

**BOARD OF ZONING APPEALS AGENDA
MINUTES OF MEETING
September 14, 2015**

MEMBERS PRESENT: Carl Zani, Eric Moulton, Dick Mickley, Barbara Taylor, Alex Kessler, Scott Zwiezinski.

OTHERS PRESENT: City Zoning Administrator Derek Hutchinson, Clerk of Council Kristina Jones.

CITIZENS PRESENT: Sharon Kitchen, Matt Smith, Robert Bentz, Johann Wasik, Helen Britt, Andy Britt, Bryan Pulley, Bill Holloway, James Schell, Sue Boraski, Tony Eufinger

MEETING CALLED TO ORDER: The meeting was called to order at 7:00 p.m.

APPROVAL OF MINUTES: The minutes from July 13, 2015 were approved as submitted.

AGENDA ITEMS:

To hear a variance request to permit a fence to extend past the front corner of the main building located on corner lot vs. fences not permitted to extend closer to the street than the front of the main building, for property located at 1874 Deer Crossing Drive. Filed by Matthew Smith, Eufinger Law Office, LLC.

Comments of City Administration: Mr. Hutchinson said this came before the Board of Zoning Appeals earlier in the year, and where the proposed fence is now was denied. They are now proposing to move it back 14 feet from the sidewalk. We have been in contact with the property owners since the last time, and they supplied us with paperwork showing that she did not know that the contractor did not take out the permits. Staff is in support of the variance that is being proposed.

Comments of Requester: Mr. Eufinger spoke on behalf of Sharon Kitchen. He said when Ms. Kitchen hired Ultimate Concepts it was in the contract that the contractor would obtain the proper permits. Due to an error on the contractor's part, the permits were not pulled and that is why they are here today. He said the proposal is conforming to what the Mill Valley Home Owners Association has requested from them. He referenced emails from the Home Owners Association that were available for review.

Mr. Moulton asked what the size of the fence is. Mr. Eufinger answered the fence is six foot. Mr. Moulton inquired if that would stay. Mr. Eufinger confirmed that the height of the fence would not change. Mr. Moulton explained the Home Owners Association only allows for a height of five feet on the fence. Mr. Eufinger assured the Board that the Home Owners Association was good with the fence height of six foot.

Comments of Citizens: Johann Wasik spoke to the Board opposing the variance, stating that the property owner knew what she was doing. Robert Bentz spoke to the Board opposing the variance, there are two sections of the fence that come out in front of his house as well. Sue Boraski also spoke to the Board opposing the variance because she cannot see through the neighborhood, it blocks her view.

Discussion by BZA Members: Mr. Mickley moved to approve the variance, seconded by Mr. Zwiezinski. Question put, stood:

Mr. Kessler NO;

Mr. Mickley YES;

Mr. Zani NO;

Mr. Moulton YES;

Ms. Taylor NO;

Mr. Zwiezinski YES

The variance was denied 3-3.

To hear a variance request to permit a fence to extend past the front corner of the main building located on corner lot vs. fences not permitted to extend closer to the street than the front of the main building, for property located at 893 Edgewater Lane. Filed by Bill Holloway, Ultimate Concepts, LLC.

Comments of City Administration: Mr. Hutchinson said this is another corner lot, it is a four foot picket fence. Staff has reviewed this and is in support of the variance.

Comments of Requester: James Schnell the property owner, spoke to the Board. He explained that his contractor suggested that he apply for the variance because on the back corner of the house is the sliding glass door. He is eventually going to put a deck coming out of the sliding glass door. He has spoken with the neighbors and there was no complaints. He said if he does not get the variance then he will be having to take out the fence when he builds the deck.

Comments of Citizens:

Discussion by BZA Members: Ms. Taylor moved to approve the variance, seconded by Mr. Moulton. Question put, stood:

Mr. Mickley YES;	Mr. Zani YES	Mr. Moulton YES;
Ms. Taylor YES;	Mr. Zwiezinski YES	Mr. Kessler YES

The variance was approved 6-0.

To hear a variance request to permit 27% lot coverage for an addition vs. a maximum of 25% lot coverage in an R-2 Zoning District, for property located at 270 W. Seventh Street. Filed by John and Sue Morehart.

Comments of City Administration: Mr. Hutchinson said this will be an addition to help him maximize his home. Staff has reviewed this and is in support of the variance.

Comments of Requester: John Morehart said the bedrooms in the home are on the second floor and with his wife's illness, they decided to put a master bedroom on the first floor. He said they would be adding a two car garage as well. Mr. Moulton asked where this would be coming off of the home. Mr. Morehart said it would be coming off of the back of the home. Mr. Zani asked if the addition will be one or two stories. Mr. Morehart said it will be one story.

Comments of Citizens:

Discussion by BZA Members: Mr. Moulton moved to approve the variance, seconded by Mr. Mickley. Question put, stood:

Mr. Zani YES;	Mr. Moulton YES;	Ms. Taylor YES;
Mr. Zwiezinski YES;	Mr. Kessler YES;	Mr. Mickley YES

The variance was approved 6-0.

To hear a variance request to permit 0 (zero) foot side setback for a driveway vs. a minimum 3 (three) foot side setback for driveways in an R-2 Zoning District, for property located at 1573 Saffron Drive. Filed by Thomas Andrew Britt.

Comments of City Administration: Mr. Hutchinson said there were fence post put in along the edge of the driveway, and you know fences are not permitted in the front yard. We have read the report and are in support of the variance with a condition.

Comments of Requester: Mr. Britt, the property owner, explained that with the children driving he did not have enough place for all the cars to park. Parking on the street was not an option because he had his vehicle vandalized sitting on the street. He put the post in so people could see where the edge of the drive was. He spoke to his neighbors and they did not have any objections. Mr. Hutchinson said they could not connect the post to make a fence in the front yard or if he cut the posts under 3 feet he could make a decorative fence. Mr. Britt stated that he has no plans to connect the pole to make a fence.

Comments of Citizens:

Discussion by BZA Members: Mr. Mickley moved to approve the variance, seconded by Mr. Zwiezinski. Question put, stood:

Mr. Moulton YES;	Ms. Taylor NO;	Mr. Zwiezinski YES;
Mr. Kessler YES;	Mr. Mickley YES	Mr. Zani YES

The variance was approved 5-1.

To hear a variance request to permit a front yard setback of 13 (thirteen) feet for a porch addition vs. a minimum front setback of 30 (thirty) feet required in an R-2 Zoning District, for property located at 559 E. Fourth Street. Filed by Rick Rogers, Construct Remodeling & Restoration.

Comments of City Administration: Mr. Hutchinson said this is the older part of town. The zoning code was put in after the neighborhood was built. This is a remodel of an open front porch. The staff has reviewed the application and is in support it.

Comments of Requester: Mr. Rogers with Construct Remodeling and Restoration spoke to the board. Mr. Pulley wanted to remove the enclosed porch and install an open wrap around porch. He said they stopped when they found out there was an easement agreement. His neighbors were excited to see him remodeling the home and revitalizing the neighborhood.

Comments of Citizens:

Discussion by BZA Members: Mr. Mickley moved to approve the variance, seconded by Mr. Zwiezinski. Question put, stood:

Mr. Zani YES;	Mr. Moulton YES;	Ms. Taylor YES;
Mr. Zwiezinski YES;	Mr. Kessler YES;	Mr. Mickley YES

The variance was approved 6-0.

Comments from BZA Members: Ms. Taylor wondered what the purpose of the Board of Zoning Appeals is because we had three people tonight that had already done the project and were there getting approval to have it. She said something needs to be done with the contractors who are violating these rules. Mr. Hutchinson said they are reviewing the zoning code and talking about implementing fines for the violations.

Mr. Eufinger asked the Board what his client could do in order to get the variance approved.

ADJOURNMENT: The meeting was adjourned at 8:05 p.m.