

Board of Zoning Appeals

Minutes

October 14, 2014

Members present: John Golzy (Chairperson), Lisa Carson, Betty Hollow, Joan Kraynanski, Kay Tousley, Ellen Soltow (alternate).

City officials present: John Paszke (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:01pm in Council Chambers, third floor of City Hall. A video was shown about the policies and procedures of the Board of Zoning Appeals. The Chairperson then swore in, under oath, those intending to give testimony.

**Case #14-12V 205 West Washington Street Zone B-1 Kevin Cline,
appellant**

Appellant is requesting a variance from ACC 23.10, Table A, Schedule of Bulk Controls, to allow the remodeling of a triplex resulting in added cubic content, with a front setback of five feet (5'), where twenty-five feet (25') is the minimum requirement, with a rear setback of twenty-five feet (25') where forty feet (40') is the minimum requirement, with a left side setback of four feet (4') where five feet (5') is the minimum requirement, with total side setbacks of thirteen feet (13') where twenty feet (20') is the minimum requirement, and from ACC 23.10, Table B, Off-Street Parking Requirements to allow four (4) parking spaces where nine (9) parking spaces are required.

The Chairperson called on the Zoning Administrator to testify.

The Zoning Administrator noted that, even though there are several parts to the request, all nonconformities already exist. He said that the occupancy, parking and setbacks would be identical. The Zoning Administrator also noted that this B-1 zone abuts an R-3 zone, which governs bulk controls for this lot. He stated that nine parking spaces are required for this rental building in part as one unit is listed for one tenant, but two parking spaces are required.

The Chairperson called on the appellant to testify.

Kevin Cline said that he recently purchased this property in June, 2014. Mr. Cline said that work needed to be done to this building, and that he wanted to keep the character of the building. He noted that, in the rental unit to be affected, the current bathroom is very small, and that he wants to add space to the unit by moving one wall in the porch area. Mr. Cline stated that he would increase the size of the bedrooms and add closets. He also said that there would be no increase in number of tenants.

The Chairperson asked if the building has three entrances. Mr. Cline said that it does. Ms. Soltow asked about the site's parking. The secretary said that the parking there is

‘grandfathered.’ Ms. Kraynanski asked if the alterations would change the character of the house. Mr. Cline said that it would not really change, and that the goal is seamless renovation. Ms. Hollow stated that increasing the bedroom size usually means more tenants. The Zoning Administrator said that the appellant would have to seek a variance for that.

The Chairperson called on anyone wanting to speak in favor of the variance. No one came forward.

The Chairperson called on anyone wanting to make general comments about the variance.

Laura Parrotti (11 Maple Street) addressed the Board. Ms. Parrotti said that she does not object to the variance. She said that she has trouble with tenants from 205 West Washington Street backing and driving onto her property when they leave their parking area. Mr. Cline suggested that he would try to create angled parking, and would communicate with Ms. Parrotti about the problem.

The Chairperson called on anyone wanting to speak against the variance. No one came forward.

The Chairperson called on the appellant for rebuttal.

Mr. Cline reiterated that he would speak with Ms. Parrotti about any parking problems, and said that the young people living there are probably unaware of the problem.

The Chairperson closed the floor for discussion.

On a motion by Ms. Hollow, seconded by Ms. Tousley, the Board considered to grant to the property at 205 West Washington Street for variances from ACC 23.10, Table A, Schedule of Bulk Controls, to allow the remodeling of a triplex resulting in added cubic content, with a front setback of five feet (5’), where twenty-five feet (25’) is the minimum requirement, with a rear setback of twenty-five feet (25’) where forty feet (40’) is the minimum requirement, with a left side setback of four feet (4’) where five feet (5’) is the minimum requirement, with total side setbacks of thirteen feet (13’) where twenty feet (20’) is the minimum requirement, and from ACC 23.10, Table B, Off-Street Parking Requirements to allow four (4) parking spaces where nine (9) parking spaces are required.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The house was built before the Zoning Code. It is on a small lot. The house could be rebuilt without adding cubic content.
- 2.) **HARDSHIP AND DIFFICULTY:** The owner would like sufficient room for his tenants for this unit. There is already reasonable use of the property.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** No granting of special privilege.
- 4.) **MINIMUM VARIANCE:** No.
- 5.) **ABSENCE OF DETRIMENT:** No detriment.

6.) NOT OF A GENERAL NATURE: Yes.

The Chairperson called for a vote: Tousley – yes, Carson – yes, Hollow – yes, Kraynanski – no, Golzy – yes. Motion approved 4-1; variance granted.

Case #14-13V 96 Columbia Avenue Zone R-1 Frank Stalder, appellant

Appellant is requesting a variance from ACC 23.10, Table A, Schedule of Bulk Controls, to allow an addition to a house, resulting in a rear setback of twenty feet (20') where thirty feet (30') is the maximum allowed.

The Chairperson called on the Zoning Administrator to testify.

The Zoning Administrator noted that the property has an awning carport, which is considered an accessory structure. He said the appellant decided to build a permanent carport, attached to the house.

The Chairperson called on the appellant to testify.

Frank Stalder addressed the Board. Mr. Stalder said that there had been a carport there many years ago. He said that the carport would not be enclosed, and would have a deck on top.

Ms. Kraynanski asked about the driveway next to the house. Mr. Stalder said that the driveway had been there for 50 years, and the proposed carport would be located even with the house. Ms. Kraynanski asked about gutters. Mr. Stalder said that he talked with his neighbor, and they have no problem with his storm runoff.

The Chairperson asked if anyone wanted to speak in favor of the variance. No one came forward, and then the Chairperson noted two letters of support for the project from neighbors.

The Chairperson called on anyone wanting to make general comment about, or speak against the variance. No one came forward.

The Chairperson closed the floor for discussion.

Ms. Kraynanski asked the Zoning Administrator about, if the appellant decides to close up the carport, would he need another variance. The Zoning Administrator said that the appellant would not have to come back, as he would be 'OK' with it.

On a motion by Ms. Kraynanski, seconded by Ms. Carson, the Board considered to grant, in Case #14-13V, 96 Columbia Avenue, appellant Frank Stalder, a variance from ACC 23.10, Table A, Schedule of Bulk Controls, to allow an addition to a house, that being an open carport with deck, resulting in a rear setback of twenty feet (20') where thirty feet (30') is the minimum allowed.

FINDINGS:

1.) EXCEPTIONAL CIRCUMSTANCES: The house has a Columbia Avenue address, even though the main entrance is on Madison Avenue, so the rear yard is really a side yard.

2.) HARDSHIP AND DIFFICULTY: It is a hardship to leave a car outside. Most houses have garages.

- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Kraynanski – yes, Hollow – yes, Carson – yes, Tousley – yes, Golzy – yes. Motion approved 5-0; variance granted.

Case #14-14V 75 Stewart Street Zone R-3 Trent DeBruin, appellant

Appellant is requesting a variance from ACC 23.10, Table A, Schedule of Bulk Controls, to allow an addition to a structure, with the property having sixty-five percent (65%) total lot coverage where sixty percent (60%) is the maximum allowed.

The Chairperson called on the Zoning Administrator to testify.

The Zoning Administrator apologized to the Board for not catching the nonconformity of the lot coverage for this property and project. He said he was going to ask the Board to add an amendment to the previous flood variance (#14-09V), but since the findings of such variances are different, he thought it best to have a separate variance hearing.

The Chairperson called on the appellant to testify.

Trent DeBruin addressed the Board. Mr. DeBruin said that it is a minimal addition to the building. The Zoning Administrator noted that the current lot coverage for the property is 64.1%, and would be increased by approximately only one percent with the addition.

The Chairperson asked if anyone wanted to speak in favor of, make general comment about, or speak against the variance. No one came forward.

On a motion by Ms. Tousley, seconded by Ms. Carson, the Board considered to grant, in Case #14-14V, 75 Stewart Street, a variance from ACC 23.10, Table A, Schedule of Bulk Controls, to allow an addition to a structure, with the property having sixty-five percent (65%) total lot coverage where sixty percent (60%) is the maximum allowed.

As this point, Ms. Carson recused herself from voting on this case.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** It has already exceeded lot coverage limits for a number of years, and this would be a minor adjustment.
- 2.) **HARDSHIP AND DIFFICULTY:** They need this variance to proceed with their project.

3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Others in similar circumstances would be requesting the same.

4.) **MINIMUM VARIANCE:** Yes.

5.) **ABSENCE OF DETRIMENT:** Yes.

6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Tousley – yes, Carson – yes, Hollow – yes, Kraynanski – yes, Golzy – yes. Motions approved 5-0; variance granted.

OTHER BUSINESS:

--*Disposition of minutes from September 9, 2014 meeting.* On a motion by Ms. Kraynanski, seconded by Ms. Carson, the Board voted to approve the minutes as presented 6-0.

--*Final discussion and vote on revised Rules of Procedure for BZA.* The Chairperson summarized changes in the Rules of Procedure. The Board voted 6-0 to approve the updated Rules of Procedure. Ms. Kraynanski thanked Ms. Golzy, the Chairperson's wife, for typing up the Rules to allow amendments and changes. It was suggested that the revised Rules be posted on the Board's webpage on the City of Athens website.

The meeting was adjourned at 7:50pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary