

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, October 15, 2014

Call to Order

Mr. Brady called the October 15, 2014 BZA meeting to order.

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

Those members excused: None.

Staff members present: Sam Perry, and Amy Blankenship.

Staff members excused: None.

Adjudication Hearing

BZA-2014-11 [7 Wooster Place variance to Section 1143.03\(c\)\(3\)C1 Total Lot Coverage, R1MS District, Scott Webb, Petitioner, Agent](#)

Mr. Schnipper made motion to enter into Public Hearing BZA-2014-11. Mr. Cohen seconded the motion. All were in favor.

Mr. Perry shared an overview of the variance request.

Mr. Perry described the area redevelopment that has taken place. Mr. Perry described what occurred to bring this variance request forward. There has been no variance approval prior to this hearing. Mr. Perry described the property stating that this was a vacant structure that has been completely remodeled. A second story was added to the eastern portion of the house as well. Mr. Perry stated that prior to the redevelopment of the site the lot coverage was already at its maximum of 35%. A 2-car garage exists. The Applicant is asking for a lot coverage variance because of the addition of concrete which caused the lot coverage to increase to 37.1%. Mr. Perry stated that the addition in concrete occurred in the field to connect two rear doorways. The owner doesn't want to remove the concrete because without it, there will be a constant problem with mud, dirt, and inability to keep grassed.

Mr. Perry completed his report by stating that Staff did not believe that there was enough substantial evidence to support the variance request.

The BZA reviewed the Decision Standards.

In regards to Decision Standard E, there was an awareness of the zoning restriction by the applicant but the owner or contractor may have not known.

Mr. Cohen referred to the fact that the renovation was a big improvement and shouldn't that be part of BZA's consideration if the request was a relevant or irrelevant factor.

Mr. Brady swore in Scott Webb, the applicant.

Mr. Webb stated that the owner purchased the property rather quickly and at that time learned that the lot coverage was at maximum. Mr. Webb continued that the contractor had to shave the driveway down in order to meet lot coverage, thus reducing the driveway. Mr. Webb described the two small patios on the back and that during repairs it seemed wise to pour concrete between the two patios; however, it put the lot coverage over. Mr. Webb described what remodeling took place. Mr. Webb stated that without the concrete there will be a mess if not hard surfaced.

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

Ms. Dana stated that already being at the maximum lot coverage; felt it would be hard to bring into compliance, even though the concrete was a good idea and an asset to the property.

Mr. Schnipper agreed it was an asset, and the owner did a great job to the property; however, he didn't like that the applicant was asking for a variance after the fact. Mr. Brady inquired the BZA if you can achieve practical difficulty since the work is already done. Discussion followed on how the BZA finds a practical difficulty. Mr. Cohen inquired if the BZA has approved variances after the fact. The answer was yes, reluctantly. Mr. Cohen referred to it as an improvement, and a minor one. Mr. Barnhart referred to the remodel as being an overall improvement from what was there before, and that needs to weigh into their decision. Mr. Barnhart reviewed the Decision Standards and felt that this should be approved after the fact or not.

Mr. Barnhart made motion to approve BZA-2014-11 based upon Decision Standards C and G. Mr. Cohen seconded the motion. Roll call:

AYE: Schnipper, Cohen, Dana, Barnhart (4)

NAY: Brady (1)

ABS: None (0)

[Approval of Minutes of the September 17, 2014 Regular Meeting](#)

Ms. Dana made motion to approve the September 17, 2014 minutes as written. Mr. Schnipper seconded the motion. Mr. Barnhart abstained as he was not present at this meeting. The minutes were approved 4-0-1.

[Old Business](#)

There was none.

[New Business](#)

There was none.

[Adjournment](#)

Ms. Dana made motion to adjourn the meeting. Mr. Barnhart seconded the motion. All were in favor. The meeting was adjourned at 7:50 p.m.