

MINUTES  
BOARD OF ADJUSTMENT  
October 14, 2010

THOSE IN ATTENDANCE:

Gary Soule, Chairman  
Victor Cohen  
Mel Disney  
Rick Bliss  
Anne Martin

Jason Jaggi, Senior Planner  
Brian Malone & Stephanie Karr, Acting City Attorneys

Chairman Soule called the meeting to order at 5:00 p.m. He welcomed everyone to the meeting, introduced himself and asked that the other members of the Board and staff introduce themselves.

Chairman Soule stated that the members of this Board are appointed by the Mayor and approved by the City's Board of Aldermen and serve without monetary compensation. He stated that the applicant must demonstrate practical hardship with regard to the property in order to justify the granting of a variance. He then advised that this is a duly advertised, duly noted meeting and that the proceedings are of record. He indicated that there is a full compliment of the Board this evening and that four members must vote in favor of the variance in order for it to be granted. He noted that there was one application to be heard this evening and verified that the applicant was in attendance.

MINUTES

The minutes of the meeting of September 2, 2010 were presented for approval. The minutes were approved, after having been previously distributed to each member.

AN APPEAL FROM JOE & DIANNA ADORJAN FOR THE PROPERTY AT 223 NORTH BEMISTON AVENUE

Joe Adorjan, owner, was in attendance at the meeting. Also in attendance was Edward Heine, project architect.

Everyone wishing to speak this evening regarding the appeal was sworn in by the recording secretary.

Jason Jaggi announced that new recording equipment has been installed

Kathy Scott, recording secretary, explained that the new recording equipment is tied in directly with the microphones so the speaker must speak into the microphone in order for the voice to be recorded.

Chairman Soule confirmed that the applicant was in attendance and then asked Jason Jaggi to provide an overview of the appeal.

Jason Jaggi began a PowerPoint presentation. A slide depicting the subject property address and explaining that the zoning regulations allows for up to a 5' encroachment for open, covered porches was shown. Jason explained that roof overhangs may project an additional 3'. A slide depicting the variance request was presented. Jason indicated that the existing uncovered porch extends 7' into the front yard setback (note: the zoning regulations allow open, uncovered porches to encroach up to 10' into the front yard setback). Jason stated that the existing patio platform will be used.

Slides depicting an aerial map and site photos were presented.

Chairman Soule asked if there were any questions for Jason.

None were received.

Chairman Soule asked if the City had any exhibits to present.

Acting City Attorney Malone noted that the City had the following exhibits to offer into evidence:

1. City's Code of Ordinances;
2. City's Comprehensive Plan;
3. Application for variance along with all supporting documentation; and
4. Staff report.

Chairman Soule asked if there were any objections to these exhibits.

None were received.

Chairman Soule noted that since there are no objections, these exhibits will be entered into the record.

Mr. Adorjan indicated that he has been in Clayton since 1994 and would like to remain in Clayton. He said his wife was not able to join him this evening. He indicated that they have a major maintenance issue with the house and that the roof now allows water to drain onto their front porch.

Photographs of the front elevation of the house were distributed and marked Applicant's Exhibit 1.

Mr. Adorjan indicated that they re-mortared about 18 months ago, but the only solution is to cover the porch. He stated they believe a covered porch will also improve the appearance of the structure.

Chairman Soule asked if any Board members had any questions for the owner.

None were received.

Mr. Heine introduced himself and explained that he was retained to solve this drainage problem and provide architectural services. He stated that they will be repairing the masonry and replacing the cap with a limestone cap, but water will still run off the roof and onto the porch. He stated that the owners would like more permanent protection and a more permanent solution by covering the existing platform. Mr. Heine referred to the elevation drawing which was included in the packets (and made part of the record).

Mr. Heine stated that their intention is to cover the existing platform, which extends out 7 feet, which is 2 foot beyond the allowance for covered porches. He added that the proposed roof overhang will project out one foot which is no further out than the ordinance allows (ordinance permits a covered porch to encroach 5 foot into the setback and an additional 3 foot roof overhang). He indicated that if they only came out 5 foot with the roof, because of the side stairs, they would have less than 4 foot clearance to get to the 7 foot wide stair, which is a constricting situation. He stated that they believe the proposed covered porch is compatible with the neighborhood.

Photographs of some neighborhood homes with front porches were distributed and marked Applicant's Exhibit 2.

Chairman Soule asked Jason to re-present the slide depicting the photos of the subject house.

Mr. Heine commented that this is a relatively simple project and believes this is a superior solution versus the installation of a retractable canopy or a 5 foot overhang and believes that this will be complimentary to the house and neighborhood. He asked if any of the Board members had any questions of him.

Chairman Soule referred to the photographs distributed earlier by the applicant and barring any objections to those exhibits, they will be marked Applicant's Exhibits 1 and 2.

No objections were received and therefore, the exhibits were received into evidence.

Rick Bliss asked why this request is not an 8 foot variance request.

Jason Jaggi explained that the actual variance request is only 2 foot, as the Zoning Regulations allow for a covered porch to encroach 5 feet into the required front yard. He explained that the Regulations allow for certain architectural features to encroach and reiterated that covered porches can encroach up to 5 feet into the required front yard. Since this porch would extend 7 feet into the front yard setback, a 2 foot variance is needed.

Rick Bliss asked if the variance is needed because the column is at the end.

Jason Jaggi replied “yes”; measurement is taken at the outside face of the column.

Rick Bliss asked if consideration was given to offsetting the columns by 2 feet.

Mr. Heine indicated that is an access issue; if the columns are only 5 feet from the building, access is restricted to the side stairs to less than 4 feet.

Mel Disney asked the width of the columns.

Mr. Heine replied 1 ½ foot. He stated that if they were placed 5 feet from the building face, there would only be a 3 ½ foot passageway to the stairs.

Mel Disney asked the Building Code requirement for passageways.

Jason Jaggi indicated that he did not know as he is not the City’s Building Official.

Mr. Heine stated that he believes the Code requires a 3 foot passageway.

Mel Disney commented if that were the case, then a 3 ½ foot passageway would comply with Code.

Mr. Heine agreed.

A brief discussion regarding the structural aspects of the project/structure took place. Mel Disney asked if the columns are steel inside a stone facing.

Mr. Heine replied “yes”.

Mel Disney confirmed that the access width would comply with Building Code if the columns were moved back 2 feet.

Mr. Heine agreed, but stated that would be very undesirable.

Mel Disney commented that the columns, supports and façade are stone with a wood trim roof.

Mr. Heine indicated that the fascia is wood.

Chairman Soule asked about the drawings that were submitted as part of the application for variance.

Acting City Attorney Malone stated that the drawings are included in the application for variance exhibit and made part of the record.

Chairman Soule asked Jason Jaggi if the practical difficulty in this case is created by the front stairs being located on the side of the existing platform rather than the front.

Jason Jaggi replied “yes”; that seems to be the biggest struggle.

Chairman Soule asked if staff’s analysis determines that granting the variance requested would observe the spirit of the Zoning Ordinance and secure public safety and welfare.

Jason Jaggi replied “yes”.

Chairman Soule asked if the variance would not constitute a change in the district map, impair an adequate supply of light and air to adjacent property, increase congestion in public streets, increase the danger of fire, materially diminish or impair established property values within the surrounding area, and would not in any other respect impair the public health, safety, comfort, morals and welfare of the City.

Jason Jaggi concurred.

Chairman Soule noted that the applicant did consider two alternatives and determined that they would not work.

Mr. Heine reiterated the stair access issue if the columns were moved back 2 feet and a roof without posts/columns thereby requiring a 10 to 14 foot beam would present a structural issue and a change to the house reconfiguration.

Chairman Soule mentioned an awning apparatus.

Mr. Heine indicated that a retractable awning was not seriously considered as it would have required unusual structural modifications.

Anne Martin asked if the assumption can be made that the stairs are so narrow because the house is so deep.

Mr. Heine commented that the stairs are 7 foot wide at the platform and narrow to 4 foot wide at the landing.

Anne Martin asked if a maintenance issue can be considered grounds for practical difficulty.

Jason Jaggi indicated that determination is up to this Board.

Mel Disney asked if the project included the installation of a new single doorway.

Mr. Heine indicated it will be in the same location.

Mel Disney commented that if the columns were moved back towards the house 2 feet, resulting in a 3 ½ foot passageway, that width would still be greater than the 3' width required by Code.

Mr. Heine concurred.

Being no further questions or comments, Chairman Soule made a motion to grant a variance from Section 405.2050.1.d to approve a two (2) foot variance from the 5.0-foot front yard setback allowance for open uncovered porches to allow the construction of a new covered entry porch. The motion was seconded by Victor Cohen and unanimously approved by the Board.

The variance was granted.

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Being no further business for the Board of Adjustment, this meeting adjourned at 5:55 p.m.

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Recording Secretary