Parchment Zoning Board of Appeals Minutes

April 9, 2020 – Virtual Meeting

1. Call to Order – 6pm
2. Roll Call

Present: Dennis Collison, Mike Conner, Tim Lasher, Kirk Strehlow, Zoning Administrator Rebecca Harvey and City Manager Nancy Stoddard

1. Approval of Minutes from March 27, 2019 – Motion made by Lasher and 2nd by Strehlow. Roll call vote because of virtual meeting: Collison-yes, Conner-yes, Lasher-yes, Strehlow-yes. Motion carried.
2. Citizen Comments – None
3. Old Business – None
4. New Business
5. Variance Request from Solano for 643 N Riverview

* Collison asked if there was any concerned expressed by the public regarding appearance or noise. He stated that he noticed that the building was located within 4 inches of the property line. The proposed outdoor cooler would be 8 feet from the property line. He felt the request was reasonable.
* CM Stoddard stated that one person called to say that she was ok with the variance request as she did not see it as a detriment to the neighborhood.
* Conner spoke briefly about the history of the building and its non-conforming placement on the property. Not concerned about parking.
* ZA Harvey stated that the board may allow for reduced parking.
* Lasher felt that it would not reduce the parking.
* ZA Harvey said the sketch was accurate and the parking was not a concern.
* Collison reminded the board that they are not acting on parking places. Those are required through the building codes.
* Lasher asked that if it is a non-conforming site already, would it create an avenue to add additional non-conforming structures to it.
* ZA Rebecca laid out the criteria stating that the board had 5 items to consider when making their decision. They need to lend weight to each of the items even though some items may carry no weight at all. If the findings weigh in well then the variance may be granted.
* The Board went through the list of five criteria items, pursuant to Section 18.6 Zoning Ordinances:

1. Would it unreasonably prevent the owner from using the property for the permitted purpose?
2. Would it provide substantial justice/or reduce justice to the applicant/nearby property owners?
3. The hardship asserted by the property owner by way of justification for a variance is due to unique circumstances of the property.
4. The hardship asserted by way of justification for the variance is not self-created.
5. In granting a variance, the ZBA is insuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.

* Strehlow reiterated the comments made by ZA Harvey that the existing situation of the property, which is lawfully non-conforming from the start, is not a reason to allow for variance. He mentioned the AC Unit on top of the outdoor cooler as possibly making some noise. He does believe that there is a strong enough basis for which to vote yes for the variance.
* Conner stated that the setback situation with that building had been there for about 50 years.
* ZA Harvey stated that the reasons must be specific/unique to the situation.
* Collison had an additional comment regarding the placement of the cooler, stating that it would not be seen well by others because of where it was by the property line.
* ZA Harvey commented that what was being said is that the property is small, uniquely situated, and has limited compliance because of the placement of the building. The reasons stated are on point.
* Motion made by Lasher to approve the variance request, according to Section 18.6 of the Zoning Ordinance, pursuant to the findings and citing #3 Unique circumstances of the property and #5 Public safety secured and substantial justice done. 2nd by Strehlow.

Roll call vote: Collison-yes, Conner-yes, Lasher-yes, Strehlow-yes. Motion carried.

1. Board Member Comments – None
2. Motion to Adjourn by Lasher at 6:35pm