

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, April 18, 2018

Call to Order

Those members present: Paul Brady, Prue Dana, Michael Schnipper, and Rosmarie Shaughnessy.

Those members excused: Roger Ames.

Staff members present: Jung-Han Chen, and Amy Blankenship.

Staff members excused: Sam Perry, and Stephen McHugh.

Approval of Minutes of the March 21, 2018 Regular Meeting

Mr. Brady stated there should be a change made to the minutes in regards to BZA-2018-09 and BZA-2018-10 on page 5 of the agenda. The two cases were not tabled due to a lack of quorum, but because the Appellant asked them be tabled because of there being only 3 Board members for vote.

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

Adjudication Hearings

BZA-2018-09, 209 N. Campus Avenue, variance to Section 1143.05(c), minimum lot width 75' and 7,500 sf of lot area for a two-family dwelling; and Section 1143.05(c) maximum front yard lot coverage of 5%, Scott Webb, Appellant (Tabled March 21, 2018)

Mr. Brady announced that BZA-2018-09, BZA-2018-10 will continue Tabled.

BZA-2018-10, 207 W. Collins Street, variance to Section 1143.03(c) 5' rear yard setback; variance to Section 1143.03(c) front yard lot coverage limited to 5% when the site is accessed from an alley; variance to Section 1149.04(a)(1) parking limits in the required front yard to one required parking space, Scott Webb, Appellant (Tabled March 21, 2018)

BZA-2018-11, 5465 College Corner Pike, WildBerry, variance to Section 1149.05(a)(1), parking regulations in a non-residential front yard setback, Dan Thomas, Bunnell Hill Construction/Schueler Group, Appellant

Mr. Chen was sworn in by Mr. Brady. Mr. Chen announced that the equipment was not working to display his PowerPoint.

Mr. Chen reported that the variance request was for parking in the front yard. Mr. Chen reported the parcel was located in front of the Wildberry factory. Mr. Chen stated the applicant was proposing to build a warehouse/sales office, and that parking would be in the front yard. Mr. Chen stated that based upon parking access management in the LI District there shall be no parking within the front yard setback area for non-residential parking lots.

Mr. Chen referred to the site plan noting that the property had recently been rezoned from GB to LI.

Mr. Dan Thomas, Bunnell Hill Construction and Jim Schumate, site civil engineer for the project were

sworn in by Mr. Brady.

Mr. Thomas explained the building had been placed there due to a couple issues: grading, and the impact on the existing dock area if the new structure was pushed back to meet the setback. Mr. Thomas continued that currently there is a 3% slope and that the slope becomes larger if pushed back to accommodate the 50' setback. Mr. Thomas stated that they tried pushing back but the increased sloping would be dangerous for the trucks in referring to the multiple turn points to get in.

Ms. Dana inquired how many parking spaces. Mr. Thomas stated 22.

Mr. Brady noted that the only item before the BZA was the front yard setback.

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

Ms. Dana made motion to approve BZA-2018-11, be approved based upon Decision Criteria A, beneficial use of property, Criteria C, the essential character of the neighborhood would not change, and Criteria F the owner's predicament (due to the trucks). Ms. Shaughnessy seconded the motion.

AYE: Mr. Schnipper, Ms. Dana, Ms. Shaughnessy, Mr. Brady (4)

NAY None (0)

ABS: None (0)

BZA-2018-12, 225 E. Withrow , Variance to Section 1149.03 parking requirement, Phillip Ping, Appellant

Mr. Schnipper made motion to enter into public hearing BZA-2018-12. Ms. Dana seconded the motion. All were in favor.

Mr. Chen stated the applicant was seeking a variance request for 225 E. Withrow, to keep the number of existing off-street parking spaces (two) while converting an existing single family residence to a 2-family. The applicant does not want to expand the driveway to four parking spaces as required. Mr. Chen described the neighboring properties as rentals. Mr. Chen noted that more off street parking would put less stress on the neighborhood. Mr. Chen reported that staff could not find any evidence to support the variance as the site could provide additional parking.

Mr. Brady inquired about the lot depth? Mr. Chen reported the lot measured 91'x108'.

Ms. Dana inquired, if granted, the effect on neighborhood stress because of so many cars.

Mr. Phillip Ping was sworn in. Mr. Ping reported he had just inherited the house from his Mother. The plan is to convert to an upstairs/downstairs apartment design, while maintaining the residential neighborhood. Mr. Ping had hoped to not put a four slot parking lot in the neighborhood and preserve green space and preserve the architectural look and to continue being a good neighbors. Location of the neighborhood makes it very walkable for students. Mr. Ping stated he wanted to maintain the exterior look and reduce car pressure.

Ms. Devona Miller, 215 E. Withrow, noted that the family wanted to keep the property. Ms. Miller described the surrounding properties and the large amount of parking at them. Ms. Miller felt it valuable to keep the driveway as is.

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

Mr. Brady stated that he didn't understand the greenspace argument or see a practical difficulty.

Mr. Schnipper agreed. Mr. Schnipper felt the owner was aware of the zoning requirements. Mr. Schnipper felt it to be strictly a choice of not putting in the required parking.

Ms. Shaughnessy felt there to be other ways of handling it.

Mr. Schnipper made motion to deny BZA-2018-12 based upon Criteria A, would not be a beneficial use without the off street parking and Criteria C the additional driveway would not alter the essential character of the neighborhood. Ms. Shaughnessy seconded the motion.

AYE: Ms. Shaughnessy, Mr. Schnipper, Ms. Dana, Mr. Brady (4)

NAY: None (0)

ABS: None (0)

Old Business

Mr. Chen reported there would be two cases in May, which are the two tabled at this meeting.

Mr. Schnipper inquired about the progress on Fairfield Road property corrections. Ms. Blankenship stated Staff was working with the property owner and making progress. Ms. Blankenship continued most of the structure has been removed.

New Business

Mr. Schnipper asked Staff when notifying the Board about upcoming meetings to inquire about their attendance and possible recusals to allow time for the applicant to decide whether to table should there not be a full Board present.

Mr. Chen announced the part time zoning inspector coming on board May 7.

Adjournment

Ms. Shaughnessy made motion to adjourn the meeting. Ms. Dana seconded the motion. All were in favor. The meeting was adjourned at 7:01 p.m.