

June 23, 2016

**Butte-Silver Bow
Zoning Board of Adjustment
Council Chambers**

MEMBERS PRESENT: David Wing, Tyler Shaffer, Dolores Cooney and Rocko Mulcahy

ABSENT: Julie Jaksha, John Habeger and Les Taylor

STAFF: Lori Casey, Assistant Planning Director
Rebecca Farren, Land Use Planner
Carol Laird, Secretary

M I N U T E S

- I. The meeting was called to order at 5:28 P.M.
- II. The Minutes of the meeting of June 9, 2016, were approved and passed.
- III. Hearing of Cases, Appeals and Reports:

The legal ad was published in the Montana Standard on June 16, 2016.

Mr. Wing stated there were only four Board members present that evening and all four would have to vote in favor in order for the application to be approved. He said the applicant had the option to wait until the next meeting on July 21st where there may be more than four members present. He then stated the procedures that pertained to the meeting and said the following

cases listed on the attached Agenda would be heard that evening.

Variance Application #15123 – Gary and Christine O’Hern were present at this meeting. They chose to go with four members.

Rebecca Farren summarized the staff analysis that is attached and made a part of these Minutes during the viewing of the presentation pictures.

Mr. Wing asked if the Board had any questions of the staff.

Mrs. Cooney asked if the staff had received anything from neighbors or public regarding the variance application. Mrs. Farren replied that she wasn’t aware of any proponents or opponents that had been received – no comments.

Mr. Wing then said the applicant had the opportunity to provide additional information for the Board in support of the application. Gary O’Hern said he resided at 3719 East Lake Drive and thanked them for hearing him.

Mr. O’Hern said he went around to several neighbors in the surrounding area that were there, including the people who owned the vacant lots to the north, and put together a letter saying, “They had no objections to the Quonset hut (42’ x 42’) style of building or to the seventeen feet (17’) high variance from the fourteen foot (14’) gambrel or sixteen foot (16’) gable style roof” with signatures from (Crystal Mjelde of 3586 Hartford Avenue; Colly Holmes of 4225 Springfield; Jill Kersting of 3434 Burlington; Anthony Jaap of 3550 Willoughby; Brody Hackman of 3546 Willoughby and Dorothy O’Hern of 3715 East Lake Drive, his mother). One of the things he did indicate to them was due to the type of structure with it being a Quonset, there was a little bit of difference in looking at a rounded structure versus the squared structure, so the visual appearance of it was actually less when it was curved than it would be if it was straight up and down.

Mr. O'Hern further said the other item that he would like to note was the property, as it sloped slightly, was going to require him to bring the sloped side up on the bottom or bring the sloped side down on the top. He said his proposal would be to bring the sloped side down, digging it down two to three feet, probably three feet to make it level. He said he actually had a contractor at the meeting who was aware of what that area was and who had put his initial home in.

Mr. O'Hern then said the type of building, Quonset style, the manufacturer stated that it was like thinking of a window well that was corrugated metal and buried in the ground. He was told he could bury the structure two to three feet to bring it down. He further said the overall height would probably be less than sixteen feet, easily sixteen feet, but more than likely less than sixteen for overall height.

Mr. O'Hern said that was all he had.

Mr. Wing asked if any Board members had questions of Mr. O'Hern. There were none.

Mr. Wing then asked if there was anyone present who cared to speak in support of the application. There was no response.

Mr. Wing then asked if there was anyone present who cared to speak against the application. There was no response.

Mr. Wing then closed the public hearing and opened it up for Board discussion.

Mr. Shaffer said seeing absolutely no opposition from the neighborhood and actually some of the neighbors being for it, he saw no reason they couldn't approve this.

Mr. Mulcahy moved to approve Variance Application #15123 with Mrs. Cooney seconding the motion with the conditions.

Conditions are as follows:

1. Prior to receiving a building permit, the applicants will be required to provide documentation from the Montana Department of Revenue's Office stating the applicants' two properties have been combined into one legal parcel of record.
2. The Quonset structure shall abide by all other regulations of the BSBMC for "R-1" (Single Family Residential) zones and shall at no time nor for any reason be utilized for any commercial uses.

At this point the Board voted on the motion.

Variance Application #15123 – Conditionally Approved

Rocko Mulcahy	For	Tyler Shaffer	For
Dolores Cooney	For	David Wing	For

Rocko Mulcahy, Tyler Shaffer, Dolores Cooney and David Wing voted "For" the motion to approve the application.

Mr. Wing said all four votes were in support of the motion, which meant that the application had been approved, and Mr. and Mrs. O'Hern would be receiving a letter from the Planning staff to that effect. He then told them good luck with their project.

Mr. O'Hern said they had started the application process for combining the properties and had hoped to bring that with him to the meeting.

Variance Application #15125 – Cory Biggers was present at this meeting, as the representative for Bill Biggers. He said he would like to proceed with the four members.

Mrs. Farren summarized the staff analysis that is attached and made a part of these Minutes during the viewing of the presentation pictures.

Mr. Wing asked if the Board had any questions of the staff. There were none.

Mr. Wing then asked if the applicant cared to provide some additional testimony in support of the presentation. Cory Biggers said he was the agent for Bill Biggers, who could not attend. He said he did want to reiterate the magnitude of what they hauled. He said their truck weight was 120,000 pounds and they were 110 feet long. He said the typical truck/trailer combination was 80,000 pounds and about 65 feet long, so they were a lot heavier than that. He said they bought special permitting for overweight and that money went towards rebuilding their roads and highways because the infrastructure was not set up to carry that kind of weight.

Mr. Biggers then pointed out in the site plan drawing picture – 20' of sidewalk on the south end, 4' driveway approach, 97' sidewalk, 80' driveway approach and then 95' of sidewalk again.

Mr. Biggers said another thing he wanted to mention was when they had asphalt done in 2012, there was approval to do it but nobody said anything about sidewalks, so they just paved it all. He said he hoped they could move forward and their plans were to start work in mid-July.

Mr. Biggers said he did submit the estimate for ADA compliant sidewalks along with the landscaping and striping and he would honor all of those requests.

Mr. Wing asked if the Board had any questions of the applicant. There were none.

Mr. Wing then asked if there was anyone present who cared to speak in favor of the application. There was no response.

Mr. Wing then asked if there was anyone present who cared to speak against the application. There was no response.

Mr. Wing then closed the public hearing and opened it up for Board discussion.

Mrs. Cooney said it seemed pretty straightforward and Mr. Wing said he agreed.

Mr. Shaffer moved to approve Variance Application #15125 with the conditions as outlined in the staff report. Mr. Mulcahy seconded the motion.

Conditions are as follows:

1. Prior to the issuance of a building permit, the applicants must submit a detailed site plan to the Planning Department staff for review and approval. The site plan shall include a sidewalk, curb and gutter and paving details that illustrate compatibility between the new sidewalk installation and the existing asphalt approaches.

At a minimum, the plan shall include striping of the asphalt walkway traversing the approach and provide enough detail to determine that the new sidewalk, transition between the sidewalk and asphalt, and the asphalt walkway will be in compliance with all ADA requirements.

Once the plan is approved, the applicants shall submit a cost estimate from a licensed contractor for the materials and installation of the sidewalks, and any necessary curb and gutter or paving required to ensure compatibility between the existing and newly installed pedestrian path. This cost estimate will be used as the sidewalks, curb/gutter/paving bond amount plus ten percent (10%).

Prior to receiving a building permit, the applicants shall submit the appropriate bond amount to the Planning Department. This bond can be in the form of cash, letter of credit, surety bond, certified check or other guaranteed negotiable instrument.

2. The driveway approaches shall be kept in good repair at all times, and any future changes or improvements shall be approved by the Zoning Board of Adjustment.
3. Prior to the issuance of a building permit, the applicants must submit a detailed landscaping plan to the Planning Department staff for review and approval. The landscaping plan shall demonstrate how the existing landscaping will be altered to accommodate the associated installation of sidewalks, curb and gutter, yet still remain in compliance with Section 17.38, Special Provisions, of the BSBMC.

Once the plan is approved, the applicant shall submit a cost estimate from a licensed landscape contractor for the materials and installation of the landscaping. This cost estimate will be used as the landscaping bond amount plus ten percent (10%).

Prior to receiving a building permit, the applicant shall submit the appropriate bond amount to the Planning Department. This bond can be in the form of cash, letter of credit, surety bond, certified check or other guaranteed negotiable instrument.

At this point the Board voted on the motion.

Variance Application #15125 – Conditionally Approved

Rocko Mulcahy	For	Tyler Shaffer	For
Dolores Cooney	For	David Wing	For

Rocko Mulcahy, Tyler Shaffer, Dolores Cooney and David Wing voted “For” the motion to approve the application.

Mr. Wing said all four votes were in support of the motion, which meant that the application had been approved, and Mr. Biggers would be receiving a letter from the Planning staff to that effect. He told him good luck with his project.

IV. A motion was made to adjourn. Seconded and passed. The meeting adjourned at 6:00 P.M.

BY: David Wing
David Wing, Chairman

Lori Casey
Lori Casey, Assistant Planning Director

2016

BUTTE-SILVER BOW ZONING BOARD OF ADJUSTMENT

Thursday, June 23, 2016, at *5:30 P.M.*

Council Chambers – Third Floor – Room 312

- I. Call to Order.
- II. Approval of the Minutes of the meeting of June 9, 2016.
- III. Hearing of Cases, Appeals and Reports:

Variance Application #15123 - An application for a variance by Gary & Christine O'Hern to increase the height of a proposed detached quonset structure (42'W X 42'L) from the maximum permitted height of fourteen feet (14') for a detached garage with a gambrel roof, and the maximum permitted height of sixteen feet (16') for a detached garage with a gable roof in a residential zone, to seventeen feet (17'), varying from the requirements of Section 17.10.040, Building Height Limits, of the BSBMC. The property is located in an "R-1" (Single Family Residence) zone, legally described as Lots 1-2, Block 65 and Lots 22-23, Block 64, of the Atherton Place Addition, and the vacated Rutland Street, commonly known as 3719 East Lake Avenue, Butte, Montana.

Variance Application #15125 – An application for a variance by Bill Biggers, owner, and Cory Biggers, agent, to not install concrete sidewalk along the driveway approaches adjacent to Wynne Avenue, varying from the curb/gutter and sidewalk requirements of Section 17.38.050, Landscaping Requirements - Sidewalk and Curb/Gutter; Front and Corner Yards, of the BSBMC. The property is located in an "M-1" (Light Industrial) zone, legally described as Parcel 1AA, S31, T03N, R07W, more commonly known as 3873 Wynne Avenue, Butte, Montana.

Applicant or Representative must be present at the meeting

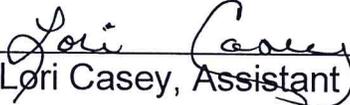
A G E N D A

(Page 2)

IV. Other Business.

V. Adjournment.

By:


Lori Casey, Assistant Planning Director

**BUTTE-SILVER BOW
ZONING BOARD OF ADJUSTMENT
STAFF ANALYSIS**

ITEM: **Variance Application #15123** - An application for a variance to increase the height of a proposed detached Quonset structure (42'W X 42'D) from the maximum permitted height of fourteen feet (14') for a detached garage with a gambrel roof, and the maximum permitted height of sixteen feet (16') for a detached garage with a gable roof, in a residential zone to seventeen feet (17'), varying from the requirements of Section 17.10.040, Building Height Limits, of the BSBMC.

APPLICANTS: Gary & Christine O'Hern, 3719 East Lake Drive, Butte, Montana, owners.

DATE/TIME: Thursday, June 23, 2016, at 5:30 P.M., Council Chambers, Third Floor, Room 312, Butte-Silver Bow Courthouse, Butte, Montana.

REPORT BY: Rebecca Farren, Land Use Planner

VICINITY MAP:



LOCATION/

DESCRIPTION: The property is located in an "R-1" (Single Family Residence) zone, legally described as Lots 1-2, Block 65 and Lots 22-23, Block 64, of the Atherton Place Addition, and the vacated Rutland Street, commonly known as 3719 East Lake Drive, Butte, Montana.

PROPOSAL: The applicants are proposing to construct a detached Quonset structure – effectively serving as a detached garage - (42'W X 42'D) that would be seventeen feet (17') in height at the crown of the arc, exceeding the maximum permitted height of fourteen feet (14') for a gambrel roof and sixteen feet (16') for a gable roof, in a residential zone. Based on the square footage of the applicants' property, a 42'W X 42'D detached garage would not exceed the permitted lot coverage of 35% permitted by the Zoning Ordinance.

**STAFF
FINDINGS:**

The proposed structure, while permitted as an appurtenant use to the applicants' primary residence, does not correspond exactly to conventional detached garage structures most often seen in Butte-Silver Bow. The Butte-Silver Bow Municipal Code, Section 17.10.040 allows for a maximum height limit of fourteen feet (14') for an accessory building with a gambrel roof and sixteen feet (16') for an accessory building with a gable roof. The structure of the proposed Quonset has an arc shaped roof. (See pictures). Because this type of building is usually found on industrial or agricultural properties, Section 17.10.040 does not list a maximum height for this type of roof. As such, a variance approved by the Zoning Board of

Adjustment is required to construct a Quonset that is seventeen feet (17') in height.

The staff will review the three criteria established by the Montana Supreme Court for the granting of variances.

1. The variance must not be contrary to the public interest.

Maximum height limits, including garages, were established to reduce visual cluttering and to secure the aesthetic beauty of our neighborhoods. Building height standards provide for uniformity and structure within residential neighborhoods. In addition, limiting the height of garages to a maximum of sixteen feet (16') also ensures that the accessory structures will not be taller than the typical one-story residences found throughout Butte.

As previously stated, the applicants are requesting to build a (42'W X 42D') detached Quonset structure that would be seventeen feet (17') in height at the crown of the arc. While the size of the proposed structure is considerably larger than the typical residential garage, larger parcels of record do provide enough square footage that large detached structures can be constructed without exceeding the maximum permitted lot coverage of 35 percent.

In this particular case, the applicants own two parcels of record that total 23,827 square feet in area. The applicants have filed a request to combine the two parcels into one legal parcel of record and their request is currently being

processed with the Montana Department of Revenue. The applicants' property contains one single family residence and a carport structure, which will be moved to the southern part of the property in order to allow room for the proposed Quonset to meet or exceed all required setbacks.

In regards to the visual impact of the proposed garage, the height of the garage would be at least as tall as all of the neighboring properties, except the Waterford complex that is to the south of the applicants' property. Given that, the applicants' property is bordered on the east by Continental Drive and the proposed building site is set approximately six feet (6') below the elevation of the road and that of the residential properties on the east side of Continental Drive. Therefore, the majority of the visual impact from the proposed Quonset structure would be within the applicants' immediate block, bounded by East Lake Drive, Continental Drive and Willoughby Avenue. In that regard, the closest neighbor to the south of the proposed Quonset structure is the applicants' mother. The neighbors to the west across the alley are buffered by mature trees which should help mitigate any negative visual effects from the height of the Quonset. The property directly north of the applicants' property is vacant land.

Factors of concern are that the proposed Quonset structure is significantly larger in size than the typical residential detached garage and that Quonset structures are generally associated with industrial or agricultural uses, which may detract from the residential

character of the neighborhood.

However, if the neighborhood supports the requested variance and the applicants agree to the conditions of approval, then the requested seventeen foot (17') tall Quonset structure may not be contrary to the public interest.

2. The literal enforcement of the Zoning Ordinance must result in an unnecessary hardship owing to conditions unique to the property.

To qualify for a variance, the property must exhibit conditions which preclude a structure from meeting the minimum standards of the Zoning Ordinance, therefore, making the development of the property not feasible. Unnecessary hardship, as defined by the Montana Supreme Court, must result from a condition unique to the property, such as a unique property shape or a topographic feature.

There does not appear to be a condition unique to the property that would constitute a hardship.

3. The spirit of the Zoning Ordinance must be observed and substantial justice done.

The spirit of the Ordinance is to permit reasonable use of private property while requiring businesses and residents to develop their properties in ways which do not compromise the public interest.

Public health, safety and general welfare must

be protected and weighed against the rights of the applicants to develop their property in a way that is reasonable. If the public interest can be protected pertaining to these issues, a variance may be appropriate.

The proposed location of the garage fully complies with the setback requirements of the Zoning Ordinance. Also, even with the proposed Quonset structure in place, the applicants' lot coverage will be well under the thirty-five percent (35%) maximum allowance. As such, the applicants' request to increase the height of the Quonset structure to seventeen feet (17') would not appear to create a public health or safety concern in the neighborhood.

Nevertheless, the height and the size of the proposed Quonset would be considerably greater than the typical two vehicle residential garage and due to the design of the structure, it may appear to be a structure typically found in the more suburban and rural areas of Butte-Silver Bow. Regardless, the proposed size of the Quonset is permitted. The main issue concerning this case is the visual impact of the Quonset structure on the surrounding residences. Staff is aware that the visual impacts of garages of this size and height are not adequately comprehended until after construction. Although the proposed increase in height of the garage would impact relatively few neighbors, it is still very important to consider the impact of the proposed Quonset on these surrounding landowners.

As stated previously, the applicants' two

parcels are presently being combined into one legal parcel of record. If the application is approved, one of the conditions of approval would be that the legal combination is successfully finalized. If for any reason there are any factors that prohibit the legal combination of the two parcels, a variance for an accessory structure on a parcel of record that does not contain a primary structure would be required.

As with all detached structures that exceed the maximum height limit, staff is concerned about the impacts of the proposed Quonset structure on adjacent residences. As such, it would befit the applicants to provide letters of support from any adjacent landowners that may be affected.

If there is not significant neighborhood opposition and the applicants agree to all of the conditions, the requested seventeen foot (17') tall detached Quonset structure may be within the spirit of the Zoning Ordinance.

CONCLUSION: Based on the above discussion, staff recommends approval of Variance Application #15123 with the following conditions:

1. Prior to receiving a building permit, the applicants will be required to provide documentation from the Montana Department of Revenue's Office stating the applicants' two properties have been combined into one legal parcel of record.
2. The Quonset structure shall abide by all other regulations of the BSBMC for "R-1" (Single

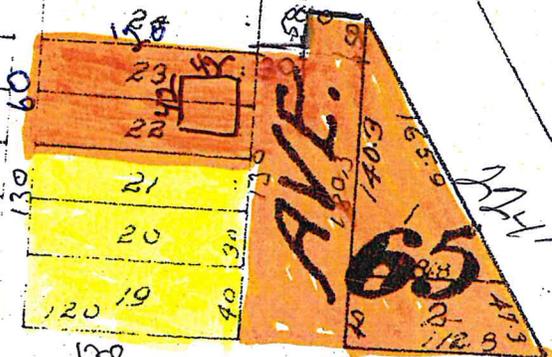
Family Residential) zones and shall at no time nor for any reason be utilized for any commercial uses.

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AVE.

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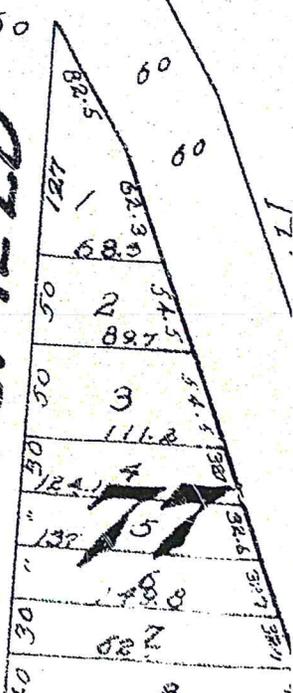
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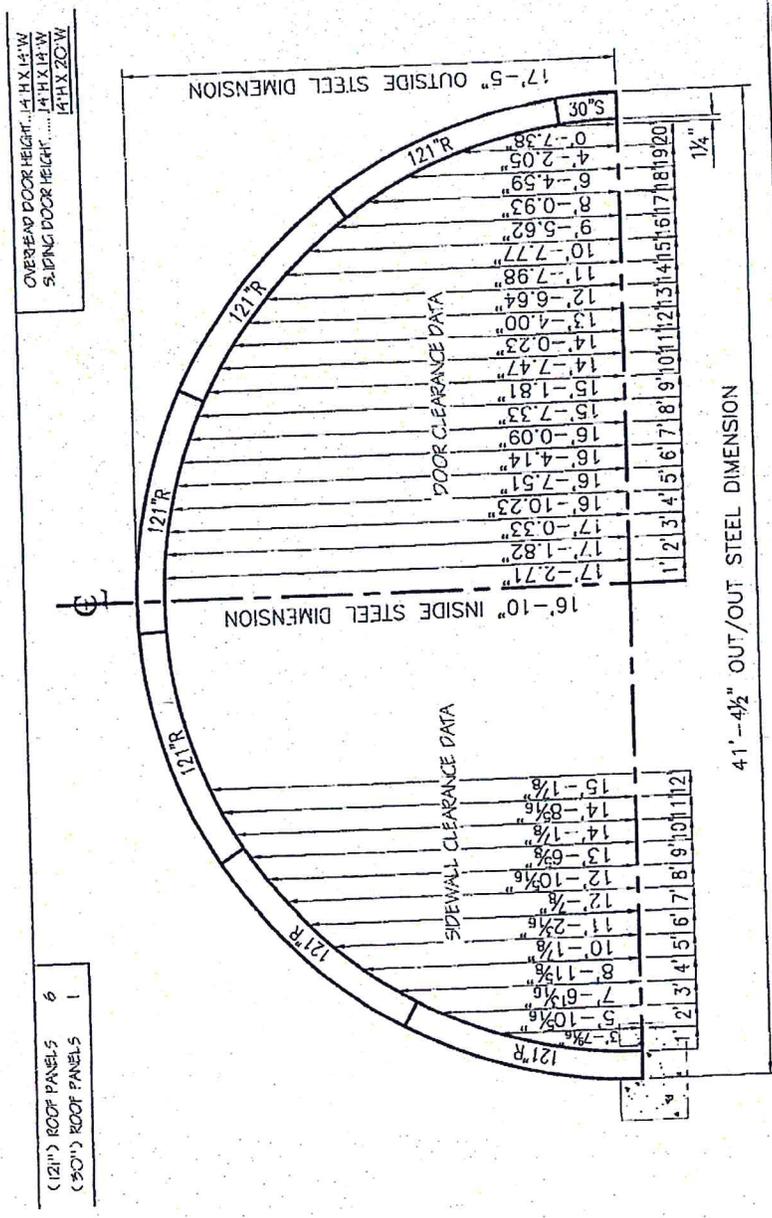
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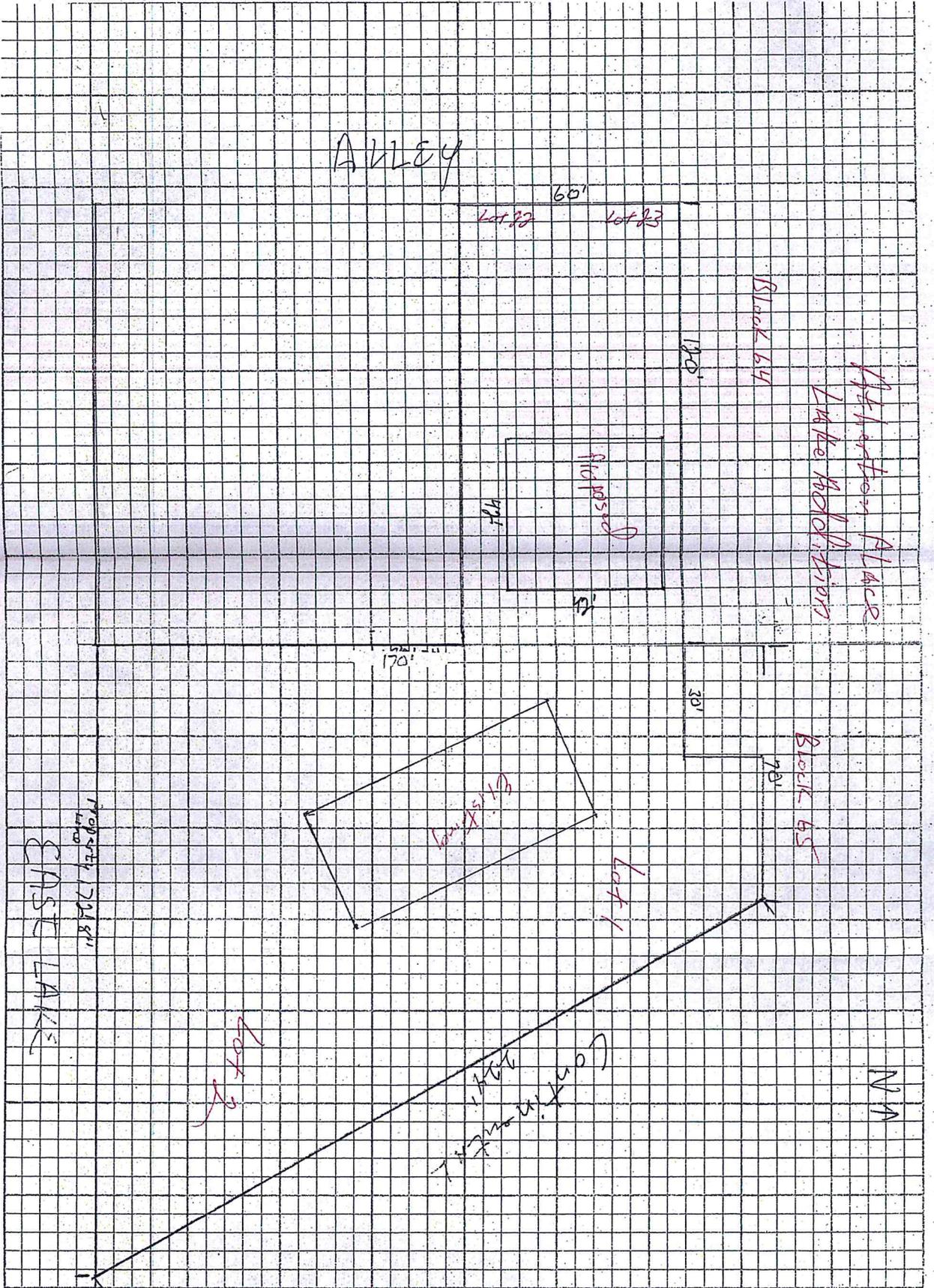


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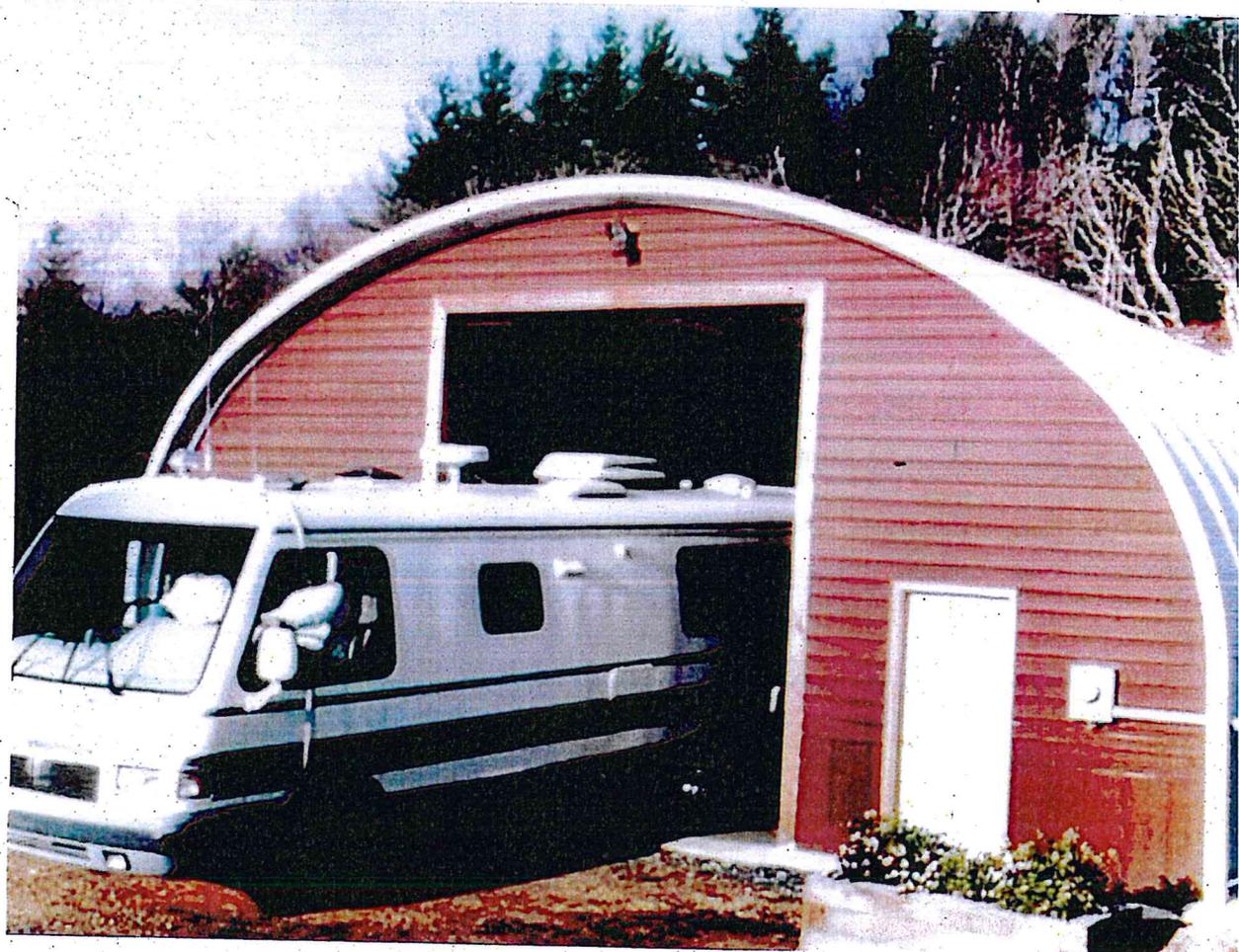
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**BUTTE-SILVER BOW
ZONING BOARD OF ADJUSTMENT
STAFF ANALYSIS**

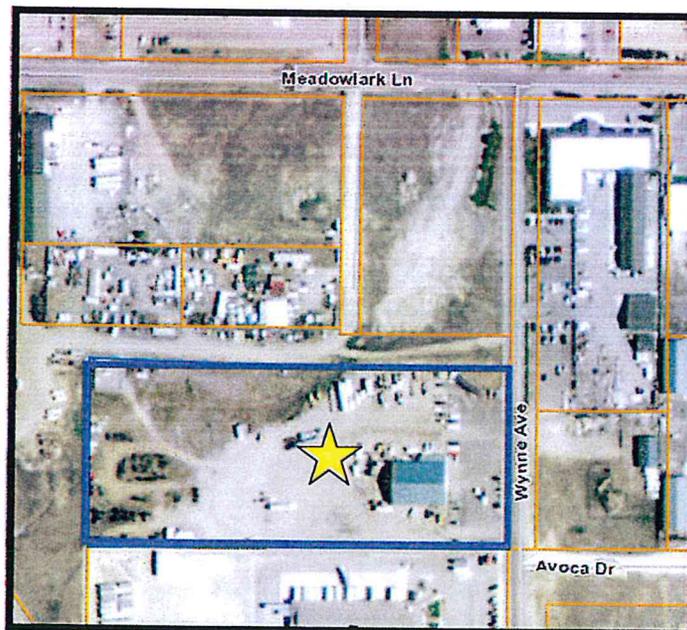
ITEM: **Variance Application #15125** - An application for a variance to not install concrete sidewalks in the driveway approaches adjacent to Wynne Avenue, varying from the curb/gutter and sidewalk requirements of Section 17.38.050, Landscaping Requirements - Sidewalk and Curb/Gutter; Front and Corner Yards, of the BSBMC.

APPLICANT: Bill & Carol Biggers, 121 Oro Fino Gulch Road, Butte, Montana, owners, and Cory Biggers, 65 Oro Fino Gulch Road, Butte, Montana, agent.

DATE/TIME: Thursday, June 23, 2016, at 5:30 p.m., Council Chambers, Third Floor, Room 312, Butte-Silver Bow Courthouse, Butte, Montana.

REPORT BY: Rebecca Farren, Land Use Planner

**VICINITY
MAP:**



LOCATION/

DESCRIPTION: The property is located in an "M-1" (Light Industrial) zone, legally described as Parcel 1AA, S31, T03N, R07W, more commonly known as 3873 Wynne Ave, Butte, Montana.

PROPOSAL: The applicants re-paved their parking lot at Biggers Transport in October 2012. This paving job included asphalt paving of the two driveway approaches adjacent to Wynne Avenue. Curb and gutter is already installed at the applicants' location. The applicants are now expanding their building and proposing to install the required concrete sidewalks adjacent to Wynne Avenue *with the exception of* the two recently paved driveway approaches, varying from Section 17.38.050, Landscaping requirements – Sidewalk and curb/gutter; front and corner yards, of the BSBMC.

**STAFF
FINDINGS:**

Butte-Silver Bow Municipal Code, Section 17.38.050, Landscaping Requirements-Sidewalk and Curb/Gutter - Front and Corner Yards, of the BSBMC, requires all new commercial and industrial uses or expansions equal to twenty-five percent (25%) or more of the existing floor area, to install sidewalk and curb/gutter along all property lines adjacent to a dedicated street. Therefore, the applicants' request to construct only a portion of the required concrete sidewalk necessitates a variance from the Zoning Board of Adjustment.

The staff will review the three criteria established by the Montana Supreme Court for the granting of variances.

- 1. The variance must not be contrary to the public interest.**

Sidewalk requirements have been established by the Council of Commissioners to protect the public interest by providing a safe space for pedestrians to

walk in front of a commercial or industrial property without having to walk within the street.

Section 17.38.050 requires an industrial operation that expands greater than twenty-five percent (25%) of their existing floor area to install sidewalk, curb and gutter adjacent to all public street frontages. Biggers Transport's planned expansion is greater than twenty-five percent (25%) and, therefore, requires the installation of sidewalk, curb and gutter along the entire property line adjacent to Wynne Avenue.

Although applying for a variance to not install a sidewalk is unusual, the Zoning Ordinance does allow for reasonable consideration when special circumstances exist.

It should be noted, curb and gutter are already present on the property, and the applicants intend to install the majority of the concrete sidewalks required by Section 17.38.050. The only areas that they wish not to install the required concrete sidewalks are within the two driveway approaches adjacent to Wynne Avenue. The applicants are requesting these two exclusions because the two approaches were recently reconstructed in October of 2012 with asphalt material. Asphalt is more durable than concrete with respect to repetitive heavy truck traffic, and, as Biggers Transport has a continuous flow of heavy truck traffic, the applicants feel as though the installation of concrete sidewalks will not hold up under the continuous truck traffic that utilizes the facility. The concrete would break down under the weight of the trucks and be in need of constant repair to provide a safe walkable passage way.

The primary concern with respect to not installing concrete sidewalks along the applicants' driveway approaches would be compromising safe pedestrian passage in front of the industrial property, and neglecting to ensure ADA compliance along routes of pedestrian travel. In that regard, the applicants could provide striping to indicate to both vehicular traffic and pedestrians that a portion of the driveway approach is also utilized as the walking path to connect to the concrete sidewalks. In addition, the asphalt walkway will need to be ADA compliant. In that regard, the applicants will need to verify that the walkway area does not exceed a 2% cross slope. If the applicants are agreeable to ensuring ADA compliance and striping the asphalt to indicate it is a walkway across the two approaches, then the requested variance may not be contrary to the public interest.

2. The literal enforcement of the Zoning Ordinance must result in an unnecessary hardship owing to conditions unique to the property.

To qualify for a variance, the property must exhibit conditions that preclude a structure from meeting the minimum standards of the Zoning Ordinance, therefore, making the development of the property not feasible. Unnecessary hardship, as defined by the Montana Supreme Court, must result from a condition unique to the property.

Whereas the property does not exhibit any unique physical conditions that would result in unnecessary hardship, it must be noted that the concrete approaches at the adjacent property along Wynne Avenue show significant cracking and degradation due to consistent heavy truck traffic. (Please see

attached photos submitted by the applicants.) This is technically a condition caused by the nature of the applicants' business and does not necessarily constitute a hardship, however, requiring constant repairing of the applicants' approaches based on a material specifications may cause undue hassle and incur unnecessary cost.

3. The spirit of the Zoning Ordinance must be observed and substantial justice done.

The spirit of the Zoning Ordinance is to permit reasonable use of private property while requiring businesses and residents to develop their property in ways that do not compromise the public interest.

Public health, safety and general welfare must be protected and weighed against the rights of the applicant to develop a property in a way that may be reasonable. If the public interest can be protected pertaining to these issues, a variance may be appropriate.

In this particular case, the degree of degradation to concrete approaches may, in fact, pose more of a health and safety concern than allowing a variance to utilize the existing asphalt approach. Cracked and damaged concrete creates uneven surfaces which may be detrimental to the safe passage of pedestrians across the approaches in question. In fact, provided that the applicants are able to demonstrate that the transition from the installed sidewalks to the existing asphalt approach will be ADA compliant and relatively seamless, this variance may be in the best interest of public health, safety, and general welfare.

Based on the above discussion, the applicants' request to install the required concrete sidewalks adjacent to Wynne Avenue *with the exception of the two recently paved driveway approaches* would appear to be consistent with the spirit of the Zoning Ordinance to allow for the reasonable use of private property.

CONCLUSION:

Based on the above discussion, staff would recommend approval of Variance Application # 15125, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicants must submit a detailed site plan to the Planning Department staff for review and approval. The site plan shall include a sidewalk, curb and gutter and paving details that illustrate compatibility between the new sidewalk installation and the existing asphalt approaches.

At a minimum, the plan shall include striping of the asphalt walkway traversing the approach and provide enough detail to determine that the new sidewalk, transition between the sidewalk and asphalt, and the asphalt walkway will be in compliance with all ADA requirements.

Once the plan is approved, the applicants shall submit a cost estimate from a licensed contractor for the materials and installation of the sidewalks, and any necessary curb and gutter or paving required to ensure compatibility between the existing and newly installed pedestrian path. This cost estimate will be used as the sidewalks, curb/gutter/paving bond amount plus ten percent (10%).

Prior to receiving a building permit, the applicants shall submit the appropriate bond amount to the Planning Department. This bond can be in the form of cash, letter of credit, surety bond, certified check or other guaranteed negotiable instrument.

2. The driveway approaches shall be kept in good repair at all times, and any future changes or improvements shall be approved by the Zoning Board of Adjustment.
3. Prior to the issuance of a building permit, the applicants must submit a detailed landscaping plan to the Planning Department staff for review and approval. The landscaping plan shall demonstrate how the existing landscaping will be altered to accommodate the associated installation of sidewalks, curb and gutter, yet still remain in compliance with Section 17.38, Special Provisions, of the BSBMC.

Once the plan is approved, the applicant shall submit a cost estimate from a licensed landscape contractor for the materials and installation of the landscaping. This cost estimate will be used as the landscaping bond amount plus ten percent (10%).

Prior to receiving a building permit, the applicant shall submit the appropriate bond amount to the Planning Department. This bond can be in the form of cash, letter of credit, surety bond, certified check or other guaranteed negotiable instrument.

332'

Site Plan

WYNNE AV

