutes of January 8, 2019.* On a motion by Ms. Tousley, seconded by Mr. Baum, the Board moved to accept the minutes as presented 5-0.

--*Organizational meeting.* On a motion by Mr. Baum, the Board moved to nominate Mr. Golzy as Chairperson. Motion approved 4-0.

The meeting was adjourned at 7:18pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary