

MINUTES OF THE BOARD OF ZONING APPEALS MEETING
JUNE 24TH, 2013

The regular meeting of the City of Mission Board of Zoning Appeals was called to order by Chair Jim Brown at 6:30 PM Monday, June 24th, 2013. Members also present: Mike Lee, Stuart Braden, Carla Mills and Robin Dukelow. Also in attendance: City Planner Danielle Murray and Planning Commission Secretary Nakeisha Cooper.

ELECTION OF OFFICERS

Mr. Lee moved to nominate Mr. Brown for the Board of Zoning Chairman. Mr. Braden seconded the motion. The vote was taken, all voting AYE. (4,0,1) with one abstention (Brown). The **motion carried.**

Mr. Lee moved to nominate Mr. Braden for Board of Zoning Vice Chairman. Ms. Mills seconded the motion. The vote was taken, all voting AYE. (4-0-1) with one abstention (Braden). The **motion carried.**

Mr. Braden moved to nominate Nakeisha Cooper for Board of Zoning Secretary. Ms. Mills seconded the motion. The vote was taken, all voting AYE. (5-0-0). The **motion carried.**

APPROVAL OF MINUTES OF SEPTEMBER 24TH, 2012

Mr. Lee moved and Ms. Mills seconded a motion to approve the minutes of the September 24th, 2012 meeting. The vote was taken (4-0-1). (one abstention, Dukelow) **The motion carried.**

M. Brown disclosed that he received an email from Mr. Box prior to the filing of his application asking his opinion regarding the shed application. Mr. Brown advised Mr. Box that if he did give an opinion he would have to recuse himself if it were to eventually come before the BZA panel. Mr. Brown declined to give an opinion to Mr Box, and will therefore not recuse himself from the meeting because of said communication.

Mr. Brown then presented the meeting procedures.

APPLICATION #13-01 VARIANCE - PUBLIC HEARING
6100 W. 56TH STREET-SHED

Ms. Murray presented the staff report.

The subject property is currently zoned Single-Family Residential District "R1" and is located at the northwest corner of Beverly Avenue and 56th Street. At the request of the current owner, the City previously designated the north property line of this property as the rear property line and the south as the front to accommodate a solar panel installation. Recently the owners added a small storage building to the subject property as an accessory use. The City became aware of this when a complaint about the shed's location was received by the Neighborhood Services officer.

Due to the small size of the shed, a building permit for its construction is not required.

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Upon investigation it was determined that the shed's location violated the zoning code as it was not located in the rear yard. Written notice of this violation was provided to the homeowner, asking that it be corrected. In response, the homeowner provided evidence that they had attempted to act in good faith and follow city ordinances when installing the shed. As the shed is already in place, the owners have filed a request for a variance to Section 420.010 to allow the shed to remain in the side yard. Further zoning code enforcement is pending the outcome of the variance hearing.

Mr. Brown opened the Public Hearing.

Mr. Box came forth and stated that the staff report covers all of his concerns. The structure is placed in it's current location, it is very heavy and it would be very difficult to move; nor does he have the means to have it moved.

Mr. Brown asked the applicant if he is standing on his recent statements listed in the application.

Mr. Box replied yes.

Ms. Mills asked the applicant why he chose that particular location.

Mr. Box stated that it was the most convenient in terms of getting equipment in and out of it and the neighbor next door has a garden and they would like to allow her ample space.

Mr. Brown asked if the board were to vote in favor of the applicant would he be willing to paint the shed to match the house.

Mr. Box replied yes.

Mr. Dukelow asked if the board voted in favor of the application would the applicant be willing to provide landscaped screening at the corner to soften the impact of the shed.

Mr. Box replied yes, and asked the board for if they had any suggestions.

Ms. Dukelow asked if tall grasses or greenery that would help it blend with the natural environment, could also be added. Respecting the site triangle.

Mr. Box asked what the measurements would be for the site triangle.

Ms. Murray stated that the site triangle is measured from the curb line. If needed, staff could work to help the applicant figure it out its location on their property.

Ms. Box stated that she would prefer to use azaleas or lilacs.

Mr. Lee asked the applicant for clarification on the information he was given by staff concerning the shed.

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Mr. Box stated that he was told if a shed was under 120 sq. ft a building permit would not be required.

Ms. Murray stated that Mr. Box clearly also asked about zoning requirements in an email and that staff failed to provide all the relevant information to him in their response.

Ms. Dukelow asked the applicant what the dimension is from the back of the curb and the fence at the east side?

Mr. Box estimates it to be 8 or 10 feet. But he is unsure.

Ms. Murray stated that it may be greater than that, this particular drawing just shows the property line. There would be additional space. For an exact dimension it would have to be verified through the mapping system.

Mr. Lee asked what the dimension would be from the back property line to the side yard.

Ms. Mills replied about 15 feet maybe.

Mr. Brown, seeing no one else wishing to make comment, closed the Public Hearing.

Mr. Braden stated that he had driven by the property and aesthetically it makes no sense to move it. Painting the shed and adding a bit of shrubbery would make a variance acceptable in his opinion.

Ms. Dukelow moved and Ms. Mills seconded a motion to grant a variance to code section 4.20.10 for the existing accessory building at 6100 w. 56th street with the following stipulation:

That the shed be painted to match the color of the house and that landscaping be provided to screen the shed while leaving the sight triangle open.

Ms. Dukelow concurs with the applicant's findings of fact for the variance.

The vote was taken. (4,1,0) (naye, Lee). **The motion carried.**

ADJOURNMENT

With no other agenda items, **Mr Braden moved and Ms. Mills seconded a motion to adjourn.** The vote was unanimous. The **motion carried.** The meeting adjourned at 7:00 PM.

ATTEST:

Jim Brown, Chair

Nakeisha Cooper
Board of Zoning Appeals Secretary