

B. - REPORTS & COMMUNICATIONS

❖ General Discussion

K. Loomis – Asked staff if petitioners are notified of times and dates of meetings. Staff stated that it is on the application as well as an email that we send out to remind them of the meeting.

Does it state what the consequences are? (M. Kowalski - No).

D. Gregorka – There must be wording, as we've never had this problem before. I've never heard anyone say that "no one told me when to be here."

W. Carman – Even the petitioner involved didn't say that.

K. Loomis – I think we still need clarification of what constitutes an 'emergency.' (At the Chairs' discretion). Should we have an additional statement regarding non-emergencies?

C. Kuhnke – We could circulate that information to the board to make that decision.

W. Carman – Then it becomes a longer process.

D. Tope – I think the attorney's discussion point stated that they recommend that the ZBA does not suspend its rules, but amending its rules would be appropriate. *(D. Tope gave history on how the four month waiting period came to be. She stated that certain individuals used that time as a basic diversion to avert public comment or opposition by rescheduling the meetings.)*

W. Carman – I'm opposed to this amendment. I think we should go to the point where it already exists in the rules (5, sub. C).

C. Kuhnke – Third paragraph of 5, sub C. Motion made by Donna, supported by Dave

K. Loomis – I would like to hear the amended motion.

C. Kuhnke – Add as the final paragraph under III.5.c

If, within one week of the missed hearing, petitioner provides documentation to the chair and the chair at his or her sole discretion confirms that emergency circumstances prevented petitioner's attendance at the hearing, the chair shall put the dismissed case on the next regularly scheduled meeting agenda as practicable for a hearing. The petitioner is exempt from filing a rehearing request or paying a fee. The petition is treated as though it had been tabled at the hearing the petitioner was unable to attend.

MOTION

Moved by D. Tope, Seconded by D. Gregorka, **"Add as the final paragraph under I.1.**

"For the purposes of applying Roberts Rules of Order, these rules shall be interpreted as bylaws."

Modify second paragraph under III.5.c to change '..shall not be heard again by the board with 4 months....' to '..shall not be heard again by the board within 3 months....'

Add as the final paragraph under III.5.c

If, within one week of the missed hearing, petitioner provides documentation to the chair and the chair at his or her discretion confirms that emergency circumstances prevented petitioner's attendance at the hearing, the chair shall put the dismissed case on the next regularly scheduled meeting agenda as practicable for a hearing. The petitioner is exempt from filing a rehearing request or paying a fee. The petition is treated as though it had been tabled at the hearing the petitioner was unable to attend."

On a Voice Vote – MOTION TO APPROVE AMENDMENTS TO ZBA RULES – ***PASSED - UNANIMOUS***

GENERAL DISCUSSION

D. Tope – Talked about hardships experienced with corner lot properties that have two frontages in R2 Zoning. (Re: Mechanical units installed within the setback).

C. Kuhnke – Are you suggesting an amendment to the Zoning Rules?

D. Tope – It's a situation created by the Zoning Ordinance, so when someone has this situation, it becomes a hardship on the homeowner.

W. Carman – There are a number of issues we see repeatedly here that many of us feel should be dealt with by changing the Zoning Ordinance instead of variances. This may be one of those instances. Should we send a letter to City Council that these are issues that need to be changed?

S. Briere – What effect does this have on the ZORO project? To me, this issue is much smaller than other zoning issues such as multiple areas of the city that have overlay's of re-zoning and end up non-conforming lots, which make it difficult for the property owner to make changes to their properties. (She asked M. Kowalski about the current status of 'ZORO').

M. Kowalski – Can't speak specifically, but they do have a working draft on the changes that are being proposed.

D. Tope – There are a lot of things that are non-conforming and the idea is that they are deemed non-conforming to make those issues go away. Zoro is not suggesting those kind of changes, but more organizational changes, per the city attorney.

W. Carman – I've never been notified of any Zoro meeting to attend, although I'm a part of that committee. How can they have a working draft if they haven't had all the input?

M. Kowalski – You haven't been left out of the meetings, they only have a draft. I am not the Planner on that project. Alexis DiLeo is the planner on that project.

C. Kuhnke – Matt – can you contact Alexis to come and speak with us about Zoro?

D. Gregorka – We can put it on the Agenda for the next meeting. (*Agreed*).

C. Kuhnke – Suggested that a particular member state the case on issues that they think need to be changed and cite the merits of changing this information, make the case and put it on our agenda as new business? (Most in agreement).

(General discussion on this topic – Member’s Gregorka and Carman leave at ~ 7:15 p.m.)

D. Tope – Stated that the ZBA used to have a sub-committee that reported these things to City Council.

K. Loomis – Suggested that this is why we have a representative from City Council and the Planning Commission so that we can communicate these issues. She will also prepare verbiage for possible changes to enable the ZBA to suspend its rules as an amendment to the forthcoming rules discussion.

(Discussion on the mechanism involving approval of possible changes).

C. Kuhnke – I went before “ZORO” and stated that there were things in the Ordinance that needed to be changed, and they stated that these could be dealt with. Issues of front porches (open or enclosed), corner lots, etc.

Should we then establish a committee to put the suggested changes together and present them to City Council, or does anyone else have another suggestion?

C. Briere – Is it possible to get results from the last 3, 4 or 5 years about which variances were granted and classify them? Are those readily available?

M. Kowalski – They may not be readily available, but we can get them.

C. Kuhnke – We have been given yearly reports on this information in the past. Matt, how long would it take to get the information that Candice mentions? (M. Kowalski – Probably not more than a week.)

K. Loomis – I suggest that we bring Alexis here first in order to find out what ZORO is dealing with before we possibly duplicate work.

C. Kuhnke – Asked for volunteers for the suggested committee – D. Tope and S. Briere have volunteered to be on this sub-committee. (Zoning Ordinance Revisions Committee).

C. - AUDIENCE PARTICIPATION – GENERAL – None.

**Moved by D. Tope, Seconded by C. Briere, “To Adjourn the Organizational Meeting.”
On a Voice Vote – MOTION TO ADJOURN – *PASSED – UNANIMOUS***

(ADJOURNMENT – 7:23 p.m.) Minutes prepared by B. Acquaviva, Administrative Service Specialist V