



MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS

July 3, 2014

A. Call to Order – 7:30 p.m.

1. Roll Call - the following members present: D. Falcoski, B. Seitz, L. Reibel and C. Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Mr. Falcoski moved to approve the June 5, 2014 minutes, seconded by Ms. Reibel and the minutes were approved.
4. Affirmation/swearing in of witnesses.

B. Items of Public Hearing

**1. Variance – Site and Building Changes – 966 Proprietors Rd. (ERJV Properties LLC)
BZA 16-14**

Discussion:

Mr. Phillips reviewed the staff memo and advised the Board a revised site plan was placed in front of each board member.

Bob Jones, 966 Proprietors Road stated they are also installing a fence and Mr. Phillips stated that does not need to come before this Board for a variance.

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

Findings of fact:

1. This property is in the I-1 district where the front yard setback requirement is 50 feet. Architectural projections into the front setback are limited to 30 inches. Accessory structures such as poles are not permitted in the front setback.
2. The applicant is proposing, among other things, alterations to the roof of the existing building by adding eaves and overhangs. A portion of these eaves over the main entry door are to project 6 feet from the building, approximately 3 feet 6 inches into the front set back. The requested variance is approximately 12 inches.

3. The applicant is further proposing the removal of an existing light and pole, and proposing 2 pole mounted lights; 1 illuminating the south end of the parking lot approximately 11 feet from the right of way, and 1 illuminating the north end of the parking lot approximately 45 feet 6 inches from the right of way. The requested variances are approximately 39 feet and approximately 4 feet 6 inches, respectively.
4. The property is subject to, and the alterations have been approved by, the Architectural Review Board with some modifications to the site.

Conclusions:

1. Covered entrances benefit people attempting to use a door during inclement weather. The overhang variance request is not substantial.
2. Illumination of the parking lot benefits people entering and leaving the building, especially during the winter months. Both poles are relatively small and the variance request is not substantial.
3. The essential character of the neighborhood should not be substantially altered.
4. The delivery of governmental services should not be affected.

Ms. Reibel moved:

THAT THE REQUEST BY ERJV PROPERTIES LLC FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ALTER A ROOF AND INSTALL TWO LIGHT POLES AT 966 PROPRIETORS ROAD, AS PER CASE NO. BZA 16-14, DRAWINGS NO. BZA 16-14 DATED JUNE 3, 2014 AND JULY 1, 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 – Addition – 186 Park Blvd. (Paul & Amanda Cook)
BZA 17-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Mr. Falcoski asked if the addition was going in the same place as the existing deck and Mr. Phillips replied yes, but it will be slightly smaller than the deck.

Amanda and Paul Cook, 186 Park Blvd, approached the Board to answer any questions.

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

Findings of fact:

1. This property is an existing lot of record in the R-10 district where the minimum front yard requirement is 30 feet. Corner lots are permitted to reduce the adjacent setback to 20 feet.
2. The applicant is proposing to demolish an existing 16 foot by 24 foot attached deck 16.8 feet from the Brookside Oval East right of way to construct a 14 foot by 24 foot addition, a corner of which is proposed to be approximately 18 feet from the Brookside Oval East right of way. The requested variance is approximately 2 feet.

Conclusions:

1. Corner lots are challenged by additional setback requirements. In this particular case the property is hemmed in by 3 rights of way. The requested variance is not substantial.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Mr. Falcoski moved:

THAT THE REQUEST BY PAUL AND AMANDA COOK FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE CONSTRUCTION OF AN ADDITION AT 186 PARK BOULEVARD, AS PER CASE NO. BZA 17-14, DRAWINGS NO. BZA 17-14 DATED JUNE 5, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.

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

3. Variance – Side Yard Setback – Fence – 335 Kenbrook Dr. (Caroline Appleton) BZA 18-14

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked if these lots are smaller than most and Mr. Phillips replied the Colonial Hills subdivision was developed with approximately 50 foot wide lots and they are substantially smaller than a typical R-10 lot. Ms. Crane said it presents additional challenges for homeowners.

Caroline Appleton 335 Kenbrook Drive had no comments to add.

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

Findings of fact:

1. This property is in the R-10 district where the front yard setback requirement is 30 feet. Corner lots are permitted to reduce the adjacent setback to 20 feet. Fencing is not permitted between the right-of-way and the building setback line.
2. The applicant is proposing a 4 foot tall fence in the rear yard, approximately 26 feet long and along the Greenwich Street right of way, and east towards the rear of the existing dwelling. The requested variance is to allow approximately 46 feet of fence within the side setback.

Conclusions:

1. Corner lots are challenged by additional setback requirements. In this particular case, this lot is smaller than a typical lot in this district. The fence is proposed substantially far from the Greenwich Street and Kenbrook Drive intersection and should not cause intersection sight distance issues. These factors mitigate the substantial nature of the variance request.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Mr. Seitz moved:

THAT THE REQUEST BY CAROLINE APPLETON FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE ERECTION OF A FENCE AT 335 KENBROOK DRIVE, AS PER CASE NO. BZA 18-14, DRAWINGS NO. BZA 18-14 DATED JUNE 5, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING

Ms. Reibel seconded the motion and all members voted “aye” thereon.

4. Variance - Side Yard Setback – Condensing Unit – 494 Mid Dr. (Lesley & Jonathan Cross) BZA 19-14

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked if they are planning on having the condensing unit there permanently, not just during construction. Mr. Phillips replied that is correct, if it was temporary then staff has authority to issue up to a 90 day temporary use permit.

Ms. Reibel asked about the vegetation around the condenser and Mr. Phillips showed photographs indicative of the existing vegetation.

Lesley Cross, 494 Mid Drive, stated the vegetation that is seen is actually the neighbor’s which is grown over, but they are planning on putting hedge there for screening.

Mr. Falcoski asked if the condensing unit is being placed by the neighbor's garage or house and Ms. Cross replied the neighbors have a detached garage so it is closer to the house but not directly next to it.

Ms. Crane asked if there was anyone in the audience who would like to speak for or against this proposal.

Findings of fact:

1. This property is an existing lot of record in the R-10 district where the minimum side yard setback requirement is 8 feet. Building service equipment is not permitted in a required yard.
2. The existing dwelling is 8 feet 3 inches from the south property line. The applicant is proposing to move the existing air conditioner condenser into the side yard as part of an addition under construction, approximately 4 feet 6 inches from the south property line. The requested variance is 3 feet 6 inches.

Conclusions:

1. Extending the refrigeration lines to a new location east of the addition may affect the operation of the condenser and be in the way of construction. Relocating the air handler to the addition presents a practical difficulty during construction while trying to maintain temperatures within the dwelling. These factors mitigate the substantial nature of the variance request.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Mr. Seitz moved:

THAT THE REQUEST BY LESLEY AND JONATHAN CROSS FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO PLACE A CONDENSER AT 494 MID DRIVE, AS PER CASE NO. BZA 19-14, DRAWINGS NO. BZA 19-14 DATED JUNE 5, 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.

Ms. Reibel moved to adjourn, seconded by Mr. Falcoski and the meeting adjourned at 7:47 PM.