

**ZONING BOARD OF APPEALS MINUTES
December 9, 2019**

The meeting was called to order at 7:30 p.m. by Chairman Gordon Glidden

PRESENT: Gordon Glidden, Ben Falik, David Hesano, Mitch Meisner, Adam Wallace,
Michael Wright

Staff: Hank Berry

ABSENT: Joseph Claya, Todd Sperl, Caleb Youngblood

Hank explained that they were taping the meetings for the purpose of minutes and the tape being provided to an outside source for creation of the minutes.

Approval of Agenda

Motion to approve the agenda by Mitch, seconded by Joe.

Yeas: Glidden, Falik, Hesano, Wallace, Sperl, Meisner

Nays: None

Approval of Minutes- November 12, 2019

Motion to approve the minutes from November 12 , 2019 by Michael, seconded by Adam.

Yeas: Glidden, Falik, Hesano, Wallace, Sperl, Meisner

Nays: None

Matter of an appeal from Heller & Associates, on behalf of the Cibor family at 26637 York, to allow a 78 sq. ft. variance in lot coverage for a total of 2,518 (31.08 %) sq. ft. instead of the allowed 2,440 (30%) sq. ft. to allow for an addition contrary to Section 40-4.03 - R-1A through R-1E: One-Family Districts.

Mr. Heller explained the issue and the need for the 78 sq. ft. He went over the lot configuration and existing house and explained the addition and how the variance would meet the required criteria. Mr. Heller explained that the garage set aside was not going to be met as the garage is historic but since it was historic the garage couldn't be altered and he would like to use the balance of the set aside to be able to be used for the variance on lot coverage. He said the set aside was 480 sq. ft. and the garage measured 399 sq. ft. and the additional 80 sq. ft. would cover what he needed for the house addition which was permitted.

Hank explained that this was in the Historic District and although the Historic District Commission superseded the Planning Commission it would need ZBA approval for a variance. He explained that the house was built in 1928 by famed architect Albert Kahn for his parents, this house is a contributing resource in the Hill Historic District.

The house was originally built for his parents Rosalie & Josef Kahn. With the current configuration the second bay of the garage is not usable for vehicles. The garage has a minimum set aside of 480 sq. ft.

Since the garage cannot be expanded or reconfigured as historic standards apply the space was reconfigured internally to allow garage use but needed to accommodate the addition necessary to reconfigure the space. The set aside that is not being used is equal to the amount of sq. ft. that the proposal is over.

A project appeared before the Historic District Commission to remove/relocate the garage and was eventually withdrawn based on historic value or denial anticipated due to historic regulations.

They would like to be able to allocate the remaining garage set aside to help cover the addition sq. ft. In doing so the garage which is 399 sq. ft. would be “ donating” the mandatory sq. ft. of garage (which cannot be built) to the project effectively negating the variance need.

Hank showed a power point that had the plans, survey and elevations.

Public Participation

Chairman Glidden opened the meeting to Public Participation.

Richard McMullen 26645 York spoke against the project as it infringed on his view and overlooked his lot. He said he felt he should be able to enjoy what he has always had.

Mr. Heller pointed out that there is no law that prevents a lawful addition if it infringes on a view. He said he was within all setbacks, height and square footage and just needed a small variance to make the spaces work.

Hank said that the City Attorney had advised the Historic District Commission the same with respect to views.

Seeing no additional persons wishing to speak Chairman Glidden closed Public Participation.

Mitch said that while neighbor objection is not a typical reason to deny, he felt obligated to explore the notion. He asked what the main objection was.

Mr. McMullan said that he had a backyard pool and the new addition would be looking down on it and take away light.

Adam asked for clarification on the City Attorney's opinion.

Hank explained that views and vistas were not guaranteed, for example if there is a buildable lot between your lot and a lake and someone wants to build as a lawful owner on a lawfully platted lot they could not be stopped. He said the attorney advised the same principal would apply here.

Michael said he understood the garage issue and since the sq. ft. couldn't be used the argument made sense to him.

Motion by Michael seconded by Ben to appeal from Heller & Associates, on behalf of the Cibor family at 26637 York, to allow a 78 sq. ft. variance in lot coverage for a total of 2,518 (31.08 %) sq. ft. instead of the allowed 2,440 (30%) sq. ft. to allow for an addition contrary to Section 40-4.03 - R-1A through R-1E: One-Family Districts, as the request generally meets the requirements for a variance.

**Yeas: Glidden, Falik, Hesano, Wallace, Sperl, Meisner
Nays: None**

Public Participation

Chairman Glidden opened the meeting to Public Participation.

Seeing no persons wishing to speak Chairman Glidden closed Public Participation.

Other Business

None

Motion to adjourn by David, seconded by Adam.

Yeas: Glidden, Falik, Hesano, Wallace, Sperl, Meisner

Nays: None

Meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Hank Berry
Recorder

