

Board of Zoning Appeals

Minutes

March 8, 2016

Members present: John Golzy (Chairperson), Lisa Carson, Betty Hollow, Joan Kraynanski, Edward Baum (alternate).

City officials present: Rick Sirois (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:00pm in Council Chambers, third floor of City Hall. The Chairperson introduced a video about the policies and procedures of the Board of Zoning Appeals. He noted that, with the absence of a Board member, Mr. Baum will be a voting member of the Board for this meeting. The Chairperson then swore in, under oath, those intending to give testimony.

Case #16-03V Lot 1703 – Ring Street Zone R-1 Ron White, appellant

Appellant is requesting a variance from ACC 23.10.01 Schedule of Bulk Controls, Table “A”, Schedule of Bulk Controls, to allow construction of a building with a rear setback of seven feet (7’), where thirty feet (30’) is the minimum rear setback allowed.

The Chairperson called on the secretary to testify.

The secretary noted that this property received a similar variance in 2005 (Case #05-02V) but that the appellant in that case did not follow through on the project.

The Chairperson called on the appellant to testify.

Ron White was sworn in, and addressed the Board. Mr. White said the proposed house would have three bedrooms and two bathrooms. He presented a drawing of the project to the Board, and indicated that the porch in back could be moved. Mr. White said that the City alley behind the property is on a steep slope.

Eric Lee (51 Madison Avenue, owner of lot in question) addressed the Board. Mr. Lee said the City alley is overgrown, and that the proposed house will not affect the alley, nor the property of the Athens County Jobs and Family Services that borders this alley.

The Chairperson called on anyone wanting to speak in favor of the variance.

Allison Rapp Lee (51 Madison Avenue) addressed the Board. Ms. Rapp Lee said that this lot is a separate parcel. She also said the proposed house will increase property values and property taxes.

Patrick Daugherty (22 Hudson Avenue) addressed the Board. Mr. Daugherty said that it is difficult to develop an unusual lot, and that variances must be considered to help.

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

William Dombroski (17 Ring Street) addressed the Board. Mr. Dombroski said that he has lived at his current address for 49 years. He said the reason to keep the alley open was so that fire trucks could use it to fight fires at the back of Columbia Avenue properties.

Mr. Dombroski said that there is extreme flooding in the area. He described the storm sewer running from Roosevelt Drive down to Ring Street, and the reservoir on Highland Avenue with its overspill. Mr. Dombroski presented photographs to the Board of the area. He said the storm sewer tunnel bends where Ring Street bends, and runs through the lot in question. Mr. Dombroski stated that anything built on this lot will act as a dam. He indicated that there is ponding on this lot after storms. Mr. Dombroski said that the storm sewer basin takes some storm water, but if blocked, the valley would wash away, as he has seen it happen.

Mr. Dombroski said the plans presented by the appellant are not realistic. He added that building this house would take away the front yard of 7 Ring Street.

Karen McElhinny (11 Ring Street) addressed the Board. Ms. McElhinny read aloud the letter she submitted to the Board, indicating the objection to the variance by her and other neighbors.

Adam Remnant (3 Ring Street) addressed the Board. Mr. Remnant said that he has had sewage back up into his house, and he believes that it is due to heavy rain flow. He said that this has happened on multiple occasions. Mr. Remnant said that another house in this area will add to the problem.

Lauren Mente (191 North Congress Street) addressed the Board. Ms. Mente said that this proposed house would become another student rental, and that may not help property values. She stated that she lives next door to a rental for which she has had to call the police due to disturbance.

Ms. Mente said that flooding is a big issue in the area. She stated that her property floods in the front and back yards. Ms. Mente also said that the owners of the property in question said that they would live at 7 Ring Street and raise children there, but moved after eight months and turned the house into a rental property. She urged the Board to not grant the variance.

Jeff Mente (191 North Congress Street) addressed the Board. Mr. Mente said the last blacktop work done next to his house changed the storm runoff, impacting his property in a negative way.

Gordon Stewart (187 North Congress Street) addressed the Board. Mr. Stewart said he supports his neighbors being against the variance, and indicated that he opposed the variance as it might wind up to be a rental property.

Jenny Daniels (3 Ring Street) was sworn in, and addressed the Board. Ms. Daniels said that the reason she moved into this area was due to the spacious lots. She said the proposed house will not increase property values.

The Chairperson called on the appellant for rebuttal.

Mr. White said that he was not aware of the neighbors' information. He said he would ask the City to investigate storm runoff there.

Mr. Baum said that without a study on the impact of storm runoff in this neighborhood, he would be hard-pressed to approve the variance. Ms. Kraynanski said that she would like to see plans on where the storm drain is on the lot in question.

Mr. White said that most of what he heard from those against the variance is exaggerated, but acknowledged that there are probably some problems there.

Mr. Lee said that no fire trucks in the alley are possible. He also said the storm sewer is addressed in the plans. Mr. Lee said that he had lived at 7 Ring Street for three years. He added that the proposed house does not cut into others' space.

Ms. Kraynanski said that it seems to take several lots to build a house in this area because of the lay of the land.

Ms. Hollow stated that there are unbuildable lots in the City. She added that flooding may play into this on this lot. Ms. Kraynanski said that at her property (56 Mound Street) her back yard area becomes swampy after storm runoff.

Ms. Carson said that a lot if this testimony is speculative or anecdotal. She said that the Board has not been shown definitively that building on this lot would exacerbate the problem. Ms. Carson added that whether the proposed house becomes a rental is not a Board issue.

On a motion by Ms. Carson, seconded by Mr. Baum, the Board moved to table the case until more information can be obtained.

The Chairperson called for a vote: Baum, Carson, Golzy, Hollow, Kraynanski – yes. No one – no. Motion approved 5-0; case tabled.

Case #16-04V	125 East Union Street	Zone R-3	Patrick Daugherty, Appellant
---------------------	------------------------------	-----------------	---

Appellant is requesting a variance from ACC 23.08.01(A) to allow a parking lot for a proposed apartment building to have fifteen (15) parking spaces with four (4) spaces being one hundred seventy (170) square feet in area, where the minimum parking space area allowed is one hundred eighty (180) square feet.

The Chairperson called on the secretary to testify.

The secretary noted that the appellant was before the Board last month, and had modified his plans so as to have all required parking spaces on the lot, but that four spaces would be smaller. Ms. Kraynanski asked about a variance for Summit at Coates Run Apartments (Case #13-01V) for smaller parking spaces. The secretary said that he could not recall the size approved.

The Chairperson called on the appellant to testify.

Mr. Daugherty addressed the Board. He said that he used the same size smaller parking space in his plans as had been approved for Summit at Coates Run Apartments. He then read aloud the letter he submitted to the Board for this case. Mr. Daugherty also stated that he thought it better to spread the size difference in four spaces rather than two even smaller spaces.

Ms. Kraynanski asked about greenspace. Mr. Daugherty said that he would use grass paver stones. He then presented plans for the project to the Board.

The Chairperson called on anyone wanting to speak in favor of the variance.

Eric Lee (51 Madison Avenue) addressed the Board. Mr. Lee said that the project sounds

good, and that a reduction of parking space area by four or five percent would not be noticed.
The Chairperson referred to two letters of support submitted to the Board for this case.
The Chairperson closed the floor for discussion.

On a motion by Ms. Carson, seconded by Mr. Baum, the Board moved to grant a variance from ACC 23.08.01(A) to allow a parking lot for a proposed apartment building to have fifteen (15) parking spaces with four (4) spaces being one hundred seventy (170) square feet in area, where the minimum parking space area allowed is one hundred eighty (180) square feet.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** It is a triangular lot. The appellant needs to get all parking spaces on the lot. The appellant will be able to keep greenspace.
- 2.) **HARDSHIP AND DIFFICULTY:** It is a triangular lot. The appellant needs to get all parking spaces on the lot. The appellant will be able to keep greenspace.
- 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: Baum, Carson, Golzy, Hollow, Kraynanski – yes. No one – no. Motion approved 5-0; variance granted.

OTHER BUSINESS:

--Disposition of minutes from February 9, 2016 meeting. On a motion by Mr. Baum, seconded by Ms. Carson, the Board approved the minutes as presented, 5-0.

The Board moved to adjourn the meeting. The meeting was adjourned at 8:15pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary

