

BOARD OF ZONING APPEALS

Meeting Minutes Wednesday, January 21, 2015

Call to Order

Those members present: Prue Dana, John Barnhart, Paul Brady, Jack Cohen, Mike Schnipper,

Those members excused: None.

Staff members present: Steve McHugh, and Sam Perry

Staff members excused: Jung-Han Chen, Amy Blankenship.

Election of Officers

Mr. Barnhart made motion to nominate Mr. Paul Brady as Chair of the BZA. Mr. Schnipper seconded the motion. All were in favor.

Mr. Barnhart made motion to nominate Ms. Prue Dana as Vice Chair of the BZA. Mr. Cohen seconded the motion. All were in favor.

Mr. Barnhart made motion to nominate Mr. Mike Schnipper as Secretary of the BZA. Mr. Cohen seconded the motion. All were in favor.

Approval of Minutes of the November 19, 2014 Regular Meeting

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

Adjudication Hearing

BZA-2015-01 10 N. Beech Street, Princess Theater, Variance to Section 1143.10(c)(2) 16.5 feet minimum front yard setback, Platte Architecture + Design, LLC, Applicant

Mr. Barnhart made motion to enter into Public Hearing BZA-2015-01. Ms. Dana seconded the motion. All were in favor.

Mr. Schnipper announced that the owner of the property was a customer of his and therefore he would need to recuse himself.

Mr. Perry provided a review. Mr. Perry described the proposal stating that this was part of a site redevelopment which would remove the one story concrete block addition and replace with a new multi-story addition that would line up with the original theater building to the south. Mr. Perry stated that staff received drawings from Platte Design showing renderings of the building and a site plan depicting the alignment of the block face. Mr. Perry described how the original theater building and remainder of the block face to High Street are all built closer to North Beech Street than current zoning code allows. Thus encroaching 9 feet 3 inches right now. Mr. Perry referred to the mid-1980's variance for the one-story concrete block addition approving for it to fully extend into the 16.5 foot required setback.

Mr. Perry stated that the proposal is to remove the concrete block addition and bring the building line back thus lining up with the rest of the block face. Referred to having received drawings from Platte Design. Mr. Perry noted the lot was an 8,000 square foot lot and includes the original building and the one-story addition. Mr. Perry stated that the proposed construction does not cover the entire front of the lot, that the current canopy would remain, but further north would be where the new construction is. Mr. Perry noted that the theater/addition has gone before HAPC for review; however, needs to come back before the HAPC for a COA,

therefore has not received approval yet.

Mr. Perry reviewed the Decision Standards, and stated that the Applicant provided sufficient evidence to warrant the variance. In reviewing the Decision Standards, can yield a reasonable return without variance, Mr. Perry stated he believes it can since the reduction of 9.25 feet of building depth only results in a 7.5% reduction in buildable area. In regards to the essential character of the neighborhood, the proposal would have a more positive effect on the neighborhood since they will be moving the building addition further from the street. Criterion F, Mr. Perry stated that staff agreed with the applicant and that there was no other way to achieve the proposed building wall location without the variance. A relevant factor is the existence of the remainder of the block face that will line up with the proposed addition.

There were no questions from the BZA.

Mr. Kurt Platte, Architect was sworn in. Mr. Platte stated that Mr. Perry's presentation was accurate. Mr. Platte stated that the intent was to align the addition with the existing street front in order to hold the alignment of the building. The addition proposed is actually 10' shy of the alleyway, so would reduce the footprint of the addition, thus improving the situation.

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

Mr. Brady stated that this was a small variance request and an improvement to the site.

The BZA discussed the encroachment into the right-of-way and the alignment with the theater. The only question is the setback.

Ms. Dana made motion to approve BZA-2015-01, based upon the variance not being substantial, that the essential character of the neighborhood would not be altered, and the spirit and intent of the zoning code would be observed. Mr. Barnhart seconded the motion. Roll call:

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

NAY: None (0)

ABS: None (0)

Old Business

There was none.

New Business

Mr. Schnipper shared his wish list for the BZA in 2015:

Mr. Schnipper inquired since having to recuse himself from discussion and voting due to performing work in his line of business for various Applicants, he would like to explore having an alternate BZA member, and inquired if this would need to go before City Council.

Mr. Schnipper also inquired about exempting city buildings from applying for zoning variances. Mr. Brady stated that would be up to the Planning Commission.

Mr. Schnipper inquired about receiving BZA agenda packets digitally. Issues found and needing further discussion were:

-how do we handle oversized pages and, not everyone can purchase tablets.

Ms. Dana discussed recusals and alternates. Mr. Brady stated that Staff would need to see if the Charter allowed.

Adjournment

Ms. Dana made motion to adjourn the meeting. Mr. Barnhart seconded the motion. All were in favor. The meeting was adjourned at 8:48 p.m.