

MINUTES
ZONING BOARD OF ADJUSTMENT
FEBRUARY 3, 2015
5:30 P.M.
CITY HALL COUNCIL CHAMBERS

ITEM 12D

Present: Allen Harvey, Jim Edgmond, Rochelle Conway, and Larry Wolf.

Staff Present: Andrew Fangman, City Planner
Adam Thompson, Community Development Coordinator
Dave Gobin, Community Development Director
Stephanie Oien, Office Coordinator, Community Development

Chairperson Harvey called the meeting to order at 5:30 p.m.

Minutes: Wolf motioned to approve the minutes from the January 6, 2015, meeting; seconded by Edgmond. All ayes, motion carried.

Appeal Case No. 930, filed by Gary Slight for Community Bank, to erect a sign and message center at 2609 Second Avenue. The proposed sign would be located nearer to the property line than allowed by City Code section 10-19-2 (F)(1). Gary Slight represented Community Bank. Mr. Slight explained that the sign would be a monument sign, similar in type to that of TEMP Associates, 104 Cleveland Street. Harvey asked how the sign would be oriented. Slight replied that it will be positioned such that it is visible from the Bypass and Second Avenue. He added that the sign will be an electronic message center (EMC) and would display bank business as well as promote community events. Fangman noted that the rest of the sign package proposed to staff meets City Code requirements. Conway motioned to approve the request; second by Wolf. All ayes, motion carried.

Appeal Case No. 931, filed by Haydee Avalos, to construct a two-car garage at 1208 Oakland Drive. The proposed garage location will not meet the setback requirements per City Code section 10-6-3 (A). Haydee Avalos was present to discuss her request. Ms. Avalos stated that she would like to construct a two-car garage on a corner lot. The proposed garage would face Oakland Drive. Fangman noted that on a corner lot City Code requires a 25 foot set back from the property line on each side adjacent to streets. Edgmond asked how far the proposed garage would be set back from the property line. Avalos replied that she would like to construct the garage on an existing concrete slab. She did not have exact measurements for the placement. She added that she would like to attach it to the existing garage if possible. Fangman noted that the side yard setback is 6 feet. He added that the issue at hand is how close the garage would be located to Parkington Drive. Avalos noted that the current garage is set back 22 feet from the sidewalk. Staff recommended a property line survey be obtained. Dave Pustell, 301 Parkington Drive, expressed concerns about the proposed garage. Mr. Pustell stated that the proposed 22-foot depth of the garage would place it within 7 feet of the sidewalk. He added that this structure would be the closest thing to the sidewalk from Park Avenue to Weed Park. He was also concerned that it would sit right on top of the neighbor's driveway. Avalos responded that she would be willing to take part of the existing garage back to increase the setback of the proposed garage. Pustell asked if the current setback was measured from the sidewalk or the curb. Fangman advised that the setback measurement should be based on the property line. He reiterated that Avalos would be required to maintain a 6-foot side yard setback. Edgmond motioned to approve the request with the stipulation that the garage must be set back a minimum of 13 feet from Parkington Drive; second by Conway. The motion failed on a vote of 2-2, with Edgmond and Harvey dissenting and Wolf and Conway voting aye.

Conditional Use Case No. 269, filed by Attorney Gary Allison, to operate a restaurant at 1010 Park Avenue. Per City Code 10-17-2 (A), this constitutes a conditional use in the S-2 Zoning Classification.

Attorney Gary Allison, 710 W. 2nd Street, was present to discuss the request. Allison explained that his client, Salvatore Vitale, has an offer to purchase the property subject to the approval from the Zoning Board of Adjustment to use the property as a restaurant. Mr. Vitale owns The Sicilian at 600 Park Avenue and would like a facility where he can offer a sit-down restaurant and parking. Harvey asked if the footprint of the building would change. Vitale replied it would not. Harvey questioned if the small sheds would be removed. Vitale responded they would. Fangman noted that the S-2 zoning classification allows for most commercial use – just not a restaurant. Restaurant usage may be approved as a conditional use. Vitale noted that the current location of The Sicilian would close when the proposed property was ready. Harvey asked if the fuel tanks from the previous owner, Kum & Go, had been removed. Staff confirmed they had. Vitale advised that currently there is gravel covering the area where the tanks had been removed. He asked for some time to allow for settling and better weather to pave the parking lot. Fangman advised that this could be handled on a staff level through the permitting process. Kim Castillo, who owns 105 and 106 Jefferson Street, spoke in favor of the restaurant. Ms. Castillo stated that she would like to see the empty building used. She also mentioned her hope that the dumpster will be monitored. Wolf motioned to approve the request; second by Edgmond. All ayes, motion carried.

Adjourned.

Respectfully Submitted,

ATTEST:

Andrew Fangman, Secretary
City Planner

Allen Harvey
Chairperson