

Board of Zoning Appeals

Minutes

September 15, 2015

Members present: John Golzy (Chairperson), Lisa Carson, Kay Tousley, Edward Baum (alternate).

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

The meeting was called to order at 7:02pm in Council Chambers, third floor of City Hall. The Chairperson introduced a video about the policies and procedures of the Board of Zoning Appeals. The Chairperson then swore in, under oath, those intending to give testimony.

Case #15-15V 8 Tulane Road Zone R-1 Kenneth Holroyd, appellant

Appellant is requesting a variance from ACC 23.08.01(A) to allow a parking space between the front right-of-way line and the front of the house, where such parking is not allowed.

The Chairperson called on the Zoning Administrator to testify. The Zoning Administrator said that the addition to the driveway is to allow some parking in front of the main structure.

The Chairperson called on the appellant to testify.

Ann Brown addressed the Board. Ms. Brown said that they moved into this house in July. She then presented photographs of the site to the Board. Ms. Brown said the addition to the driveway would extend six feet to the side to allow side-by-side parking. She noted the street is extraordinarily narrow, with no curbs. She also noted that there is only two feet of property on the left side of the house, so no addition could be built there.

Ms. Brown said that visiting cars park in the yard. She also stated that one car has to back out to allow access for another car on the driveway. Ms. Brown also expressed concern for pedestrian traffic being affected by this car shuffling.

Ms. Brown noted that the houses on either side of this property have three parking spaces. She referred to the letter of support from neighbors for the project.

The Chairperson noted that no one was there to speak in favor of, make general comment about, or speak against the variance. The Chairperson then noted the letter of support from neighbors.

The Chairperson closed the floor for discussion.

Mr. Baum said that when this ordinance was discussed in City Council, the only exceptional circumstance to allow creation of such parking was if the property was on a hill, with little flat space for parking. The Chairperson said that there is no room to park on this street. Mr. Baum noted that there are some City streets that you cannot park on at all. Ms. Carson asked

if it is not a hardship to have no parking on a street. The Zoning Administrator noted the City has problems with streets with no curbs, in terms of what is considered legal parking in relation to the City right-of-way.

At this point, another appellant wanted to comment. The Chairperson allowed this.

Kenneth Holroyd addressed the Board. Mr. Holroyd said that people will park in the yard at this house, and it makes the street more difficult to drive.

On a motion by Ms. Carson, seconded by Ms. Tousley, the Board considered to grant, in Case #15-15V, to the property at 8 Tulane Road, for a variance from ACC 23.08.01(A) to allow a parking space between the front right-of-way line and the front of the house, where such parking is not allowed.

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** If one is parked there, one has to move for traffic. Others have parking in the neighborhood.
- 2.) **HARDSHIP AND DIFFICULTY:** If one is parked there, one has to move for traffic. Others have parking in the neighborhood.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes. The neighbors signed a survey for support. Others in the neighborhood have room.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** It may improve the property. The neighbors are positive about it.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Baum, Carson, Golzy, Tousley – yes. No one – no. Motion approved 4-0; variance granted.

OTHER BUSINESS:

--Disposition of minutes from August 11, 2015 meeting. On a motion by Mr. Baum, the Board voted to approve the minutes as presented 4-0.

The meeting was adjourned at 7:29pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary