

**CITY OF FRASER
ZONING BOARD OF APPEALS
WEDNESDAY, MAY 22ND, 2014 ~ 7:00 PM
MINUTES**

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

Excused Absence:

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 7:02 pm

2. Roll Call

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

3. Approval of Agenda ~ Regular Meeting May 22nd, 2014

Motion by Member **FARINA**, Support by Member **CALABRESE**

TO: APPROVE the agenda of the May 22nd, 2014 as Submitted

AYES **7** NAYS **0** MOTION CARRIED

4. Approval of Minutes ~ Regular Meeting January 15th, 2014

Motion by Member **FARINA**, Support by Member **CALABRESE**

TO: APPROVE the Minutes of January 15th, 2014 as Submitted

AYES **7** NAYS **0** MOTION CARRIED

5. Formal Statement

6. Public Hearing:

a. #02-14ZBA / A & L CONSTRUCTION / 33614 MULVEY / IN A PROPOSED DETACHED CONDOMINIUM SUBDIVISION DEVELOPMENT, LOCATED IN A “RL – RESIDENTIAL LOW – ONE FAMILY” ZONING DISTRICT, TO ALLOW:

1. ALL MINIMUM YARD REQUIREMENTS OF THE “RM –RESIDENTIAL MEDIUM – ONE FAMILY” ZONING DISTRICT

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2. ALL BUILDING REQUIREMENTS OF THE “RM – RESIDENTIAL MEDIUM – ONE FAMILY” ZONING DISTRICT

1. TO ALLOW: ALL MINIMUM YARD REQUIREMENTS OF THE “RM –RESIDENTIAL MEDIUM – ONE FAMILY” ZONING DISTRICT

ADMINISTRATIVE STATEMENT OF FACTS:

The Petitioner is proposing to build a multi-lot, detached-condominium, residential subdivision development on an existing 5.33-acre parcel located at 33614 Mulvey in the RL (Residential Low – One Family) zoning district.

The Petitioner is requesting a variance to reduce the minimum yard requirements and adjust the building requirements for RL zoning on this parcel to the corresponding requirements for RM (Residential Medium – One Family) zoning.

Per Sections 32-122 (3) & (4):

Lots in the RL district must have:

- Minimum lot area: 10,200 square feet
- Minimum lot width: 85 feet
- Minimum lot depth: 142 feet
- Minimum rear yard setback: 40 feet
- Minimum side yard setbacks: least side – 5 feet & total of both sides – 15 feet
- Minimum front yard setback: 30 feet
- Maximum lot coverage: 25 percent
- Minimum floor area: (square footage adjusted by house styles shown in Section 32-122 (4) table inset)

Lots in the RM district would have the following restrictions:

- Minimum lot area: 7800 square feet
- Minimum lot width: 65 feet
- Minimum lot depth: 120 feet
- Minimum rear yard setback: 30 feet
- Minimum side yard setbacks: least side – 5 feet & total of both sides – 13 feet
- Minimum front yard setback: 25 feet
- Maximum lot coverage: 30 percent
- Minimum floor area: (square footage adjusted by house styles shown in Section 32-122 (4) table inset)

table inset)

If granted, the development, as submitted to the Building Department, would allow 14 buildable lots in the subdivision and 2 outlots on Mulvey. One additional large park area would be included, combining with the adjacent development for a total of 4 park areas.

Also, with the proposed park area, it should be noted that a 10% credit would be allowed to the minimum lot area and lot frontage, per Section 26-95 of the Fraser Code of Ordinances.

This allows:

- Minimum lot area of 10,200 square feet to be 9100 square feet
- Minimum lot width of 85 feet to be 76 feet
- Minimum lot depth is not addressed and remains 142 feet

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The Petitioner believes the difficulty he has in maintaining RL zoning requirements is due to a number of restrictions caused by this parcel:

- 1) The shape of the parcel
- 2) The narrow lot frontage on Mulvey
- 3) The extensive flood plain area on the parcel
- 4) RL size lots not consistent with all of the RM developments
to the northwest, west and south

In addition, the development to the east, which will combine with this development to form the entire Royal Park subdivision, has already been granted these reductions with actions by this board on November 30, 2006 (#06-06ZBA) and June 7, 2007 (#06-07ZBA).

The Petitioner is now present and requesting variances to the minimum yard requirements and the building requirements in an "RL" zoning district as set by Sections 32-122 (3) & (4) of the Fraser Zoning Ordinance.

Mr. Warunek spoke of Planner's Comments and Public Safety Concerns.

Mr. Larry Dubay, representing A&L Construction requested the same lot size and building setback as original phase seven years ago, he asked for this phase to be consistent with original.

Mr. Dubay stated he had a home owners meeting prior this meeting regarding the second phase, and provided a signed letter by the residents.

Member Farina asked about the overflow water area ~ Mr. Dubay stated the subdivision will have a shelf area in the triangle area of the site plan.

Mr. Warunek stated the water and sewer was designed for a future development.

Chairman Stimac asked why not gain approval with re-zoning the lot? ~ Was approved seven years ago, would like to be consistent. Mr. Dubay stated he believed there is a hardship because of the flood plan and the narrow frontage on Mulvey. Under the current zoning nine lots would be allowed on one side of the street; RM zoning for houses on both sides of the street, would have more an aesthetic appeal.

Chairman Stimac asked if units 15 and 16 on the plan exist. ~ Yes, would like to amend the master deed to make full lots. The street will go through lot 16, there is language in the master deed to allow a street.

Public Hearing: 7:38pm

Mr. Chapman suggested adding an additional street entryway to Mulvey vs. a loop back into one entrance.

Chairman Stimac stated the Zoning Board of Appeals is asked to modify the minimum lot area and modify the set back requirements for the development not approving the layout.

Mrs. Chapman stated she is concerned about the flood plain area and asked about the proposed street on lot 16; A&L Construction does not own lot 16 to create a street.

Mr. Dolan stated, if a variance were to be granted, he must have property rights in place and a completed infrastructure associated with the site, example the street.

Mr Thacker concerned with his rear yard, consistently wet.

Mr. Rick Paoletti expressed concern regarding the flood plain and dirt displacement, believes Mr. Dubay is proposing a lake and will create lake front property for his Paoletti properties which he owns. Mr. Paoletti stated he does not have a problem with the variance request.

Mr. Sangeorzan questioned the request of a smaller lot and why not the RL zoning and what is the difference between condo vs. house? What is the hardship?

Chairman Stimac paraphrased the definition of the Condo Act, which is an alternative form of creating lot ownership.

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Mr. Disney stated the entrance/exit of the development is angled directly onto his property. Car headlights beam directly into his house. Mr. Disney requested the road be u-shaped into Mulvey VS. loop in the development and also believes the RL lot size is acceptable.

Mr. Tito Paoletti stated he does not like condos going up behind his lot.

Mr. Young spoke on the topic.

Mrs. Disney stated traffic headlights exiting from Royal Park Estates create a disturbance for her and her family on Mulvey. Mrs. Disney also inquired about the U-shaped road and if that is an option for the new development. ~ Chairman Stimac stated it is subject to review by the city engineer, the two roads would be 150ft apart, which is not a safe situation.

Mrs. Chapman spoke.

Public Hearing closed 8:30pm

Member Hinkle asked if the site plan was finalized. ~ Plan is not finalized, the first step would be to get the variance, and once the variance is approved the layout process begins.

Mr. Dolan stated he would hesitate to grant a variance with respect to property Mr. Dubay doesn't have an interest in. The plan depends on Mr. Dubay acquired on interest, portion lot 16.

Mr. Dubay spoke of variance options for the development.

Chairman Stimac stated the variance request should be a re-zoning request.

Mr. Dolan stated Mr. Dubay has the right to seek a variance, whether or not it is appropriate to grant is within the discretion of the board, following the appropriate standards. He is not obligated to seek a re-zoning first and come before the Zoning Board of Appeals for a variance.

Mr. Dubay stated he was advised to seek a variance to keep the subdivision consistent. Also the area does not have the right conditions for a "RL" zoning, it's too small, irregular shape and the houses will be on one side of the street.

Chairman Stimac moved to Deny #02-14ZBA based on the fact the petitioner had adequate avenues to address the hardships of the property by seeking re-zoning approval through the Planning Commission and City Council.

Motion by Chairman STIMAC, Support by Member FIORE

1. TO: DENY / #02-14ZBA / ALL MINIMUM YARD REQUIREMENTS OF THE "RM –RESIDENTIAL MEDIUM – ONE FAMILY" ZONING DISTRICT

With the following stipulations:

2. TO: DENY / 02-14ZBA / ALL BUILDING REQUIREMENTS OF THE "RM – RESIDENTIAL MEDIUM – ONE FAMILY" ZONING DISTRICT

AYES 0 NAYS 7 FAILED

7. New Business of the Board:

a. Motion to nominate Chairman, Vice Chair and Secretary to the City of Zoning Board of Appeals.

1. Motion to nominate Member STIMAC as Chairperson of the Fraser Zoning Board of Appeals.

Member Stimac accepted nomination.

Motion made by Member FARINA, Support by Member CALABRESE

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AYES 7 NAYS 0 MOTION CARRIED

2. Motion to nominate Member FARINA as Vice Chairman of the Fraser Zoning Board of Appeals.

Member Farina accepted nomination.

Motion made by Member CHIMENTI, Support by Member CALABRESE

AYES 7 NAYS 0 MOTION CARRIED

3. Motion to nominate Member HINKLE as Secretary of the Fraser Zoning Board of Appeals.

Motion made by Member CALABRESE, Support by Member CHIMENTI

AYES 7 NAYS 0 MOTION CARRIED

8. Old Business of the Board:

9. Public to be heard: NONE

10. Adjournment:

TO: Adjourn the meeting of the **May 22nd, 2014** at 8:52pm.

Motion by Member **CHIMENTI**, Support by Member **CALABRESE**

AYES 7 NAYS 0 MOTION CARRIED

THE MOTION WAS CARRIED UNANIMOUSLY.

CHRIS HINKLE, ZBA Secretary

RANDY WARUNEK, Building Department Director

Audience members:

Mr. Dubay

Mr. & Mr. Paoletti

Mr. Thacher

Mr. & Mrs. Disney

Three residences of Paoletti

Mr. & Mrs. Chapman

Four residence of Royal Park Estates