



**Zoning Board of Appeals Meeting Minutes
Remote Meeting by Zoom**

CALL TO ORDER

Chair William Darbee arrived late and called the meeting to order with a quorum at 7:11 p.m.

INTRODUCTIONS & ROLL CALL

Present: W. Darbee, J. Rise, L. Elliott, L Dowd, C. Greenleaf
C. Congdon was present as an alternate and did not participate.
Absent:
Excused:
Others: Staff Liaison, Scott McKillop

APPROVAL OF MINUTES

Motion made by C. Greenleaf, seconded by L. Elliott, to approve the minutes from November 13, 2020 as submitted.

Motion carried unanimously.

PUBLIC COMMENT - NON-AGENDA ITEMS

None.

NEW BUSINESS

Z 20-06 723 S. Sheridan – Eurich Home Improvement on behalf of Mary Jane Norman

The appellant is requesting a non-use variance from the zoning regulation at 122-53(d) of the city code precluding the enclosure of front porches that are located less than 15 feet from a front or side-street lot line. The property subject to this request is located on a corner lot. The front porch of the home that occupies the property is located approximately 13.5 feet from the property's front lot line and approximately 8 feet nine inches from its side-street lot line. The appellant wishes to enclose the home's front porch contrary to Section 122-52(d).

Present: Bob Coates from Eurich Home Improvement; Joe Norman, owner's son

Mr. Coates explained they were requesting a non-use variance for the enclosure of a front porch. He stated the footprint of the house was not being changed and said most of the homes in the neighborhood were all pretty much of the same shape, size and close to the sidewalk. Pictures had been submitted showing approximately five homes on the same block built in the same manner regarding distances between the street to the sidewalk, and the sidewalk to the house. He commented they would only be adding a wall that would not make the house any closer to the sidewalk.

J. Rise asked if the roof would remain. Mr. Coates confirmed the roof was not being touched. They were only adding a 9-foot wall and a 16-foot wall to enclose the house to look like a square.

Staff added that no change to exterior dimension was contemplated and that the physical arrangement of the porch is fairly typical of that style in that neighborhood especially on corner lots where the garage is situated towards the rear and located off the side street instead of the front.

L. Elliott inquired if the porch was going to have enough windows to not interfere with the sight lines for the corner. Mr. Coates answered five to six windows were planned on the front porch. They will match the new windows on the house.

L. Elliott was concerned if people were going to be able to see up and down the street for the stop sign. Mr. Coates replied the height of the porch was about 44 inches off the ground which he said would be about the same ground level when sitting in a car.

Staff explained the 15-foot setback requirements for the intersection clear-sight zone regulation and confirmed the house met the setback.

W. Darbee asked if any comments had been received from any of the neighbors. Staff answered there had been no correspondence but stated one phone call was received from Rose Banaszak stating she had no problem with what Mrs. Norman wished to do.

W. Darbee asked if there were any other public comments concerning the variance. No one came forward.

DISCUSSION:

W. Darbee did not feel the burden of the setback would affect it either way as the footprint would stay the same whether the porch was enclosed or not.

J. Rise commented the area taken up by the enclosed porch would not change the front or side setbacks of being on the corner.

W. Darbee felt the variance would do justice to the resident allowing more usable space while not reducing or increasing the footprint. L. Dowd agreed. L. Elliott agreed and remarked there were other houses well within the 15-foot setback with enclosed porches as well, so granting the variance would not give any advantage over those homes and would allow Mrs. Norman to have what other residents already had.

J. Rise added it was a permitted use of the home, would enhance it and provide substantial justice.

W. Darbee felt that it was unique to the property because it was an older home being built when the zoning ordinance was laxer from the standpoint of setbacks.

L. Elliott concurred and added that a lesser variance would not give substantial relief and would be unreasonable. W. Darbee agreed with L. Elliott.

W. Darbee felt the problem had not been self-created having been caused when the house was constructed.

W. Darbee revisited the first standard stating it would restrict the use of the porch and so would be burdensome in that particular instance.

Motion made by J. Rise, seconded by L. Dowd, to approve the variance as requested based on the discussion and addressing of the five standards that needed to be met.

Roll call vote: “Yes” vote in favor for the variance requests.

Five “Yes” votes. Motion carried. Request is approved.

Motion made by W. Darbee to make the approval immediately effective.

Motion carried unanimously.

OLD BUSINESS

None.

OTHER BUSINESS

S. McKillop relayed there would be a Sign Board of Appeal case coming up for a new gas station/convenience store on Lafayette.

ADJOURN

Motion made by J. Rise, seconded by C. Greenleaf, to adjourn the meeting at 7:54 p.m. Meeting adjourned.

Prepared by: Lisa Griffiths, Planning & Zoning Administrative Assistant