

approximately 200 square feet over the allowed area. However, after building the garage they discovered they really needed the shed.

Mr. Clew explained that the property had been largely abandoned for the 10 years prior to them moving in, and they found they needed a lot more yard equipment to look after it than they had thought; they needed some place to store the equipment. They had also added a four-seasons sun room on the back of the house, which had enlarged the square footage of the home, so that the shed was now only 57 square feet over the permitted area.

No neighbors had complained and in fact the neighbors had circulated a letter of support for the variance request.

Mr. Clew concluded by saying the shed had been on the property for 10-15 years, and was there when they purchased the home, which they were working hard to restore.

Chair Seelye asked if the applicants would consider siding the shed to match the garage and house. Mr. Clew said he believed the siding would not look appropriate on the barn-like structure.

Chair Seelye said that because the needed variance was now so small, the shed would not be seen from the road, and the neighbors had no complaints, he was in favor of the request.

In response to a question from Member King, Mr. Clew said the property was 1.8 acres. City Attorney Morita said city records showed the property to be just over 2 acres.

Member King pointed out that the lot was large; the Ordinance did not take that into account.

Alternate O'Connell asked for further clarification regarding how large the shed was permitted to be; was the size of the lot considered? City Attorney Morita explained that the allowed area of the shed was based on the square footage of the home, and not the size of the lot.

Chair Seelye opened the public hearing.

Ellen Silverberg, 30355 Glenmuer Street, said that she had lived adjacent to the subject site for 24 years, and the shed had been there the entire time. The shed was barely visible from her property or from the road, resembled a barn, and fit in with the neighborhood. There were several properties throughout the subdivision that had a detached garage and a shed, including her own; they had received a variance for their detached garage. The Clews were great neighbors who were working hard to clean up their property. All the adjacent neighbors had signed a letter of support for this variance, including herself. A variance of 57 square feet seemed very small.

Seeing that no one else came forward to speak, Chair Seelye brought the matter back to the Board.

In response to a question from Member Masood, City Attorney Morita said there was no limit to the number of accessory structures on a property.

MOTION by Lindquist, support by King, that in the matter of ZBA Case 11-18-5646, that the petitioner's request for a 57-square foot variance from the maximum 1244 square feet allowed for all accessory uses and buildings in order for a 234 square foot detached accessory structure (shed) to remain

on the property, be granted because the petitioner did demonstrate practical difficulties exist in this case in that the applicant set forth facts which show that:

- i. Compliance with the strict letter of the ordinance would unreasonably prevent the petitioner from using the property for a permitted purpose or would render conformity with the ordinance unnecessarily burdensome, with the emphasis on the second part: that compliance with the ordinance would be unnecessarily burdensome, since conformance with the ordinance would require the homeowner to demise either part of the shed or part of the garage.
- ii. That granting the variance requested would do substantial justice to the petitioner as well as to other property owners in the district. There is no reasonable alternative to either cutting down the size of the shed or the size of the garage. The neighboring property owners have come out in support of the request.
- iii. That the petitioner's plight is due to the unique circumstance of the property, because the large size of the lot works unfavorably in terms of ordinance application.
- iv. That the problem is not self-created, in that the structure was there at the time the homeowner was granted the permit for the garage and the additional square footage that was added as the sunroom was made into a four-season room did not quite give the additional amount of square footage that would allow the applicant to keep the shed. 1250 square feet is the limit for accessory structures, and with that limit, even if the applicant were allowed the full 1250 square feet due to a further expansion of the home, they would still need a variance for a small portion of the shed.

With the following conditions:

1. The shed and other accessory building will remain well maintained, in good repair and condition, and in the same footprint as they are at this time.
2. That the number of accessory structures will remain as two (2) and in the current configuration so if the shed is demised the applicant cannot put an equivalent sized expansion onto the garage, and vice versa.

After brief discussion, City Attorney Morita summarized that the intent of the 2nd condition was to ensure the variance was specific to this shed, and the applicants would not be permitted to enlarge the garage by demolishing the shed.

Member Rich said that while he personally didn't have an issue with the shed, and thought it was consistent with the neighborhood, he would not be supporting the motion because he felt the problem was self-created by the construction of the detached garage, and removing the shed was not unnecessarily burdensome since the applicants previously had agreed to remove it as a condition of building the garage. The property was not unique, and thus the property itself did not provide justification for the variance. He did not think the request meet the legal criteria for granting a variance.

Member Lindquist noted that there was an affidavit of mailing with no returns.

Seeing that discussion had ended, Seelye called the question.

MOTION CARRIED 6-1 (Rich opposed).

PUBLIC QUESTIONS AND COMMENTS

There were no public questions or comments.

APPROVAL OF SEPTEMBER 11, 2018 MINUTES

MOTION by Masood, support by King, to approve the Zoning Board of Appeals meeting minutes of September 11, 2018.

MOTION CARRIED 7-0.

ADJOURNMENT

MOTION by Rich, support by King, to adjourn the meeting at 7:52 p.m.

MOTION CARRIED 7-0.

Respectfully submitted,
Erik Lindquist, Secretary

/cem