

Board of Zoning Appeals

Minutes

March 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 7:01pm in City Council Chambers, third floor of City Hall. The Chairperson thanked Jessica Kopelwitz for her time of service with the Board. He then introduced a video about the policies and procedures of the Board. The Chairperson then swore in, under oath, those intending to give testimony.

**Case #19-03V 104-104 1/2 West Union Street Zone B-1 BDT Architects,
appellants**

Appellant is requesting variances from ACC 23.10.01, Table A, Schedule of Bulk Controls, to allow repair of a building with:

**--a left side setback of zero feet (0') where fifteen feet (15') is the minimum requirement,
--a right side setback of zero feet (0') where fifteen feet (15') is the minimum requirement,
--a front setback of zero feet (0') where twenty-five feet (25') is the minimum requirement,
--a rear setback of twenty-eight feet (28') where forty feet (40') is the minimum requirement,
and from ACC 23.10.01, Table B, Off-Street Parking Requirements, to allow zero (0) parking spaces where twenty (20) parking spaces are the minimum requirement.**

The Chairperson called on the Zoning Administrator to testify.

The Zoning Administrator said that this situation is being addressed as the buildings in the 2015 West Union Street fire. He added that he wanted to address all the variances that this property would need to rebuild in one case so that, if the variance is granted, all variances for the property would be in place.

The Chairperson called on the appellant to testify.

Jim Thomas (BDT Architects) addressed the Board. Mr. Thomas said that they have been doing work on the building such as stabilizing the walls. The Zoning Administrator added that the property owner has a demolition permit, and is working to protect the building from weather so as not to allow further deterioration.

Mr. Thomas said that the plans for the building would once again have a bicycle shop on the first floor, and seven apartments on the second floor. He said continued work on the site

would include repairing floor joists, the roof and masonry. Mr. Thomas said that the idea is to put the building back in place.

The Chairperson asked to confirm that the number of apartments and tenants. Mr. Thomas said that there would be no change. He added that new walls would now have fire ratings.

The Chairperson called on anyone wanting to speak in favor of the variance. No one came forward.

The Chairperson called on anyone wanting to make general comment about the case

Maxine Rantane (owner, 104 West Union Street) addressed the Board. Ms. Rantane said that the bicycle shop has been there for 36 years, and never had parking. She added that most of the tenants there do not have cars.

The Chairperson called on anyone wanting to speak against the variance. No one came forward.

The Chairperson closed the floor for discussion. He referenced ACC 23.05.04 as to the cause of the variance request. The Chairperson added that, as in this case where no change in footprint or number of tenants takes place, a proposal should be offered to City Council to allow the rebuild without need for variance.

Mr. Gutekanst asked if the granting of the variance would set a precedent. The Zoning Administrator noted that a precedent was already set for this circumstance.

On a motion by Mr. Baum, seconded by Ms. Carson, the Board moved to grant to the property at 104 West Union Street variances from ACC 23.10.01, Table A, Schedule of Bulk Controls, to allow repair of a building with:

**--a left side setback of zero feet (0') where fifteen feet (15') is the minimum requirement,
--a right side setback of zero feet (0') where fifteen feet (15') is the minimum requirement,
--a front setback of zero feet (0') where twenty-five feet (25') is the minimum requirement,
--a rear setback of twenty-eight feet (28') where forty feet (40') is the minimum requirement,**

and from ACC 23.10.01, Table B, Off-Street Parking Requirements, to allow zero (0) parking spaces where twenty (20) parking spaces are the minimum requirement.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The explosion in the building.
- 2.) **HARDSHIP AND DIFFICULTY:** Without the variance, they would not be able to conduct business.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

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

OTHER BUSINESS:

--Disposition of minutes from February 12, 2019 meeting. On a motion by Ms. Tousley, seconded by Mr. Baum, the Board moved to accept the minutes of the 2/12/19 BZA meeting 5-0.

The meeting was adjourned at 7:20pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary