

BOARD OF ZONING APPEALS

Meeting Minutes

Wednesday, October 21, 2020

Call to Order

Those members present: Roger Ames, Michael Schnipper, Dan Haizman, Chris Allison, and Kate Rousmaniere.

Those members excused: None.

Staff members present: Zachary Moore, and Benjamin Mazer.

Staff members excused: Sam Perry.

Approval of September 16, 2020 Minutes of the Regular Meeting

Mr. Schnipper referred to a couple of very minor grammatical corrections to the minutes. Mr. Haizman made motion to approve the minutes of September 16, 2020 as corrected. Ms. Rousmaniere seconded the motion. All were in favor.

Adjudication Hearings

BZA-2020-09, 420 N. Campus Avenue, Section 1143.07(c) maximum lot coverage, Scott Webb, Appellant

Mr. Ames made motion to enter into public hearing BZA-2020-09. Mr. Haizman seconded the motion. All were in favor. Mr. Moore, Planner, was sworn in by Mr. Schnipper.

Mr. Moore provided a staff report for the proposed variance request to add a new front porch to an existing duplex. Mr. Moore reported that the request would increase the allowable total lot coverage. Mr. Moore noted that the property owner was present for the meeting. Mr. Moore reviewed the Decision Criteria. Ms. Rousmaniere inquired if lot coverage was measured differently for gravel versus pavement. Mr. Moore responded that they were measured the same.

Mr. Scott Webb, Appellant, was sworn in by Mr. Schnipper. Mr. Webb stated that this was a simple matter; not a setback question, but felt it as an opportunity for the owner to improve the property. No questions were received from the Board. Mr. Paul Arel, property owner, stated that he hoped the variance would be granted.

Mr. Ames made motion to reconvene to regular meeting. Mr. Allison seconded the motion. All were in favor.

Mr. Ames made motion to approve variance 1143.07(c) as submitted, based upon Decision Criteria B the variance was not substantial, Criterion C, the essential character of the neighborhood would be improved making it more in conformity and more parallel with the neighboring properties, Criterion E the property owner purchased the property without knowledge of the zoning restriction, Criterion H would bring the structure into more compliance. Ms. Rousmaniere seconded the motion.

AYE: Mr. Ames, Mr. Haizman, Ms. Rousmaniere, Mr. Allison, Mr. Schnipper (5)

NAY: None (0)

ABS: None (0)

BZA-2020-10, 116 E Withrow Street, Section 1143.09(c)(4)(B)(1) total lot coverage, Section 1143.09(c)(4)(B)(3) front yard coverage, and Section 1149.04(a)(1) more than one parking space in the front yard, Scott Webb, Appellant

Mr. Ames made motion to enter into public hearing BZA-2020-10. Mr. Haizman seconded the motion. All were in favor.

Mr. Zachary Moore, Planner, was sworn in by Mr. Schnipper. Mr. Moore provided a staff report for a new single family dwelling, and proposed three variances involving a vacant alley lot located directly behind an existing three-family structure at 116 E. Withrow. The variances requested are total lot coverage, front yard coverage, and having more than one parking space in the front yard. Mr. Moore noted that the property would be addressed as 114 E Withrow once built. Mr. Moore reviewed the Decision Criteria. No comments were received from surrounding properties. Mr. Moore reviewed the Engineering and Police Chief comments. Mr. Moore reported that the owner was in agreement to establish a shared access easement. Mr. Moore described that there could possibly be difficulty with maneuverability on the proposed drive, and suggested expanding its coverage area. Mr. Ames inquired if by the Oxford Zoning Code this was a buildable lot. Mr. Moore responded yes.

The BZA discussed the proposed increases of total lot coverage and front lot coverage. Mr. Allison referred to the third variance, parking space requirement, and inquired why we weren't asking for just one space in the front yard. Mr. Schnipper responded that the owner wanted to provide ample parking. Mr. Schnipper referred to possibly granting a condition to allow for paving between the sidewalk and access drive. Mr. Haizman disagreed because the paving would then become parking spaces. Discussion followed regarding the Staff suggestion for additional front yard coverage to assist with maneuverability on the proposed drive in order to access what would become the back portion of 116 E. Withrow.

Mr. Webb, Appellant, was sworn in by Mr. Schnipper. Mr. Webb reviewed the proposed site plan design. Mr. Webb stated that the owner planned to provide a shared access easement from the front property to the rear to allow continued access to the rear facing garages. Mr. Webb noted that not having the access drive the lot coverage would be less. Mr. Webb also stated that he felt the coverage amount was sufficient for accessibility and that additional front yard coverage was not needed. Mr. Webb described the alley improvements. Mr. Webb agreed with Mr. Haizman regarding increasing pavement would create more problems than what it would solve. Mr. Webb stated they could soften the driveway by adding landscaping to help. Mr. Webb stated they would be keeping the retaining wall, shrubs, and trees and would improve the corner of the alley. Also, an improvement of the site would be reducing the existing non-compliant gravel parking and additionally providing green space. Mr. Webb referred to the project aligning with the goals of the Comprehensive Plan, which encourages infill development and redevelopment of underutilized sites. Mr. Webb reviewed the Decision Standards. There were no questions from the BZA. Mr. Moore noted that an attendee had joined by phone, but did not wish to speak, who was the property owner.

Mr. Ames made motion to reconvene to regular meeting. Ms. Rousmaniere seconded the motion. All were in favor. Mr. Schnipper inquired if there was any opposition to any of the variances from the Board. There were none.

The BZA reviewed the decision criteria. Ms. Rousmaniere inquired about Engineering comments being addressed during the building review process and the Police Chief comments/concerns being addressed through resolution. Mr. Schnipper noted that this was not part of the BZA's decision. Mr. Haizman suggested that both properties install house numbers at the structures.

Mr. Ames made motion to approve BZA 2020-10, Sections 1143.09(c)(4)(B)(1) lot yard coverage, 1143.09(c)(4)(B)(3), 1149.04(a)(1), based upon Criterion A, the variance would not yield a reasonable return without the variance (vacant lot), Criterion C the essential character of the neighborhood would not be affected (would help), Criterion D would not affect delivery of government services, Criterion E purchased property without income, Criterion G the spirit and intent of the neighborhood would be observed by granting the variance, Criterion H would improve the neighborhood Mr. Haizman seconded the motion.

AYE: Mr. Ames, Mr. Haizman, Ms. Rousmaniere, Mr. Allison, Mr. Schnipper (5)

NAY: None (0)

ABS: None (0)

New Business

Mr. Webb reported that he would have one case for November.

Old Business

Mr. Schnipper inquired about House Bill 197 extension? Mr. Maizer updated the BZA stating it would continue to be the same through the end of the year.

Mr. Schnipper also inquired Mr. Moore regarding hybrid meetings. Mr. Moore responded he did not foresee that.

Adjournment

Ms. Rousmaniere made motion to adjourn the meeting. Mr. Ames seconded the motion. Without objection, the meeting was adjourned at 8:28pm.