

MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

March 7, 2013

**A. Call to Order – 7:30 p.m.**

1. Roll Call - the following members present: B. Seitz, Mr. Falcoski, Mr. Hunter, Ms. Reibel and C. Crane. Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Mr. Hunter moved to approve the February 7, 2013 minutes, seconded by Ms. Reibel, and the minutes were approved.
4. Affirmation/swearing in of witnesses.

**B. Items of Public Hearing**

**1. Variance - Side Yard Setback – Condensing Unit - 6837 Alloway St. W. (Linda Brigner)**  
BZA 06-13

Discussion:

Mr. Phillips reviewed the staff memo.

Linda Brigner, 6837 Alloway Street West, stated she had nothing further to add to the staff comments, but they just replaced the existing unit where it was.

Mr. Hunter said it appears that the neighbors unit is placed in same location on their property.

Ms. Crane stated there was no one in the audience to speak for or against this proposal.

Findings of fact:

1. This property is an existing lot of record in an R-10 district with a minimum side yard setback of 8 feet and the sum of the two side yards to be a minimum of 20 feet.
2. The existing dwelling is approximately 8.8 feet from the north property line, approximately 7.9 feet from the south property line, and establishes the prevailing side yard setbacks for this property.
3. The applicant replaced the existing condenser in the north side yard. The requested variance is to allow the condenser entirely within the setback.
4. The Division of Building Regulation has no record of any inquiries about the past and current location of the condenser.

Conclusions:

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

Mr. Hunter moved:

**THAT THE REQUEST BY LINDA BRIGNER FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE YARD SETBACK TO ALLOW THE REPLACEMENT OF AN AIR CONDITIONER CONDENSER AT 6837 ALLOWAY STREET WEST, AS PER CASE NO. BZA 06-13, DRAWINGS NO. BZA 06-13 DATED JANUARY 31, 2013, 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 - Fence Height – 679C High St. (Jim Uhlman/Pub Out Back) BZA 08-13**

Ms. Crane stated the applicant request to table the case. Mr. Hunter moved to table the case, 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 7:34 P.M.