

**ZONING BOARD OF APPEALS
MEETING MINUTES
September 30, 2015
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:02 pm

II. ROLL CALL

Present: J. Bailey, R. Johnson, T. Roach, E. Seymour
Absent: J. Albers

Staff: B. Wessler, City Planner
C. Kochanek, Associate Planner

III. APPROVAL OF MINUTES

Commissioner R. Johnson moved to approve the minutes of June 24, 2015 (Support: T. Roach) and the motion carried unanimously.

IV. PURPOSE OF MEETING

To discuss a variance request.

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. 719 E Cross-Variance for an accessory structure (woodshed) in the front yard

Kochanek: Summarizes the application review. Per the staff report, advises that staff recommends the Zoning Board of Appeals deny the variance request to permit a wood shed in the front yard of 719 E Cross for the following reasons: The applicant has shown insufficient practical difficulty under §122-94(b)(1), such a variance is not necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of the zoning ordinance, per the standards of 122-94(2). The allowance of the variance will not result in substantial justice being done, given the conditions spelled out in 122-94(b)(5). And that denial of this variance does not preclude the applicant's ability to place the wood shed in a location other than the front yard.

Johnson: Asks as to whether there are any other wood sheds in the front yards of any other structures in the city.

Kochanek: Advises that she is unsure about the rest of the city but that there are no accessory structures in the front of any other structures in the R-1 district.

Commissioner Johnson moved to open the public portion of the hearing (Support: E. Seymour) and the motion carried unanimously.

Charles Tombeau, 719 E Cross, applicant - States that placing the proposed woodshed in the rear or side yard would cause damage to the trees on the property as well as the pollinator garden. Noted that due to the construction of the fence in rear, it would make it extremely difficult to deliver wood. Noted that it would be his right to keep a tidy stack of wood in the front yard, not within a woodshed.

Several questions regarding the layout of the property, volume of wood, and the home's dependence upon a woodburning stove for heat were asked by commissioners and answered in detail by the applicant.

Chair J. Bailey invited members of the public in favor of the variance to speak.

Josh Sweeny, 808 E Cross – is in favor of the variance being granted. Also has a wood stove. Thinks the front yard is the only logical place for a woodshed given the property layout. Doesn't detract from the appearance of the neighborhood.

Mackenzie Rettie, 831 Helen – is in favor of the variance being granted. Believes the applicant is a good steward of the property. Wouldn't go so far as to call the proposed structure a "shed;" thinks it will add to the attractiveness of the yard. Doesn't believe the woodshed will contribute to vermin nor block any sightlines. Appreciates the opportunity to speak and the purpose of zoning.

Beverly Fonzo, 856 Helen – is opposed to the variance. Has lived in the neighborhood for more than fifty years. Has not seen a front yard shed or structure in all that time. Doesn't believe that it will add to the property values in the neighborhood. Doesn't believe that any of the boardmembers would wish for this in their neighborhood. Doesn't generally believe that woodpiles should be in the front yard; thinks them unsafe, believes there to be a City ordinance against woodpiles generally due to rodents. Wonders at what structures will be permitted in the front yard if this one is permitted. Doesn't believe the applicant can take care of the lawn with the proposed structure & wood upon it.

Robert Fonzo, 856 Helen – Notes that the area has been zoned R1 with no incident for many years. The people who lived at the applicant's home before the applicant kept wood in the garage or backyard; is generally in favor of that method of storage for the applicant.

Colleen Riccinto, 722 E Cross – Not in attendance. Staff distributed a letter from her to the boardmembers. Objects to the woodshed as it would be an eyesore that would alter the essential character of the neighborhood. Celebrates the beauty and vitality of the neighborhood and the city. Does not believe that the woodshed meets the criteria for a variance.

C Tombeau, applicant – stated that property values have been increasing in the past few years. Expressed his belief that there was a “changing of the guard” and a generational gap between his supporters and detractors. Noted that he wanted to keep the house and grounds tidy.

Commissioner T Roach moved to close the public portion of the hearing (Support: E. Seymour) and the motion carried unanimously.

Commissioner R Johnson asked questions of staff about the location and storage of firewood with relation to the zoning ordinance and other ordinances.

Chair Bailey asked the definition of a fence. Staff read the definition of a fence and noted that arranging the firewood at the perimeter of the front yard would be considered a fence under the zoning ordinance.

After discussion by boardmembers, Commissioner T Roach moved to deny the application for a variance (Support: R Johnson) with the following findings:

1. The applicant has shown insufficient practical difficulty under §122-94(b)(1).
2. Such a variance is not necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district under the terms of the zoning ordinance, per the standards of 122-94(2).
3. The allowance of the variance will not result in substantial justice being done, given the conditions spelled out in 122-94(b)(5).
4. Denial of this variance does not preclude the applicant's ability to place the wood shed in a location other than the front yard.

A roll call vote was taken and carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner T. Roach moved to adjourn the meeting (Support: E. Seymour) and the motion carried unanimously. The meeting adjourned at 7:33 p.m.