

Board of Zoning Adjustment Staff Report

January 23, 2017



Case No:	16VARIANCE1074
Request:	Reconsideration to an approved variance for addition of a condition that plantings/screening be provided along the eastern property line.
Project Name:	7206 Hollow Creek Road
Location:	7206 Hollow Creek Road
Area:	.18150 acres
Zoning:	R-4
Form District:	Neighborhood
Owner:	Michael Secor
Applicant:	Michael Secor
Representative:	Stephen Porter
Jurisdiction:	Hollow Creek
Council District:	23 – James Peden
Case Manager:	Ross Allen, Planner I

CASE HISTORY

Board of Zoning Adjustment on Nov. 21, 2016, Continuation Hearing. Case no. 16VARIANCE1074

On Nov. 21, 2016 the Board of Zoning Adjustment approved the variance to allow the new deck and addition to the deck to be 1.45 feet from the side property line, a variance of 3.55 feet.

E-mail asking for reconsideration of case no. 16VARIANCE1074

On Dec. 19, 2016 at 2:43 p.m. Mr. Stephen Porter (Attorney for both the applicant and opposition) sent an email requesting a reconsideration of the variance stipulating that Mr. Secor and Mrs. Rivoli had reached an agreement to plant a tree screening between their properties and new information had arisen that was not previously heard by the BOZA.. The email further states that in order for the variance to “stay with the land” that BOZA would be asked to reconsider the variance with conditions of approval, namely that tree screening be in place between the applicant’s deck (approximately two dozen trees along the property line and Mrs. Rivoli would help the neighbor, Mr. Secor, with financial assistance. As a result of the reconsideration both parties could avoid a court appeal of the variance.

Reconsideration Request (BOZA Jan. 9, 2017)

The Board of Zoning Adjustment, in business session, brought the reconsideration to a vote with Board members Fishman, Bergman, and Turner voting in favor to reconsider the variance request. Board members Allendorf and Howard voted against the reconsideration. The reconsideration request was scheduled to be heard at the Jan. 23, 2017 BOZA.

Reconsideration of Approved Variance with Condition Request (BOZA Jan. 23, 2017)

The opposition, Ms. Kay Rivoli represented by Mr. Steve Porter, has requested that a condition be placed on the previously approved variance, Case no. 16VARIANCE1074. The

condition being requested is that the applicant, Mr. Michael Secor, provide plantings/screening along the eastern property line. To date no site plan (Jan. 18, 2017) has been submitted showing the proposed location, type of tree/shrub, or length of the proposed area where plantings/screening are to be located.