

Chairman Bader stated that members of the Boathouse Association have expressed concerns about the appearance of the proposed extension.

Ms. Haller feels 30 inches would place it too close to the City Pier. Mr. Wilmer agreed. Chairman Bader disagreed, except for the possibly of the boathouse interfering with maintenance of the pier.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Chairman Bader said there is no other feasible method because the boathouse cannot be moved. Mr. Brazill agreed.

Regarding question #3: *Show that the requested variance is not substantial.*

Chairman Bader said a 25% increase is substantial. Ms. Haller agreed.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Mr. Wilmer said the extension alters the look and feel of the boathouses. It is physically undesirable.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Chairman Bader stated that the desire for a larger boat has created the hardship.

Chairman Bader asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Brazill moved that the board **Deny** the application for the following reasons:

- #1. The granting of the variance will produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #3. The variance is substantial.
- #4. The proposed variance will have an adverse impact on the environmental conditions in the neighborhood.

Mr. Wilmer seconded the motion, which ***carried*** with a roll call vote of 5-2:

Ryan Wilmer	Voting	YES
John Roberts	Voting	NO
Roger Brazill	Voting	YES
Julie Harris	Voting	NO
Susan Haller	Voting	YES
Carol Henshaw	Voting	YES
Joseph Bader	Voting	YES

ITEM 02 **Application #22-205: 104 Phoenix Street, MARCUS FRANZ, Appealing the Decision of the Code Enforcement Officer, regarding a Property Maintenance violation.**

Marcus Franz, property owner and landlord, presented the application. He was cited for multiple property maintenance violations for trash and debris scattered on the property and was assessed a \$100 repeat inspection fee. He explained that he has pleaded with the current tenants to clean up the property, but they have not cooperated. Furthermore, they are approximately \$20,000 behind on their rent. He was unable to begin the eviction process until recently, due to the eviction moratorium. He recently obtained a warrant of eviction. He is requesting that this violation be waived, as remediation is outside of his control at this time.

Ms. Harris asked for confirmation on the earliest potential eviction date. Mr. Franz clarified that the court date is scheduled for July 26th.

Ms. Harris asked if the repeat inspection fees could be included in a judgment against the tenants. Mr. Franz believes it would be difficult, if not impossible, to collect.

Mr. Brazill asked if the current tenants were the first to rent the property, and how many violations have been issued. Mr. Franz explained that the current tenants are the first, and there have been a couple of violations. Mr. Brazill asked who remediated the previous violations. Mr. Franz said he or the tenants have corrected all prior violations.

Mr. Wilmer asked if the applicant is appealing the fee or the violation. Mr. Franz said he is appealing the fine. Mr. Wilmer clarified that the \$100 charge is a fee, not a fine, and the responsibility ultimately falls on the landlord. Mr. Brown confirmed and added that an administrative fee cannot be waived.

Mr. Roberts asked if the applicant is appealing previous violations or is simply seeking a stay on any future repeat inspection fees from this one violation. Mr. Franz stated that he is asking for a suspension of any fees associated with this violation.

Chairman Bader opened the Public Hearing. No one came forward. Mr. Brown stated that one written comment was received from Maryanne Cameron, owner of 110/112 Phoenix Street, in support of the appeal. She agreed that the applicant is unable to remedy the situation at this time.

Ms. Henshaw agreed that the applicant has no control over the situation.

Chairman Bader asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Wilmer moved that the board reverse the decision of the Code Enforcement Officer regarding the property maintenance violation repeat inspection fees with the following condition:

1. An extension is granted on the citation dated May 24, 2022. Applicant shall have until August 1, 2022 to remove trash and debris from the property to avoid a new citation and repeat inspection fee.

Mr. Roberts seconded the motion, which *carried* with a roll call vote of 6-1:

Ryan Wilmer	Voting	YES
John Roberts	Voting	YES
Roger Brazill	Voting	YES
Julie Harris	Voting	YES
Susan Haller	Voting	YES
Carol Henshaw	Voting	YES
Joseph Bader	Voting	NO

ITEM 03 Application #22-221: 120 North Pearl Street, KENT GILGES, requesting an Area Variance necessary to install an 896 SF solar ground unit. In accordance with the Zoning Ordinance, accessory structures are limited to 165 square feet.

Sean Mullen, of Green Spark Solar, represented the applicant via Zoom. The lot is over 10 acres. The house is set back more than 800 feet from the street. The proposed location for the solar unit is behind the house, in a wooded area. The neighbor to the north, closest to the construction, is Woodlawn Cemetery.

Chairman Bader asked how many trees would need to be removed and whether there will be enough trees remaining to screen the panel from view. Mr. Mullen said they are only planning to remove approximately 12 trees. The remaining trees will provide privacy.

Mr. Roberts asked the reason for choosing a ground mounted solar panel. Mr. Mullen explained that there is not adequate space for a roof mounted panel.

Chairman Bader opened the Public Hearing. No one came forward and Mr. Brown noted that no written comments have been received. Chairman Bader closed the Public Hearing.

Chairman Bader moved to the five-part test. This is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Chairman Bader noted that the project would have little visual impact. Mr. Roberts and Mr. Wilmer agreed.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Chairman Bader noted that a smaller panel or roof mount would not require a variance, but both would be too small to achieve the desired result.

Regarding question #3: *Show that the requested variance is not substantial.*

Chairman Bader believes it is mathematically substantial, but not substantial when considering the size of the lot.

Ms. Harris and Ms. Haller believe it is substantial.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Mr. Brazill feels the project will enhance the environmental conditions.

Mr. Roberts added that it will lower the carbon footprint.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Ms. Henshaw believes it is self-created. Chairman Bader agreed.

Chairman Bader asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Brazill moved that the board Approve the application as submitted and presented for the following reasons:

- #1. The granting of the variance will not produce an undesirable change in the character of the neighborhood create a detriment to nearby properties.
- #2. The benefit sought by the applicant cannot be achieved by some other feasible means that would not require a variance.
- #3. The variance is not substantial.
- #4. The proposed variance will not have an adverse impact on the environmental conditions in the neighborhood.

Mr. Wilmer seconded the motion, which *carried* with a roll call vote of 7-0:

Ryan Wilmer	Voting	YES
John Roberts	Voting	YES
Roger Brazill	Voting	YES
Julie Harris	Voting	YES
Susan Haller	Voting	YES
Carol Henshaw	Voting	YES
Joseph Bader	Voting	YES

ITEM 04 Application #22-232: 15 Highland Terrace, JOHN NOBLE, requesting an Area Variance necessary to widen the existing driveway by 18 feet. In accordance with the Zoning Ordinance, parking areas shall not be located in front of the residence.

Christine Noble presented the application. Her contractor, Tony Tripodi, was also present. The existing driveway is on the property line, so there is no way to extend it in the other direction. Her husband is battling a serious illness and additional parking is needed for those assisting with his care. The driveway is presently about 12 feet wide, which will accommodate one vehicle. They would like to expand it by 18 feet, for a total width of 30 feet. This would allow enough width for three vehicles. They would also repair the existing drainage issues at the same time.

Mr. Brazill inquired about the size of the neighboring driveway. Ms. Noble said they have a double width driveway. There are at least four others in the neighborhood that are also non-conforming.

Mr. Wilmer inquired about the existing width versus the proposed expansion. Mr. Tripodi said it currently can only accommodate one vehicle. The expansion would increase the width to a two and a half car drive.

Chairman Bader opened the Public Hearing. No one came forward and Mr. Brown noted that no written comments have been received. Chairman Bader closed the Public Hearing.

Chairman Bader directed the board to the five-part test. This is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Mr. Wilmer does not believe there would be any negative impact. There are at least four other driveways in the neighborhood that are much larger. Mr. Brazill agreed.

Chairman Bader noted that the expansion will not affect the neighbors. Mr. Wilmer agreed.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Mr. Brazill does not see any other option that would achieve the same benefit.

Regarding question #3: *Show that the requested variance is not substantial.*

Chairman Bader believes it is substantial. Ms. Haller agreed.

Mr. Roberts also believes the requested variance is substantial.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Chairman Bader stated that the expansion would have an adverse environmental impact if the drainage issues are not addressed. However, the applicant plans to include grading and proper drainage.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Chairman Bader believes it is not self-created. The desire for the expansion is due to unfortunate circumstances. Ms. Henshaw agreed.

Chairman Bader asked if there were any other comments or questions. Hearing none, he called for a motion.

Ms. Harris moved that the board Approve the application as submitted and presented for the following reasons:

- #1. The granting of the variance will not produce an undesirable change in the character of the neighborhood create a detriment to nearby properties.
- #2. The benefit sought by the applicant cannot be achieved by some other feasible means that would not require a variance.
- #5. The hardship is not self-created.

Mr. Roberts seconded the motion, which *carried* with a roll call vote of 7-0:

Ryan Wilmer	Voting	YES
John Roberts	Voting	YES
Roger Brazill	Voting	YES
Julie Harris	Voting	YES
Susan Haller	Voting	YES
Carol Henshaw	Voting	YES
Joseph Bader	Voting	YES

ITEM 05 Application #22-233: Pier #3, Boathouse #22, CRAIG MOTT, requesting an Area Variance necessary to extend the boathouse to a total length of 38 feet. In accordance with Schedule 1 of the Zoning Ordinance, the maximum length of a boathouse is 32 feet.

Craig Mott presented the application. He has extended the boathouse by 6 feet to enclose his boat, protect it from damage, and improve the appearance. This extends the overall length from 32 feet to 38 feet. This was required due to existing structural framing that impeded the expansion of the boat well within. The framing of the boathouse is on metal piers and framed with I-beams. A cross member I-beam is located at the front of the boat well. The extension matches the look of the neighboring boathouses.

Chairman Bader opened the Public Hearing.

Patrick Walsh, Pier #3, Boathouse #2, came forward and spoke in support of the application.

John Litzelman, Pier #2, Boathouse #21, spoke via Zoom. He is opposed to granting the variance because the channel is very congested between the two piers. It makes it difficult to swing boats in and out. Mr. Mott noted that his boathouse is on the north side of Pier #3, which faces Sutter's Marina. It is not an interior channel.

Mr. Brown noted the following written comments that were received in opposition to the variance:

- Judith Bennett, Pier #1, Boathouse # 15
- Tom and Carol McWilliams, Pier #2, Boathouse # 16
- Tyler Tichenor, Pier #2, Boathouse # 24, Member of the Boat Owner Association Board

Seeing no one else wishing to speak to the application, Chairman Bader closed the Public Hearing.

Chairman Bader led the board to the five-part test. This is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: *Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.*

Chairman Bader believes it to be a detriment to boathouse on the east side.

Regarding question #2: *Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.*

Chairman Bader believes the best option would have been to extend the boat well. However, Mr. Mott had explained that the existing cross member I-beam makes that option impractical.

Mr. Wilmer asked the length of the existing boat well and the length of the boat. Mr. Mott said the boat well is 19 feet and the boat is 21 feet. 24 ½ feet is required to cover the boat and the motor.

Regarding question #3: *Show that the requested variance is not substantial.*

Mr. Wilmer and Chairman Bader believe it is a substantial variance.

Regarding question #4: *Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.*

Mr. Wilmer believes there is an adverse effect on the neighbors to the east side, but not the west. Ms. Haller and Chairman Bader agreed.

Regarding question #5: *Show that the alleged hardship is not self-created.*

Mr. Brazill feels it is self-created.

Chairman Bader mentioned that the applicant has not refuted that the need for a variance is self-created.

Ms. Henshaw pointed out that the applicant was aware of the length of the boathouse prior to purchasing the longer boat. Mr. Mott explained that he wanted a larger boat to accommodate his expanding family.

Chairman Bader asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Wilmer moved that the board **Deny** the application as submitted and presented for the following reasons:

- #1. The granting of the variance will produce an undesirable change in the character of the neighborhood create a detriment to nearby properties.
- #3. The variance is substantial.
- #5. The hardship is self-created.

Mr. Brazill seconded the motion, which ***carried*** with a roll call vote of 6-1:

Ryan Wilmer	Voting	YES
John Roberts	Voting	NO
Roger Brazill	Voting	YES
Julie Harris	Voting	YES
Susan Haller	Voting	YES
Carol Henshaw	Voting	YES
Joseph Bader	Voting	YES

ADJOURNMENT

Mr. Roberts moved to adjourn the meeting at 8:50, seconded by Mr. Brazill and carried by unanimous voice vote (7-0).

Richard E. Brown, Secretary

Joseph Bader, Chairman