

Board of Zoning Appeals
January 21, 2010
Minutes

The Chairman called the meeting to order at 4:30 p.m. The following members were present: John Mears, John Feick, Kevin Zeiher, Walt Matthews and Bill Semans. City Commission Liaison Brett Fuqua was present along with staff member Carrie Handy.

The first order of business was election of officers for the year 2010. Mr. Mears made the motion to keep the Chairman & Vice-Chairman the same, Mr. Zeiher seconded the motion which carried unanimously. John Feick will continue to serve as Chairman and Kevin Zeiher will continue to serve as Vice-Chairman.

Chairman Feick asked the Board to rule on the minutes from the previous meeting, December 17, 2009. Mr. Zeiher moved to approve the minutes as presented; Mr. Matthews seconded the motion, which carried unanimously.

Chairman Feick swore in everyone who wished to speak.

The first item on the agenda was an application for variances to the required setbacks to permit the construction of a front porch addition to a boathouse at 418 Anderson Street, filed by Loyd Macintyre & Gregory Wanier.

Mrs. Handy commented that Mr. Macintyre was unable to attend because he was picking his wife up from the hospital. Mrs. Handy stated that if there were any questions that couldn't be answered, the applicant requested that the application be tabled until the next meeting.

No one in the audience spoke in favor or against the request so the matter returned to the table. Mr. Mears clarified that these variances had only to do with the porch that was proposed and the width of the building was already there so the 10 foot side yard was already established as far as the building was concerned so it was just a matter of the porch being the same width as the building. Mrs. Handy stated that was correct and there was already an existing concrete patio in front of the building so they were going to put the cover over the patio that was already there. The porch would be open and Mrs. Handy requested that the Board make that a condition, that the porch could never be enclosed.

Mr. Fuqua pointed out that one of the concerns noted in the staff report had to do with the close proximity of the porch to the Anderson Street right-of-way and that staff were concerned in case improvements were made to the right-of-way. Mr. Fuqua stated that was a good point and he questioned whether the City would be responsible for replacing the porch or patio if street improvements were made that affected this property.

Mr. Mears asked if a condition could be added that it would be the property owner's responsibility and not the City's. Mrs. Handy stated that could be a condition that the property owner would have to remove or replace the addition if improvements were made that affected this. She commented that was a condition of a previous variance on Curran

Street. She stated staff really didn't like 0' setbacks but these boathouses were a strange situation.

Mr. Fuqua commented that if it was the Board's pleasure, he would like to add that as a condition, if this variance were passed, it was the owner's responsibility to repair or replace anything on this property that would be affected if there were any improvements. He didn't feel it was right that it would be the City's responsibility if the applicant was asking for a variance to take it all the way up to the City right-of-way.

Dr. Semans moved to approve the requested variances with the two conditions included, one, that the porch remain open and two, that if there were any improvements to Anderson Street, that anything that needed to be repaired to the applicant's structure would be at their cost.

An audience member asked about uniformity along the block. Chairman Feick stated that wasn't a zoning issue.

Mr. Matthews seconded the motion, which carried 4-1 with Chairman Feick abstaining.

There was no further business before the Board and the meeting was adjourned at 4:39 p.m.

APPROVED:

Mary L. Grendow, Clerk

John Feick, Chairman