

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
MARCH 3, 2020 4:00PM**

DOCKET 1286
2 Sumac Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, March 3, 2020 at City Hall.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann

Also present were David Streubel, acting City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; Councilman John Fox; Mayor Nancy Spewak; and Lori Wrobel, Administrative Assistant.

Chairman Forshaw called the meeting to order at 4:00 P.M.

Approval and Adoption of the Agenda

Ms. Forshaw requested a motion to adopt the agenda. Ms. Panke made the motion and Mr. Rottmann seconded the motion. All those present were in favor and the agenda was adopted.

Approval of the Minutes from the February 4, 2020 meeting

Ms. Long made a motion to approve the minutes as submitted. Mr. Rottmann seconded the motion. All those present were in favor; the minutes were approved.

Docket 1286 Petition is submitted by Michael Klenov for the property located at 2 Sumac Lane, this lot has three front yards. Petitioner is requesting relief from the Building Commissioner denying a retaining wall due to encroachment into the front yard setback and height requirements of not greater than 36 inches. This in in violation of Ordinance 1175, Section IV-F (2).

Mr. Stewart stated the applicant requests a variance to permit a front yard height variance for a 6-foot retaining wall (limited by ordinance to 36 inches) and a 6-foot retaining wall with a rear yard encroachment of approximately 5ive feet into the 15-foot rear yard setback in the "C" residential zoning district.

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 January 30, 2020;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated February 3, 2020;
- Exhibit F – Entire file relating to the application;
- Exhibit G – Letters of approval submitted by applicant

Mr. Klenov took the oath and addressed the Board. The property has three front yards and a creek through the western section making the yard unusable. There is a 20-foot slope down to the creek. The slope becomes dangerously slippery and muddy with rainfall. He proposes one retaining wall as a barrier to the creek and a second retaining wall adjacent to the driveway as a barrier to a steep drop off of between 8 and 9 feet. His stated hardship is safety. He also believes this will create a significant aesthetic improvement, creating suitable ground for planting. He has had stormwater engineer involvement in the project planning. The neighbor most affected by the view of the retaining walls, the owner of 250 Dielman, provided a letter supporting the variance. There is considerable vegetation screening the proposed retaining walls from Dielman.

The topographical challenge of the property, the three front yards, storm water issues, usability of the yard and safety issues were discussed by the Board.

Ms. Long made the motion to overturn the decision of the Building Commissioner and grant the variance. Ms. Panke seconded the motion. All those present were in favor and the variance was granted. The vote was as follows:

Chairman Liza Forshaw	"approve"
Ms. Laura Long	"approve"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottmann	"approve"

With five (4) 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 5:20 p.m. Ms. Long made a motion to Adjourn the meeting. Ms. Panke seconded the motion. A unanimous vote in favor was taken.

DOCKET 1286

DATE OF HEARING March 3, 2020

NAME Michael Klenov

DESCRIPTION OF PROPERTY 2 Sumac Lane

CAUSE FOR APPEAL Petitioner is requesting relief from the Building Commissioner denying a retaining wall due to encroachment into the front yard setback and height requirements of not greater than 36 inches. This in in violation of Ordinance 1175, Section IV-F (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