

**CITY OF FRASER
ZONING BOARD OF APPEALS
THURSDAY, MAY 16TH, 2013 ~ 7:00 PM
MINUTES**

Present: Chairman Stimac, Members: Chimenti, Farina, Fiore, Hinkle and Logan

Excused Absence: Member Calabrese

Also Present: Jack Dolan City Attorney
Randy Warunek Building Official
Kelly Dolland Recording Secretary

1. Call Meeting to Order

Chairman Stimac called the meeting to order at 7:00 pm

2. Roll Call

Chairman	Stimac	Present
Members:	Calabrese	Absent
	Chimenti	Present
	Farina	Present
	Fiore	Present
	Hinkle	Present
	Logan	Present

3. Approval of Agenda ~ Regular Meeting

Motion by Member **FARINA**, Support by Member **IORE**

TO: APPROVE the agenda of the May 16th, 2013 as Submitted

AYES **6** NAYS **0** MOTION CARRIED

4. Approval of Minutes ~ Regular Meeting April 4th, 2013

Motion by Member **HINKLE**, Support by Member **LOGAN**

TO: APPROVE the Minutes of April 4th 17th, 2013 as Submitted

AYES **6** NAYS **0** MOTION CARRIED

5. Formal Statement

Chairman Stimac gave a formal statement relative to the powers of the Zoning Board of Appeals and the facts and conditions for granting appeals.

6. Public Hearing:

a. #03-13ZBA / JOE SHAW (ARTISTIC DEVELOPMENT LLC) & JIM CORBETT / 33721 CLEARVIEW / TO ALLOW A 525 SQUARE-FOOT IN-GROUND SWIMMING POOL THAT EXCEEDS THE ALLOWABLE LOT DENSITY COVERAGE IN THE "RM-RESIDENTIAL MEDIUM – ONE FAMILY" ZONING DISTRICT BY 3.11 PERCENT

ADMINISTRATIVE STATEMENT OF FACTS:

The petitioner is proposing to place an in-ground swimming pool in the rear yard of the parcel located at 33721 Clearview Drive, in the RM "Residential Medium – One Family" zoning district. The proposed in-ground pool would cover 525 square feet of the property. The property totals 8125 square feet and, with a maximum allowable lot coverage of 30 percent in this district, only 2438 square feet of coverage is allowable. The existing house and garage already total 2165 square feet. The end

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result is that there is only 273 square feet remaining of allowable lot coverage. The petitioner's request would require a lot coverage of 33.11 percent, 3.11 percent more than allowed.

The petitioner feels that they should be allowed to have the first class benefits of a quality, long-life, in-ground pool as opposed to those of a lesser class, shorter-life, above-ground pool.

The petitioner is now present and asking for a variance to Fraser Zoning Ordinance section 32-122 (4) (b) to exceed the maximum allowable lot coverage in the RM Zoning District by 3.11 % for a total of 33.11% coverage where a maximum of 30% is allowed.

Mr. James Corbett at 33721 Clearview stated the proposed pool will fit well within the perimeters of the property. The pool will also last the life time of the family and the life time of the house. Mr. Corbett stated an above ground pool is temporary and not as astatically pleasing as an in ground pool.

Member Logan asking if the yard is fenced in, ~ there is a 6 foot wooden privacy fence.

Public Hearing opened 7:40pm

No one from the audience was to be heard.

Administration did not receive any written correspondence.

Public Hearing closed at 7:40 pm.

Member Chimenti asked if there would be additional lighting around the pool, ~ in the pool itself, built into the pool.

Member Farina made a motion to approve #03-13ZBA, stating other in ground pool variances have been granted in the area. Member Chimenti second the motion.

Mr. Dolan stated the practical difficulty is in line with preexisting building code that is consistent with the ordinance. To replace an above ground pool with an in ground pool, will visually diminished the negative impact on neighboring properties. Mr. Dolan also suggested as part of the motion to include that the pool company supply to the building department documentation of the pool size and dimensions.

Chairman Stimac also stated a pool structure below grade does not have the same visual impact as an above ground pool, shed etc.

Chairman Stimac advised administration to follow up with the city planner regarding the inground pool ordinance change.

Motion by Member **FARINA**, Support by Member **HINKLE**

TO: APPROVE / #03-13ZBA / JOE SHAW (ARTISTIC DEVELOPMENT LLC) & JIM CORBETT / 33721 CLEARVIEW

AYES 6 NAYS 0 MOTION CARRIED

7. New Business of the Board:

8. Old Business of the Board: NONE

9. Public to be heard: NONE

10. Adjournment:

TO: Adjourn the meeting of the **May 16th, 2013** at 7:36pm.

Motion by Member **CHIMENTI**, Support by Member **FARINA**

AYES 6 NAYS 0 MOTION CARRIED

THE MOTION WAS CARRIED UNANIMOUSLY.

VINCE CALABRESE, ZBA Secretary

RANDY WARUNEK, Building Department Director

Audience members:

Corbett Family

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