

Board of Zoning Appeals

Minutes (amended)

December 10, 2019

Members present: John Golzy (Chairperson), Lisa Carson, Joe Krause, Kay Tousley, Robert Delach (alternate).

City officials present: David Riggs (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:01pm in City Council Chambers, third floor of City Hall. The Chairperson noted that, with the absence of one Board member, Mr. Delach would be a voting member of the Board for this meeting. The Chairperson then introduced a video about the policies and procedures of the Board. He then swore in, under oath, those intending to give testimony.

Case #19-10V 27 Brown Avenue Zone R-1 Ben Stewart, appellant

Appellant is requesting a variance from ACC 23.03.11(A)(1) to allow construction of an accessory structure (storage shed) with a right side setback of one foot (1') where five feet (5') is the minimum requirement.

The Chairperson called on the secretary to testify.

The secretary noted that this property received a variance in 2007 for a narrow driveway because of the slight size of the lot.

The Chairperson asked about roof eaves sticking out into the setback. The secretary read aloud ACC 23.03.08(D)(1) about allowing eaves a certain distance into the setback.

The Chairperson called on the appellant to testify.

Ben Stewart said that he intended to shift the shed inward on the lot to two and one half feet from the property line in order to preserve trees there. The Chairperson asked if the variance could be altered from one foot to two and one half feet. Mr. Stewart said that would be OK.

The Chairperson asked the appellant about a subfloor on the lot. Mr. Stewart said he was considering an additional construction project but has decided to build the shed. The Chairperson reminded him to check with the Code Enforcement Office to see if he needs a permit.

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

The Chairperson closed the floor for discussion.

On a motion by Ms. Carson, seconded by Ms. Tousley, the Board moved to grant to the property at 27 Brown Avenue a variance from ACC 23.03.11(A)(1) to allow construction of an accessory structure (storage shed) with a right side setback of two and one half feet (2.5') where five feet (5') is the minimum requirement.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The small size of the lot. Others in the neighborhood have accessory structures.
- 2.) **HARDSHIP AND DIFFICULTY:** The small size of the lot.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Others in the neighborhood have accessory structures.
- 4.) **MINIMUM VARIANCE:** Yes, with one and one half feet added to the original request.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Yes – Carson, Delach, Golzy, Krause, Tousley. No -- no one. Motion approved 5-0; variance granted.

Case #19-11V 15 Avon Place Zone R-1 Jeff Brown, appellant

Appellant is requesting a variance from ACC 23.03.11(A)(1) to allow construction of an accessory structure (garage) with a left side setback of two feet (2') where five feet (5') is the minimum requirement.

The Chairperson called on the secretary to testify.

The secretary noted that this property received a variance in 1988 for the same request.

The Chairperson called on the appellant to testify.

Jeff Brown said that he was requesting a two-foot setback to allow for the garage's roof overhang on that side. He noted that most properties in the neighborhood have garages and carports, with some of those close to or on the property line. ~~Mr. Stewart~~ **Mr. Brown** added that the reason for the placement of the garage is to have more of a straight line into the garage from the driveway.

The Chairperson asked about the size of the proposed garage. Mr. Brown said it would be needed for added space for storage. The Chairperson asked if the appellant was agreeable to moving the garage six inches inward so the overhang will not be on the property line. Mr. Brown said that would be OK.

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

Pam Brown (appellant's wife) was sworn in under oath, and addressed the Board. Ms. Brown said most garages in the neighborhood line up with their driveways, and it would be awkward to have to swing into their garage.

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

On a motion by Mr. Krause, seconded by Mr. Delach, the Board moved to grant to the property at 15 Avon Place a variance from ACC 23.03.11(A)(1) to allow construction of an accessory structure (garage) with a left side setback of two and one half feet (2.5') where five feet (5') is the minimum requirement.

The Chairperson said that this case is similar enough to the previous case (#19-10V) that the findings are unnecessary to review. The other Board members agreed.

The Chairperson called for a vote: Yes – Carson, Delach, Golzy, Krause, Tousley. No – no one. Motion approved 5-0; variance granted.

OTHER BUSINESS:

--Disposition of minutes from November 12, 2019 meeting. On a motion by Ms. Carson, seconded by Mr. Delach, the Board moved to accept the minutes of the November 12, 2019 meeting as presented 4-0.

The meeting was adjourned at 7:30 pm.

John Golzy (Chairperson)

Paul Eschenbacher (secretary)