

BOARD OF ZONING APPEALS
Meeting Minutes
Wednesday, June 20, 2018

Call to Order

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

Those members excused: Roger Ames.

Staff members present: Sam Perry, and Amy Blankenship.

Staff members excused: Stephen McHugh.

Approval of Minutes of the May 16, 2018 Regular Meeting*

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

Adjudication Hearings

BZA-2018-13, 424 N. Campus Avenue, variance to Section 1143.07(c) R3MS District Front Yard Setback - to Reduce from 15' to 12.5', College Street Properties, Inc., James M. Rupel, Appellant

Ms. Dana made motion to open public hearing BZA-2018-13. Mr. Schnipper seconded the motion. All were in favor.

Mr. Perry was sworn in. Mr. Perry described the location of the property. Mr. Perry provided a site map. Mr. Perry described the front yard setback requirement and the proposal to build a new porch entrance. Mr. Perry reviewed the site plan and described where the new porch would be located. Mr. Perry displayed where the location of the front door was located. Mr. Perry stated it would be quite difficult to move the door to meet the front yard setback. Mr. Perry referred to the nonconforming code. This is a 2-1/2 foot encroachment into the front yard setback. Mr. Perry stated it was already a two unit building. Mr. Perry reviewed the decision criteria:

1. Is it a beneficial use without the variance. Mr. Perry reported it as an active rental. Mr. Perry added this was a minimal upgrade.
2. Is the variance request substantial? Mr. Perry reported he didn't see as substantial. Mr. Perry stated that the setbacks need provided on both streets.
4. Will the variance affect the essential character of the neighborhood. Mr. Perry stated no.
5. Were the property owners aware of the front yard setback. Mr. Perry stated yes.
6. Owner's predicament does create a problem for the designer and owner because of the existing door location; moving the door would be more complicated.
5. Spirit and intent. Mr. Perry reported that in 2013 a provision exempting front porches on nonconforming buildings occurred. However, the front porches had to comply with all setbacks and lot coverage's. Also, the spirit and intent of that code is that front porches are minimally invasive and should be allowed whenever possible.

Mr. Perry stated that staff believed there was sufficient evidence to warrant the variance.

Mr. Schnipper inquired are we not permitted to make a nonconforming more nonconforming. Mr. Perry stated yes.

Ms. Terri Treinen, Studio One Design, was sworn in. Ms. Tryden stated the design would make the structure more conforming; right now has a 12-1/2 foot setback on Homestead Avenue so would stay at the same distance. The porch addition would fix the setback on Campus Avenue.

Mr. Matt Rupel, property owner, was sworn in. Mr. Rupel stated he purchased the property about six months ago and would be completing an inside/outside remodel. Mr. Rupel continued that the porch will really improve the exterior appearance.

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

Mr. Schnipper stated he appreciated the clarification of the code.

Ms. Dana made motion to approve BZA-2018-13, based upon the variance was not substantial and would enhance the neighborhood properties, and that the owner's predicament with having two front yards. Mr. Schnipper seconded the motion.

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

NAY: None (0)

ABS: None (0)

Old Business

Mr. Perry reported having old cases that we are working on from those we denied and now making progress moving forward. Mr. Perry shared that Mr. Schnipper, Mr. Brady and Ms. Hill all met June 19 to discuss the cases and the goal to move forward.

Discussed having a training session in August. It was suggested that Ms. Hill be invited as well.

Mr. Schnipper thanked Ms. Shaughnessy for her service.

Adjournment

Ms. Dana made motion to adjourn meeting. Mr. Schnipper seconded the motion. The meeting was adjourned at 6:45 p.m.