

**Zoning Board of Appeals Minutes
March 27, 2018**

ZBA MEMBERS	ZBA MEMBERS ABSENT	STAFF PRESENT
Bryan Patchan- Vice Chair Kenneth Ying Shuan Butcher Tom Overbey, Alternate	Jim Racheff- Chair Lawrence Aronow	Gabrielle Collard– Division Manager for Current Planning Jessica Murphy – Administrative Assistant Marshall Brown – City Planner Rachel Depo—Assistant City Attorney

I. ANNOUNCEMENTS:

II. GENERAL PUBLIC COMMENT:

There was no general public comment.

III. APPROVAL OF MINUTES:

Approval of the **February 27, 2018** Zoning Board of Appeals Meeting Minutes as published:

MOTION: Mr. Overbey
SECOND: Mr. Butcher
VOTE: 4-0

Approval of the **March 23, 2018** Zoning Board of Appeals Field Trip Meeting Minutes as published:

No vote needed as Field trip was cancelled for Friday March 23, 2018.

IV. PUBLIC HEARING-SWEARING IN:

“Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Zoning Board of Appeals will be the whole truth and nothing but the truth.” If so, answer “I do”.

VI. OLD BUSINESS:

NONE

VII. NEW BUSINESS

A. ZBA18-28V, Variance, 4 S. McCain Drive

ZBA Action:

MOTION: Mr. Overbey moved to approve the variance request for ZBA18-28V, to increase the allowable signage on site by 74 square feet, bringing the total amount of allowable signage to 394 square feet to allow for the installation of the building mounted sign depicted on Exhibit E, under the powers granted to the Board by Section 203 and 313 of the Land Management Code, finding that:

1. The variance is not contrary to the public interest;
2. The lack of road frontage along Route 40, the major arterial roadway important for retail traffic, and the two-story construction of the shopping center, which is atypical for retail uses, both present conditions unique to the Property that result in peculiar or unusual practical difficulties for the property owner and its tenants;
3. The variance is the minimum reasonably necessary to overcome the conditions peculiar to the Property as it concerns allocation of sign space on the Property;
4. The application of the current signage standards partially deprives the Applicant of rights commonly enjoyed by other properties in the same district as the LMC does not distinguish between one- and two-story commercial structures;
5. Granting the variance will not confer a special privilege on the Applicant that is denied by the LMC to other lands or structures in the same district;
6. Granting the variance will be in harmony with the purpose and intent of the Code by providing a reasonable amount of additional signage to increase tenant visibility and more effective communication while preventing visual clutter; and
7. That the Applicant has not created or caused to be created the situation which necessitates a variance request from the ZBA.

SECOND: Mr. Butcher

VOTE: 3-1 (Dr. Ying voted against the motion)

B. ZBA18-163V, Variance, 2425 Longfellow Court

ZBA Action:

MOTION: Mr. Butcher moved to deny the variance request for ZBA18-163V, under the powers granted to the Board by Section 203 of the Land Management Code, finding that:

1. The variance is not contrary to the public interest as there will be no negative impacts on adjoining homes with regards to the provision of light, air, and access;
2. The lot was created and developed through the master planning process in accordance with the Planned Neighborhood Development provisions of the 1986 Zoning Ordinance and as such, there are no extraordinary situations or conditions peculiar to the Property, or the use of the Property or properties immediately adjacent, that cause the strict application of the required setbacks to result in a peculiar or unusual practical difficulties to, or exception to or undue hardship upon, the owner;
3. In the absence of any conditions unique to the Property and failure of the Applicant to demonstrate an undue hardship resulting from those conditions, there are no grounds for which to determine that the requested variance is the minimum necessary;

4. The application of the setback standards will not deprive the Applicant reasonable use of the Property nor of rights commonly enjoyed by other properties in the same district and within the PND;
5. Granting the variance will confer a special privilege on the Applicant that is generally denied by the LMC to other lands or structures in the same district and within the PND;
6. While granting the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, it is not in harmony with the general purpose and intent of the Code including the PND and master plan provisions; and
7. While the Applicant did not create the lot layout or determine the house location, the request is the result of their desire to construct an expansion to their garage.

SECOND: Mr. Overbey

VOTE: 3-1. (Mr. Patchan voted against the motion)

C. ITEMS ADDED TO AGENDA

Zoning Determinations Completed:

- 18-137ZD, 100 Holling Drive
 - 18-199ZD, 28 Hamilton Street
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Meeting adjourned approximately at 8:40 p.m.

Respectfully Submitted,

Jessica Murphy
Administrative Assistant

APPROVED 2018/04/24