

**ZONING BOARD OF APPEALS
MEETING MINUTES
NOVEMBER 29, 2017
CITY COUNCIL CHAMBER
7:00 P.M.**

1. CALL TO ORDER

The meeting was called to order at 7:00 pm.

II. ROLL CALL

Present: J. Albers, C. Garcia, H. Khan, J. Symanns,

Absent: J. Talaga (excused)

Staff: C. Kochanek, Preservation Planner
Nan Schuette, Executive Director

III. APPROVAL OF MINUTES

Commissioner Garcia moved to approve the minutes of September 27, 2017 (Support: H. Khan) and the motion carried unanimously.

IV. PURPOSE OF MEETING

Chairman Albers stated the purpose of the meeting.

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. Ms. Kochanek stated that this is a request for approval of a variance from the driveway width requirement in Sec 122-683(b). The parcel is 0.24 acres on the north side of Pearl St, just east of Normal St, with frontage on Pearl St. The parcel is currently vacant. The house that previously existed on the site was demolished in 2006. No special use permits or variances have previously been approved for this property. A site plan was approved by Planning Commission for a new four unit apartment building on this site in September. One of the conditions of the approval was that the applicant seek a variance for the driveway width.

The applicant has proposed a one-way drive at 10' instead of the 20', or two-way drive required by the zoning ordinance in Sec 122-683(b) for ingress and egress. The plans originally submitted to the Planning Commission had a 13' wide drive without an access path, which is required by the zoning ordinance. Both staff and the Planning Commission required the driveway width, which was already not large enough to accommodate two-way traffic, to be decreased to accommodate a 5' access path.

Ms. Kochanek detailed the land use and surrounding area, which is CN-Core Neighborhood. She also referred to the ingress and egress section of the zoning ordinance regarding the requirements of off-street parking layout and construction for all other uses. She listed the various standards for variances in detail noting that a variance from the literal enforcement of this ordinance may be granted by the Zoning Board of Appeals only if all of the standards are met. Staff recommends denial of the variance request with the noted finding that the alleged practical difficulties on which the variance request is based have in part been created by a person presently having an interest in the property under Sec 122-370(b)(3).

Commissioner Symanns asked staff about her response to the practical difficulty standard to which staff responded that it is mainly because of the owner's decision to have a 3-4 unit building instead of 1-2 unit. A 1-2 unit would only require a 10' driveway width.

Commissioner Symanns moved to open the public portion of the hearing (Support: C. Garcia) and the motion carried unanimously.

Todd Ballou, 3300 Berry Road – is the architect for the project. He stated that they had looked at various options for this property – tried to flip the structure on the site but the west side of the site is higher, referring to the grade of the property. He asked about a mirror/signage which was recommended by the Planning Department to assist with ingress and egress, and to the preferred location of same. Some discussion was held on how this would help with ingress and egress and he had no problem with this request, however, he stated that the person leaving the property would probably have the right-of-way.

Commission Garcia moved to close the public portion of the hearing (Support: H. Khan) and the motion carried unanimously.

Commissioner Garcia moved that the Zoning Board of Appeal approve the variance from Sec 122-683(b) to permit a one-way driveway with a 10' width at 708 Pearl, with the following findings and condition:

Findings:

1. Such variance is necessary for the preservation and enjoyment of a substantial property right enjoyed by other property owners in the same district, per Sec 122-380(b)(2).

2. The granting of this variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which this property is located, per Sec 122-370(b)(4).
3. This variance is the minimum variance that will make possible a reasonable use of the land, buildings, or structure, per Sec 122-370(b)(6).

Condition:

1. Signage and/or a mirror is required to be installed for safe usage of the drive as proposed.

The motion was supported by Commissioner Khan and carried 3:1. Chairman Albers opposed.

2. 2018 Schedule of Meetings.

Commissioner Garcia moved to approve the 2018 Schedule of Meetings (Support: J. Symanns) and the motion carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner Garcia moved to adjourn the meeting (Support: H. Khan) and the motion carried unanimously.

The meeting adjourned at 7:32 p.m.