

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, December 21, 2016

Call to Order

Those members present: Paul Brady, Roger Ames, Prue Dana, and Jack Cohen.

Those members excused: Michael Schnipper.

Staff members present: Sam Perry, and Stephen McHugh.

Staff members excused: Jung-Han Chen.

Approval of Minutes of the November 16, 2016 Regular Meeting

Mr. Ames made motion to approve the minutes as written. Ms. Dana seconded the motion. All were in favor.

Adjudication Hearing

BZA-2016-11 819 Clover Circle, Variance to Section 1143.02(c)2 Front Yard Setback front porch addition, Kyle Biggs, Applicant/Owner

Mr. Cohen made motion to enter into Public Hearing BZA-2016-11. Ms. Dana seconded the motion. All were in favor.

Mr. Perry was sworn in. Mr. Perry reported that the Applicant was asking a front yard setback variance for a front porch addition. Mr. Perry stated that the minimum front yard setback was 30'. Mr. Perry reported the proposed distance was 24 feet, so is a 6 feet into the required front yard setback. Mr. Perry provided aerial views. Mr. Perry stated that the porch encroached into the front yard setback. Mr. Perry referred to a garage addition, compliant with all zoning codes, currently taking place on the property. Mr. Perry reported that houses in the neighborhood were all built on the front yard setback line. Mr. Perry noted that there was no record of any other variance approvals on Clover Circle. Mr. Perry stated that this was a small porch request.

Mr. Perry reviewed the decision criteria:

1. The property could yield a reasonable return without a variance;
2. The front yard setback request was not substantial;
3. The variance would not negatively alter the character of the neighborhood;
4. Delivery of government services would not be negatively impacted;
5. The Applicant stated that he had no knowledge of zoning restrictions;
6. Owners predicament. Mr. Perry stated that protection from the elements was the goal. The porch could be located elsewhere (side of house);
7. Regarding the spirit and intent, Mr. Perry stated that the open space would still exist and that granting of the variance would maintain the spirit and intent of the neighborhood.

Mr. Perry noted that the structure was located on a corner lot, so there was more open space than other properties in the neighborhood.

Mr. Perry stated that there was substantial evidence to grant the variance.

Mr. Kyle Biggs, Owner and Applicant, was sworn in. Mr. Biggs thanked everyone for the opportunity. Mr. Biggs noted that he had already made improvements to the home and wanted to improve the outside.

Ms. Dana made motion to reconvene to regular meeting. Mr. Cohen seconded the motion. All were in favor.

Mr. Ames made motion to grant a variance to install a porch, BZA-2016-11, 1143.02(c)2, based upon consistent with neighborhood, not substantial, and would add value to the property. Mr. Cohen seconded the motion.

AYE: Ms. Dana, Mr. Cohen, Mr. Ames, Mr. Brady (4)

NAY: None (0)

ABS: None (0)

Old Business

There was none.

New Business

Mr. Perry reported that there would be three cases in January. Ms. Dana reported she may have a scheduling conflict. Discussion followed regarding election of officers. Ms. Dana stated that she would be interested in staying as Vice Chair.

Adjournment

Ms. Dana made motion to adjourn meeting. Mr. Ames seconded the motion. All were in favor. The meeting was adjourned at 7:40 p.m.