

ZONING BOARD OF APPEALS

June 9, 2009

**CALL TO ORDER:** 6:00 p.m. by Chairman Abent.

**ROLL CALL:** Chairman Abent, ViceChairman Reed, Boardmembers Konietzko, Kruger and Alternate Potter.

Absent: Boardmember Patrick (unexcused) and Alternate Shirvell (unexcused)

City staff present: Building Inspector Hummel and Deputy City Clerk Terpstra.

Chairman Abent stated that Alternate Potter will be voting.

**APPROVAL OF MINUTES:** Board member Konietzko moved, supported by Kruger to approve the minutes of April 14, 2009 as presented. Carried. 5 Yeas. 0 Nays.

**UNFINISHED BUSINESS:** None.

**APPEALS TO BE CONSIDERED**

**Public Hearing: 714 S. Sheldon at 6:05 P.M.**

Deputy Clerk Terpstra read the appeal of 714 S. Sheldon – Trisha Pruden requesting a 310 sq. ft. ground floor area variance from Chapter 82. Sec. 82-454 (3) to build a 1536 sq. ft. barn (house is 1226 sq. ft.) There were no calls or letters received on this appeal.

Trisha Pruden was present and stated that they would like to replace the two deteriorated garages with one 32' x 48' pole barn

Discussion was held on the placement of the pole barn and that similar variances had been given in the past at 620 and 660 N. Sheldon.

Building Inspector Hummel stated that two separate buildings could be built that exceeds the square footage of the house without a variance.

Public Hearing Closed: 6:15 p.m.

**Boardmember Kruger moved, supported by Reed to grant the variance for 714 S. Sheldon, to grant the 310 sq. ft. variance to allow the 32' x 48' pole barn to be built. The reason being that it would be an improvement to the property and that it fits with the previous variance granted for 660 N. Sheldon. Denied. 2 Yeas. 3 Nays.**

**Alternate Potter stated that he would like it stated that the other two buildings must be torn down and the temporary structure removed.**

**Boardmember Konietzko moved, supported by Kruger to amend the motion to add that the temporary structure, along with the two garages must be removed. Carried. 5 Yeas. 0 Nays.**

**Public Hearing: 106 S. Bostwick at 6:30 P.M.**

Deputy Clerk Terpstra read the appeal of 106 S. Bostwick, First Congregational Church UCC of Charlotte, requesting a 9 ft. front yard variance for a 16 ft. setback to construct a garage and also a 7 ft. height variance for a 37 ft. building height for the two story annex addition.

Chairman Abent reported that the Planning Commission had no problem with the site plan for this project but two variances were needed from this board.

Boardmember Konietzko stated that he would be abstaining from voting since he is a member of the church.

Bob Czerew, Schemata Architects, stated that they have been working on the project for the past four years. He explained the entire project to the board members.

The 6 ft. height variance is needed because of the design to be compliant with barrier free standards.

The proposed storage garage would set back 16 ft. which would be in line with the adjacent properties and allow for more green space. They will also be installing a good neighbor fence along the side.

Public Hearing Closed at 6:45 P.M.

**Boardmember Potter moved, supported by Reed to approve both the 9 ft. front yard setback and also the 7 ft. height variance as requested. The reason being that it will fit with the general character of the church and neighborhood. It also complies with the ADA code, it enhances the handicap facilities and is esthetically pleasing. Carried. 5 Yeas. 0 Nays.**

**Hearing: Dangerous Building – 220 W. Shaw:**

Hearing opened at 6:50 P.M.

City Manager Guetschow stated that a new procedure has been adopted for dealing with dangerous buildings. The ordinance has been changed and the Zoning Board of Appeals has been appointed by the mayor as the hearing board for these appeals. The hearing is held to record testimony from interested parties. At that time a determination is required by the board to either close the proceedings or order the building demolished, made safe, or maintained. At that time a notice will be sent to the property owner or interested parties with the conclusion made by the board and also posted on the building.

Building Inspector Hummel testified for the building department as to the property at 220 W. Shaw as a dangerous building in violation of Chapter 52, Article 1, Section 118 of the Charlotte City Ordinance.

Deputy Clerk Terpstra reported that one call had been received from a Roger Haun, 613 S. Sheldon, stating that he is concerned about the condition of this home and would be in favoring of it being demolished.

There was no one present to represent the property at 220 W. Shaw Street.

Discussion was held on cleaning up the rubbish outside of the house. That will be turned over to the Code Enforcement officer for compliance.

Hearing closed at 7:05 P.M.

**Boardmember Kruger moved, supported by Konietzko to request that the house be boarded up to prevent casual entry within (5) five days and that the house be demolished within (60) sixty days. Carried. 5 Yeas. 0 Nays.**

Boardmember Potter stated that he would like to have the City Attorney's opinion on giving reasons for why appeals are granted or denied.

City Manager Guetschow stated that he will distribute to the board information on why reasons should be given. They are needed to justify so that the City is not subject to challenge. This is a common practice with well functioning boards. He will provide this information to all board members before their next meeting.

Boardmember Konietzko stated that he would like to suggest that the ordinance regarding lot coverage be looked at to see if

it could be changed for the larger lots. There seems to be a number of variances being requested for this type of situation.

City Manager Guetschow stated that he would research this issue to see if there is room for improvement and then it would be reviewed by Planning Commission.

**PUBLIC COMMENT:** Eric Crandall stated that agreed with Boardmember Konietzko that there could be some improvements to the ordinance in dealing with these types of setbacks for the older parts of town, etc.

**BOARDMEMBER COMMENTS:** None.

**ADJOURNMENT:** Boardmember Konietzko at 7:15 P.M.

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Ginger L. Terpstra, Deputy City Clerk