

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, March 15, 2017

Call to Order

Those members present: Paul Brady, Roger Ames, Prue Dana, Jack Cohen, Michael Schnipper

Those members excused: None.

Staff members present: Sam Perry, Jessica Brockman.

Staff members excused: None.

Approval of Minutes of the January 18, 2017 Regular Meeting

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

Ms. Dana abstained as she was absent from this meeting.

Adjudication Hearings

BZA-2017-04 409 E. Chestnut Street, Variance to Section 1141.01(a)(1)(c) exceeding of accessory structure square footage requirement, Carol Michael, Applicant, Owner

Mr. Cohen made motion to enter into public hearing BZA-2017-04. Ms. Dana seconded the motion. All were in favor.

Mr. Perry was sworn in.

Mr. Perry described the variance request. This is a new accessory building on Ms. Michael's property. Mr. Perry noted that this was the longest lot in the area. Mr. Perry referred to an existing accessory building functioning as a garage. Mr. Perry noted that the new accessory structure would not be a garage but only for storage and hobby. Mr. Perry described size limitations for an accessory structure, noting that two accessory buildings were permitted. The problem with the request is the size of the structure. Mr. Perry noted that setbacks were met as well. Mr. Perry shared that notices were sent to property owners; however, only one inquiry received. Mr. Perry reviewed the decision criteria: reasonable return could yield without variance; the request is not substantial; the essential character of the neighborhood would not be negatively altered. Two accessory buildings are unusual but the location of the structure and lot size mitigates; government services are not affected; whether Ms. Michael was aware of the zoning regulations, awareness no until getting into the project; there may be other ways to be obviated; the spirit and intent is to maintain a low density residential character.

Mr. Perry referred to page 11 of the agenda showing the footprint and noted that there is sufficient evidence to approve, but wise to have a condition on the location of placement.

Ms. Michael was sworn in. Ms. Michael thanked the BZA for their time. The BZA had no questions for the applicant.

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

Ms. Dana inquired how far from the lot line. Mr. Perry responded 3' is the minimum.

Ms. Dana made motion to approve variance 1141.01(a)(1)(c) based upon meeting the essential character and placement is compatible with other accessory building. Mr. Cohen seconded the motion.

Mr. Schnipper agreed with granting the variance but upon the condition that placement of the accessory structure is 10' from existing garage and 3' off lot line. The BZA agreed to this condition as well.

AYE: Mr. Schnipper, Ms. Dana, Mr. Ames, Mr. Cohen, Mr. Brady (5-0-0)

NAY: None (0)

ABS: None (0)

(It is noted that once the applicant received her building permit Ms. Michael questioned, and Mr. Brady administratively approved that Ms. Michael could place the accessory structure 13 feet south of the existing garage, which was shown on the submitted drawings)

Old Business

There was none.

New Business

Mr. Schnipper requested an update on recent BZA variance denials of structures built without permits and removal of a deck (5996 Fairfield Road, and 311 W. Church). Mr. Perry provided the BZA an update. Discussion followed. Mr. Brady suggested Mr. Chen attend meeting to discuss zoning staffing.

Adjournment

Ms. Dana made motion to adjourn the meeting. Mr. Cohen seconded the motion. The meeting was adjourned at 7:45 p.m.