

**MINUTES OF A PUBLIC MEETING
OF THE CITY OF BUNKER HILL VILLAGE
ZONING BOARD OF ADJUSTMENT
TUESDAY, OCTOBER 18, 2023**

I. CALL TO ORDER

Vice-Chair David Light called the Zoning Board of Adjustment Meeting to order at 5:00 p.m. based on a quorum of members present:

Present

David Light
Michelle Belco
David Marshall
Patricia Shuford
Josh Pratt

Staff in Attendance

Gerardo Barrera, City Administrator
Elvin Hernandez, Director of Public Works
Loren Smith, City Attorney
Jennifer Namie, Assistant to the City Secretary
Mallory Pack, Management Analyst

II. OATH OF OFFICE AND STATEMENT OF AUTHORITY

Jennifer Namie, of Olson and Olson and Assistant to the City Secretary, administered the Oath of Office to the members present.

III. ELECTION OF CHAIR AND VICE CHAIR TO SERVE FOR A TWO-YEAR TIME PERIOD

A motion was made by Board Member Patricia Shuford and seconded by Board Member Michelle Belco to appoint David Light as Chair of the Zoning Board of Adjustment.

The motion carried 5 - 0

A motion was made by Chair David Light and seconded by Board Member David Marshall to appoint Patricia Shuford as Vice Chair of the Zoning Board of Adjustment.

The motion carried 5 - 0

IV. CONSIDERATION AND POSSIBLE ACTION REGARDING APPROVAL OF THE OCTOBER 11, 2022, MEETING MINUTES

A motion was made by Board Member Josh Pratt and seconded by Board Member Michelle Belco to approve the October 11, 2022, meeting minutes.

The motion carried 5 - 0

V. PUBLIC HEARING REGARDING AN APPLICATION FROM GLENN AND ALISON WILSON REQUESTING A VARIANCE TO APPENDIX A, SECTION 7.08 SWIMMING POOLS FOR 11907 LAURIE LANE

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED ABOVE

Chair Light opened the Public Hearing at 5:04 p.m.

Director of Public Works Elvin Hernandez introduced a variance request for a swimming pool at 11907 Laurie Lane. The proposed location of the swimming pool is in the rear with a desired setback of five (5') feet from the edge of the water to the property line. City Ordinance requires that a pool must be set back ten (10') feet:

§ 7.08. Swimming pools.

To qualify as an accessory structure or use, a swimming pool must comply with all yard and setback requirements of the main building unless such swimming pool is located in the rear one-third ($\frac{1}{3}$) of the lot, in which event the following shall apply: If located in the rear one-third ($\frac{1}{3}$) of an interior lot, a swimming pool must be set back at least ten (10) feet from the rear lot line and at least ten (10) feet from each side lot line. If located in the rear one-third ($\frac{1}{3}$) of a corner lot, a swimming pool must be set back at least ten (10) feet from the rear lot line, at least ten (10) feet from the interior side lot line (the side lot line farthest removed from the side street), and at least twenty (20) feet or a distance at least equal to the required depth of that yard of the contiguous lot which abuts such side street, whichever is greater, from the exterior side lot line (the side lot line which abuts the side street). All of the foregoing measurements shall be taken from the nearest water's edge of such swimming pool.

Presentation by Applicant

Applicant Glenn Wilson presented a request to build a pool with a desired setback of 5' from the water's edge to the property line due to the home being built up to the property line as required by the City. The pool would be designed to accommodate a family member who resides in the home with ADA requirements.

Public Comments

Hayden Joshua and Amy Bray, 407 Godsey Court, met with City staff on Monday, October 9, 2023, and submitted a written statement requesting the variance be denied. Amy Bray, via Zoom, stated that the request does not meet the standard of special hardship and will subsequently place a special hardship on the surrounding property owners.

Mike Love, 11914 Laurie Lane, supported the request and stated that the pool's location is a result of the City requiring the property owners to build on the property line.

Matt Bray, who is not a resident, spoke on behalf of resident Amy Bray and stated that he opposed the request and that no special hardship exists. He stated that trees on neighboring properties would be adversely affected by a concrete pool.

Josh Turner, who is not a resident, is a pool builder and consultant for the property owners. He said that the pool would be designed per ADA requirements to accommodate a family member who resides in the home. He also stated that the pool would not impact trees in neighboring yards.

Allison Wilson, 11907 Laurie Lane property owner, commented that they were unaware they could not build a pool when they purchased the property.

Chair Light closed the Public Hearing at 5:22 p.m.

VI. CONSIDERATION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A VARIANCE TO APPENDIX A, SECTION 7.08 SWIMMING POOLS FOR 11907 LAURIE LANE

The Board deliberated whether a pool qualified as a necessary structure and agreed that the requested 5’ setback was too close in proximity to adjacent property owners.

A motion was made by Board Member Josh Pratt and seconded by Board Member Michelle Belco to approve a request for a variance to Appendix A, Section 7.08 Swimming Pools for 11907 Laurie Lane.

Roll Call Vote

- David Light..... No
- Michelle Belco..... No
- David Marshall..... No
- Patricia Shuford..... No
- Josh Pratt..... No

The motion carried 0 - 5

VII. PUBLIC HEARING REGARDING AN APPLICATION FROM SHANE CUPIC REQUESTING A VARIANCE TO APPENDIX A, SECTION 7.10 FENCES AND WALLS FOR 421 BLALOCK

ALL INTERESTED PARTIES SHALL HAVE THE RIGHT AND OPPORTUNITY TO APPEAR AND BE HEARD ON THE ITEM LISTED ABOVE

Chair Light opened the Public Hearing at 5:35 p.m.

Director of Public Works Elvin Hernandez introduced a variance request for a fence at 421 Blalock. The proposed fence is ten (10’) feet in height and located on the west side of the property. City Ordinance requires that a fence not exceed eight (8’) feet in height.

§ 7.10. Fences and walls.

Except as otherwise specifically permitted herein, no fence or wall shall be erected or constructed in the required front yard of a lot. Fences and freestanding fence-type walls, not to exceed eight (8) feet in height, may be erected or constructed in or along any required side yard or rear yard of a lot. All fences and fence-type walls shall be kept in good repair and maintained so as to comply with the provisions of this ordinance. A fence or wall may be erected within a required front yard of a corner lot along the exterior lot line adjacent to the side street if same is located at the entrance to a subdivision and if such wall or fence does not exceed three (3) feet in height.

Presentation by Applicant

Applicant Shane Cupic presented a request to construct a 10’ brick wall along the northwest and south sides of the property. When initially purchased, the intent was to subdivide the property into two lots with street access from Greenbay. However, after discussions with neighbors, they have agreed to support the variance if access to any home or homes is obtained from Blalock instead. The proposed wall will benefit all neighbors by improving neighborhood safety and reducing road noise from Blalock.

Public Comments

Bill Zartler, 11623 Greenbay, said that the vacant lot has created many safety concerns for neighbors. He supported the request and said that the fence would reduce crime and noise from Blalock.

Steven Madden, 11602 Greenbay, commented that the fence would provide safety and privacy for all neighbors.

Chair Light closed the Public Hearing at 5:44 p.m.

VIII. CONSIDERATION AND POSSIBLE ACTION REGARDING AN APPLICATION FOR A VARIANCE TO APPENDIX A, SECTION 7.10 FENCES AND WALLS FOR 421 BLALOCK

A motion was made by Josh Pratt and seconded by Chair David Light to approve a request for a variance to Appendix A, Section 7.10 Fences and Walls for 421 Blalock on the condition that any home or homes being constructed on the property must face and obtain street access from Blalock Road.

Roll Call Vote

- David Light..... Yes**
- Michelle Belco..... Yes**
- David Marshall..... Yes**
- Patricia Shuford..... Yes**
- Josh Pratt..... Yes**

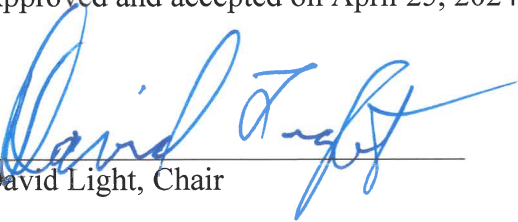
The motion carried 5 - 0

IX. ADJOURN

A motion was made by Board Member Josh Pratt and seconded by Chair David Light to adjourn the meeting at 6:03 p.m.

The motion carried 5 - 0

Approved and accepted on April 25, 2024.



David Light, Chair

ATTEST:



Gerardo Barrera, City Administrator/ Acting City Secretary