

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
JANUARY 7, 2020, 4:00PM**

**DOCKET 1282
501 BARNES ROAD**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, January 7, 2020 at City Hall.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. David Schlafly
Mr. Dan Welsh

Also present were: Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; Councilman John Fox; and Lori Wrobel, Administrative Assistant.

Chairman Forshaw called the meeting to order at 4:10 P.M.

Approval and Adoption of the Agenda

Ms. Forshaw requested a motion to amend the agenda to elect the Chairman and Vice Chairman. Ms. Long made the motion and Ms. Panke seconded the motion. All those present were in favor and the agenda was approved as amended.

Ms. Long made a motion to elect Ms. Forshaw as the Chairman. Ms. Panke seconded the motion. All those present were in favor.

Mr. Schlafly made a motion to elect Mr. Welsh as the Vice Chairman. Ms. Panke seconded the motion. All those present were in favor.

Approval of the Minutes from the December 3, 2020 meeting

Mr. Welsh made a motion to revise the minutes and approve as amended. Ms. Long seconded the motion. All those present were in favor; the minutes were approved as amended.

Docket 1282 Petition is submitted by Paul Fendler for the property at 501 Barnes Road. Petitioner is requesting relief from the Building Commissioner denying a detached garage due to encroachment into the rear yard setback. This is in violation of Ordinance #1175, Section V-B (2).

Mr. Stewart stated the applicant requests a variance to rebuild an existing nonconforming garage with a lesser encroachment into the setback. The house is in the "B" zoning district with a required setback of 50'.

Chairman Forshaw introduced the following exhibits to be entered into the record:

Exhibit A – Zoning Ordinance 1175, as amended;

Exhibit B – Public Notice of the Hearing;

Exhibit C – Letter of Denial dated October 31, 2019;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated November 6, 2019;

Exhibit F – Entire file relating to the application

Paul Fendler took the oath and addressed the Board. The existing detached garage has water and termite damage and is irreparable. The proposal slightly shifts the garage to face the side yard, brings it toward the house and adds a staircase with a loft area office. The lot configuration makes it impossible to build an attached garage. The lot has two front yards limiting building options. As a result of the site conditions, there is very little buildable area under the "B" district rules.

Discussion ensued regarding the state of the current garage, the required variance to replace the existing garage, the smaller proposed encroachment and the lot configuration.

After discussion of the facts presented, including the lawful nonconforming status of the existing structure, the shape of the lot, the two front yards, the exceptionally small buildable area relative to the size of the lot, and the reduced encroachment that would result from the proposed garage replacement, it was determined that practical difficulties exist. Ms. Panke made the motion to overturn the decision of the Building Commissioner and grant the variance for the detached garage. Ms. Long seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"approve"
Ms. Laura Long	"approve"
Ms. Elizabeth Panke	"approve"
Mr. David Schlafly	"approve"
Mr. Dan Welsh	"approve"

With five (5) votes in favor and zero (0) against, the motion passed, the ruling of the Building Commissioner was overturned, and the variance was granted.

Adjournment

At 4:27 p.m. Ms. Panke made a motion to Adjourn the meeting. Ms. Long seconded the motion. A unanimous vote in favor was taken.

DOCKET 1282


DATE OF HEARING January 7, 2020

NAME Paul Fender

DESCRIPTION OF PROPERTY 501 Barnes Road

CAUSE FOR APPEAL Petitioner is requesting relief from the Building Commissioner denying a detached garage due to encroachment into the rear yard setback. This is in violation of Ordinance #1175, Section V-B (2).

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds that practical difficulties exist. The decision of the Building Commissioner is overturned, and the variance is granted.



Ms. Liza Forshaw, Chairman