



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

March 6, 2014

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members present: D. Falcoski, B. Seitz, R. Hunter, L. Reibel and C. Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Ms. Reibel moved to approve the February 6, 2014 minutes, seconded by Mr. Hunter, and the minutes were approved.
4. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

1. Temporary Use Permit – Office Trailer – 200 Old Wilson Bridge Rd. (Harvey Schwager/Worthington Industries) BZA 05-14

Discussion:

Mr. Phillips reviewed the staff memo.

Harvey Schwager, 274 Marconi Boulevard, said he received an updated schedule and it looks like construction will not be completed until mid October, so the six months may not be enough time. Mr. Phillips stated the Board has the authority to grant a second up to six month temporary use permit.

Ms. Crane asked if there was anyone in the audience to speak for or against this request.

Findings of fact:

1. The existing 3 story office building is undergoing extensive renovations of the first and second floors. Some of the existing staff will be temporarily relocated. Auditors are to be relocated into a temporary office trailer on this property for approximately 6 months.

2. Staff issued a Temporary Use Permit for the maximum 90 day period allowed by the zoning code. The effective date of this permit will be the date the Certificate of Occupancy is issued for the trailer.

Conclusions:

1. The owner continues to invest in the community by improving its building on this site. The trailer is very small relative to the existing buildings along this portion of Old Wilson Bridge Road. Granting of a 6 month permit to commence when the staff permit expires offers the owner flexibility should the renovation project experience a delay.

Mr. Hunter moved:

THAT THE REQUEST BY HARVEY SCHWAGER AND WORTHINGTON INDUSTRIES INC. FOR A TEMPORARY USE PERMIT FOR SIX MONTHS AFTER EXPIRATION OF THE STAFF ISSUED TEMPORARY USE PERMIT TO ALLOW THE USE OF AN OFFICE TRAILER AT 200 OLD WILSON BRIDGE ROAD, AS PER CASE NO. BZA 05-14, DRAWINGS NO. BZA 05-14 DATED JANUARY 29, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Falcoski seconded the motion and all members voted “aye” thereon.

2. Variance – Side Yard Setback – 6759 Markwood St. (Tom Spain) BZA 06-14

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked if there were any questions for staff.

Thomas Spain, 6759 Markwood Street, said when they bought the home in 1994 there was an existing unit in the side yard and then when they built an addition the second unit was placed beside the first unit. He thought that maybe the contractor had gotten a variance for the second unit.

Findings of fact:

1. This property is an existing lot of record in the R-10 district where the minimum side yard requirement is 8 feet and the minimum sum of the 2 side yards is 20 feet.
2. The existing dwelling is approximately 4.7 feet from the north property line.
3. No record was found for any variance requests for the property.
4. The applicant had replaced the existing air conditioner condenser in the north side yard, and there is a second condenser next to the replaced condenser. The requested variance is to allow both condensers to remain in the side yard setback.

5. The Division of Building Regulation has no record of any inquiries regarding either condenser location.

Conclusions:

1. The essential character of the neighborhood should not be substantially altered.
2. The delivery of governmental services should not be affected.

Mr. Seitz moved:

THAT THE REQUEST BY THOMASA SPAIN FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW TWO CONDENSERS TO REMAIN AT 6759 MARKWOOD STREET, AS PER CASE NO. BZA 06-14, DRAWINGS NO. BZA 06-14 DATED FEBRUARY 11, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

Mr. Falcoski seconded the motion and all members voted “aye” thereon.

Mr. Hunter moved to adjourn, seconded by Mr. Seitz and the meeting adjourned at 7:38 PM.