

Board of Zoning Appeals

Minutes

July 10, 2018

Members present: John Golzy (Chairperson), Edward Baum, Kay Tousley, Aaron Thomas (alternate), Jessica Kopelwitz (alternate).

City officials present: Rick Sirois (Zoning Administrator).

The meeting was called to order at 7:00pm in City Council Chambers, third floor of City Hall. The Chairperson noted that, with the absence of two full-time Board members, both alternates would be voting members of the Board for this meeting. The Chairperson then introduced a video about the policies and procedures of the Board of Zoning Appeals. The Chairperson then swore in, under oath, those intending to give testimony.

**Case #18-16V 175 Second Street Zone R-1 Angela Lash & Jim Harris,
Appellants**

Appellant is requesting a variance from ACC 23.10, Table A, Schedule of Bulk Controls to allow an addition to a building with a left side setback of six feet (6') where eight feet (8') is the minimum requirement, and a rear setback of twenty-four feet (24') where thirty feet (30') is the minimum requirement.

The Chairperson called on the appellants to testify.

Lori Gromen (131 Second Street) addressed the Board. Ms. Gromen indicated she was representing Ms. Lash and Mr. Harris, who could not attend the meeting. Ms. Gromen read aloud from the letter submitted to the Board by the appellants.

The Chairperson called on anyone wanting to speak in favor of, make general comment about, or speak against the variance. No one came forward.

The Chairperson closed the floor for discussion.

On a motion by Mr. Baum, seconded by Ms. Tousley, the Board moved to grant a variance to the property at 175 Second Street from ACC 23.10, Table A, Schedule of Bulk Controls to allow an addition to a building with a left side setback of six feet (6') where eight feet (8') is the minimum requirement, and a rear setback of twenty-four feet (24') where thirty feet (30') is the minimum requirement.

Mr. Baum commented that there are properties throughout the City that do not meet the Zoning Code. He noted that this property is less than half of the required size for a lot in this zone. Mr. Baum said that City Council should be convinced to adjust bulk controls in the Zoning Code to address that.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The size of the lot makes it difficult to meet bulk controls.
- 2.) **HARDSHIP AND DIFFICULTY:** The size of the lot makes it difficult to meet bulk controls.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes, but there should be changes to the bulk controls.

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

Case #18-17V 62 Sunnyside Drive Zone R-1 Chris Lowe, appellant

Appellant is requesting a variance from ACC 23.10, Table A, Schedule of Bulk Controls to allow an addition to a building with a left side setback of two feet (2') where five feet (5') is the minimum requirement, and a structural lot coverage of thirty-eight percent (38%) where thirty percent (30%) is the maximum allowance.

The Chairperson called on the appellant to testify.

Chris and Kristin Lowe addressed the Board. Ms. Lowe stated that the neighbors at 60 Sunnyside Drive said that they have no problem with the variance. She said that the deck would be 1.5% larger than the pavers that are there now. Ms. Lowe said that the proposed deck would add 4% to the 34% structural lot coverage.

The Chairperson noted that there is no one at the meeting to speak in favor of, make general comment about, or speak against the variance.

The Chairperson closed the floor for discussion. He noted the Board receiving a letter of support signed by five neighbors.

On a motion by Mr. Thomas, seconded by Mr. Baum, the Board moved to grant a variance to the property at 62 Sunnyside Drive from ACC 23.10, Table A, Schedule of Bulk Controls to allow an addition to a building with a left side setback of two feet (2') where five feet (5') is the minimum requirement, and a structural lot coverage of thirty-eight percent (38%) where thirty percent (30%) is the maximum allowance.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The size of the lot makes it difficult to meet bulk controls.
- 2.) **HARDSHIP AND DIFFICULTY:** The size of the lot makes it difficult to meet bulk controls.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes, but there should be changes to the bulk controls.

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

OTHER BUSINESS:

--Disposition of minutes from June 12, 2018 meeting. On a motion by Mr. Baum, seconded by Ms. Kopelwitz, the Board moved to accept the minutes as presented 4-0, with the Chairperson not voting.

The meeting was adjourned at 8:20pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary