

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

Call to Order

Those members present: Paul Brady, Roger Ames, Prue Dana, and Michael Schnipper.

Those members excused: Rosmarie Shaughnessy.

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

Staff members excused: Stephen McHugh.

Approval of Minutes of the October 18, 2017 Regular Meeting

Mr. Ames moved to approve the meeting of the October 18, 2017 regular meeting, Ms.

Dana seconded the motion. Motion approved by consent of all member presented.

Adjudication Hearings

BZA-2017-14, 5720 College Corner Pike, Walmart, variance to Section 1151.05(c)(4)(A) directional sign size and 1151.05(c)(4)(B), direction sign height, Sunday Bougher, SGA Design Group Applicant/Agent

Mr. Schnipper made motion to enter into Public Hearing BZA-2017-14. Ms. Dana seconded the motion. All were in favor.

Mr. Perry was sworn in by Mr. Brady. Mr. Perry stated the applicant was requesting signage at the Walmart site for an online grocery pickup service they offer customers. Mr. Perry noted that the signs have already been installed. Mr. Perry reported that the proposed signage was the same dimensions used at other Walmart locations. Mr. Perry described the zoning code limitations: size of the directional signage and the height of the signs. Mr. Perry reported that eight feet was the request for directional signs' height, and three square foot measurements was requested as compared to the allowed two square foot. Mr. Perry reviewed the decision criteria for the two variance requests. Mr. Perry described past Walmart BZA variance requests for this location. Mr. Perry reviewed the decision standards. Mr. Perry referred to changing consumer preferences and in order to address them this is what Walmart is requesting for that service. Mr. Perry noted that the size of the property mitigates the request. Mr. Perry stated that there was substantial evidence to support the variance requests.

Ms. Sunday Bougher was sworn in. Ms. Bougher stated their signage design was in conformance with uniform traffic control devices. Ms. Bougher added that larger vehicles couldn't see typical 4' signs.

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

Mr. Ames made motion to approve BZA-2017-14 variance to Section 1151.05(c)(4)A and 1151.05(c)(4)B based upon criterion B and that safety and convenience would be improved. Mr. Schnipper seconded the motion.

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

NAY: None (0)

ABS: None (0)

BZA-2017-15, 211 W. Collins Street, variance Section 1149.04(a)(1) one parking space in a Required front yard, Scott Webb, Applicant/Agent

Mr. Schnipper made motion to enter into Adjudication Hearing BZA-2017-15. Ms. Dana seconded the motion. All were in favor.

Mr. Perry was sworn in by Mr. Brady. Mr. Perry stated the variance referred to the quantity of parking spaces in the front yard parking. Only one is allowed; they are asking for two. Mr. Perry stated the plan is to demolish an existing garage and construct a new single family. Mr. Perry noted that any lot for a new single family is a two off-street parking space requirement. Mr. Perry stated this was an alley lot, and in order to develop the lot would have to make an interpretation of where the front yard was; the proposal was to have two parking spaces within the 20 foot front yard/setback area.

Mr. Perry noted that all other zoning requirements were met; however, didn't meet the number of parking spaces in the front yard. Mr. Perry displayed an oblique aerial photo. Mr. Perry stated the applicant wanted to keep the site as is, but replace the garage with a new building. Regarding the principal entrance, and having interpreted the new code in September 2017, the new zoning code exempted the alley.

Mr. Perry stated that public notices were mailed out and no responses were received.

Mr. Perry reviewed the decision criteria. Mr. Perry stated that the variance was not substantial nor would it negatively affect the essential character of the neighborhood. Property awareness should have been since this wasn't a new requirement. In regards to the owner's predicament, Mr. Perry disagreed with Mr. Webb that there was no other method except for the variance. Mr. Perry also noted that the additional parking space in the alley would not affect the spirit and intent behind the zoning requirement. Mr. Perry stated that staff felt there was substantial evidence that supported the variance request for the additional parking space.

Mr. Brady inquired if there isn't a problem having two 20' setbacks? Mr. Perry responded the property location on a corner lot have two front yards. Ms. Dana inquired where exactly the front door of the property would be located. Mr. Perry stated he was not sure he could describe it as no drawings of the structure were submitted. Ms. Dana inquired about the parking location. Mr. Perry pointed out where the two existing parking spots were and explained that would be where the ones in question would be. Mr. Perry referred to the existing retaining wall staying and that the new structure would be developed where the current garage is located. Mr. Perry stated that a Housing Agreement did not exist or a rental permit.

Mr. Webb was sworn in by Mr. Brady. Mr. Webb provided a PowerPoint presentation to replace a garage with a house. The intent is to make the new structure reflect the house in the front and complement it. Mr. Webb described the site: corner lot, two setbacks, small lot and due to the lot size being so small with two front lots, there is no place to park except in the front yard setback. The practical difficulty is having two front yards. Mr. Webb described the location of the existing retaining wall. Mr. Webb referred to the Decision criteria: was not substantial, encouraged green space, would not affect the essential character. Meets all of the qualifications of a single family lot. The only question is if you want to see less parking or a taller building. Mr. Webb continued that the desire was to keep as much of what was there in place.

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

Mr. Schnipper made motion to approve BZA-2017-15, based upon criterion B, not substantial and C, would not affect the essential character of the neighborhood. Mr. Ames seconded the motion.

Ms. Dana stated she was conflicted, as she did feel the density should be increased near the university; however, on the other hand another piece of yard is gone in the neighborhood. Mr. Brady noted it was a buildable right. Mr. Ames stated he felt the house would look nicer than the existing garage.

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

NAY: None (0)

ABS: None (0)

Old Business

There was none.

New Business

Mr. Ames inquired if the City had ever thought about teleconferencing meetings with those applicants who would travel long distances for public hearings. Discussion followed.

The BZA discussed the December meeting agenda. Mr. Schnipper inquired about updating and reviewing those ordinances related to code enforcement. Mr. Schnipper inquired if City Council would be receptive. Mr. Chen responded that Council would probably be open to the ideas as they have approved the part time zoning inspector position. Mr. Schnipper inquired if it would be appropriate to stop by office and review affected ordinances? Mr. Chen responded no problem.

Adjournment

Mr. Ames made motion to adjourn the meeting. Mr. Schnipper seconded the motion. The meeting was adjourned at 7:17 p.m.