

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, November 16, 2016

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 October 19, 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-2016-10 4965 College Corner Pike, Variance to Section 1149.03 maximum allowed parking spaces, John Bennett, JT Designers, Inc. Applicant/Agent

Mr. Schnipper made motion to enter into public hearing BZA-2016-10. Mr. Ames seconded the motion. All were in favor.

Mr. Perry was sworn in. Mr. Perry explained that the applicant wished to be granted relief from the parking maximum for a retail use in the GB District. Mr. Perry described the lot and its current use. Mr. Perry explained that the site is to be redeveloped and the current building demolished. The parking requirement is for a maximum of 9 parking spaces based upon a minimum of 1 space for every 300 square feet of building floor area; however, the Applicant and owner have their own requirement which is 15, thus the variance request. The applicant felt that the maximum parking would be insufficient for their particular industry.

Mr. Perry reviewed the site plan and noted that the design met all other site requirements.

Mr., Perry reviewed the Decision Criteria:

Criterion A - The property can yield a reasonable return without the variance.

Criterion B - The six additional parking spaces are not substantial as they are designed and located, in context with the surrounding development and proposed location of the building.

Criterion C - The additional parking spaces would not negatively alter the essential character of the neighborhood.

Criterion D - Government services would not be impacted negatively.

Criterion E - Property owner awareness of the zoning restriction. The property owner has not changed since the maximum parking restriction was adopted in 2014.

Criterion F - the owner's predicament has been obviated by the approval of plans that were compliant with the zoning code.

Criterion G - Agreed with the applicant's narrative that the spirit and intent of the zoning requirement would be achieved and justice served by granting the variance.

Mr. Jay Bennett was sworn in by Mr. Brady. Mr. Bennett represented Simon Cre, Engineers and explained his client's situation and reasoning for the variance.

Mr. John Bennett, Applicant, was sworn in by Mr. Brady. Mr. Bennett described the existing property. Mr. Bennett stated that his applicant wanted to dramatically change and alter the paved site. Mr. Bennett

described the site design and wanting to add greenspace and decrease pavement. Mr. Bennett explained how he determined the number of parking spaces, described the intent to install screened landscaping. Mr. Bennett described the dumpster design and addressed lighting.

Ms. Dana asked the applicant to repeat who potentially would use the parking; employees (3), handicap (2), leaving 4 for potential public use.

Mr. Bennett reviewed the Decision Standards:

1. Wouldn't be profitable because of lack of parking
2. Agreed with staff regarding not being a substantial variance
3. Agreed with staff that it would not negatively alter the character of the neighborhood
4. Agreed with staff, as it is an improvement
5. Regarding zoning restriction awareness, this is a status if sold
6. Agreed with staff that with the combination of small size, highway location and employee parking, it makes it necessary to increase parking
7. Agreed with staff regarding the spirit and intent
8. Mr. Bennett stated that he was pleasantly surprised with Verizon's scope of investigation into potential sites, that pavement would be reduced, screening added, and considered the area a gateway into Oxford.

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

Mr. Brady and Mr. Schnipper expressed they felt it should be granted.

Ms. Dana made motion to grant variance BZA-2016-10 based upon Criteria B and C. Mr. Ames seconded the motion. All were in favor.

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

NAY: None (0)

ABS: None (0)

Old Business

There was none.

New Business

There was none.

Adjournment

Ms. Dana made motion to adjourn the meeting. Mr. Ames seconded the motion. The meeting was adjourned at 7:52 p.m.