



## Board of Zoning Appeals Public Meeting

**Date:** Wednesday, March 24, 2021

**Location:** Videoconference via Zoom

**Time:** 6:00PM

**Present:** Daley, White-Lake, Rice, Quain, Barnum, Le Blan

## NEW BUSINESS AGENDA

### Project #00400

**Application(s)** AV# 0065; AV#0066; AV# 0067; INT# 005; INT# 006; INT# 007

**Property Address** 41 South Pine Avenue

**Applicant** William Stanley

**Representing Agent** Dan Hershberg

**Zoning District** Residential, Two-Family (R-2)

**Proposal** Propose to demolish and rebuild replacement porch of lower portion of columns with masonry supports and relocating steps from left offset to center offset.

**Requests** **Area Variances**

- ~~§375-4(G)(3)~~ – To allow the use of half pillars instead of full height pillars predominant in area; To allow the use of cylindrical pillars instead of squared pillars predominant in area.
- **§375-4(G)(4)(a)** – To allow the use of the use of masonry elements instead of the original material of wood.
- **§375-4(G)(4)(d)(i)** – To allow the reconstruction of the porch in a style that deviates from original construction design.

**Interpretations relating to decision by the Chief Planning Official to deny permit based on applicability of regulations**

- **§375-4(G)(3)** – To request the BZA interpret applicability.
- **§375-4(G)(4)(a)** – To request the BZA interpret applicability.
- **§375-4(G)(4)(d)(i)** – To request the BZA interpret applicability.

**AV# 0066** **PLANNING DEPARTMENT WITHDREW PERMIT DENIAL IN CONSIDERATION OF §375-4(G)(3)**

AV#0066; AV# 0067;  
INT# 005; INT# 006;  
INT# 007

**DEFERRED – IN CONSIDERATION OF FACTS**

### Project #00401

Application(s) **AV# 0068; AV# 0069; AV# 0070**  
Property Address 961 State St  
Applicant Rebecca Franklin  
Representing Agent JSM Fence LLC  
Zoning District Residential, Two-Family (R-2)  
Proposal Installation of 169 Linear Feet of 6-foot; 100% opaque fencing and 50 Linear Feet of chain link fencing in front yard area.  
Requests **Area Variances**

- **§375-4(F)(8)(B)(i)(A)** – for 169 Linear Feet of 6-feet tall, wood panel fencing when 4-feet is the maximum allowed.
- **§375-4(F)(8)(B)(i)(A)** – for 169 Linear Feet of 100% opaque, wood panel fencing where 60% is the maximum allowed.
- **§375-4(F)(9)(c)(ii)** – for 50 Linear Feet of chain link fencing in front yard area, where there is no chain link fencing allowed.

**APPLICATION WITHDRAWN**

**Project #00402**

Application(s) **AV# 0071; AV# 0072**  
Property Address 899 Western Ave  
Applicant Capital Communications Federal Credit Union  
Representing Agent Thomas Wheeler (AJ Signs)  
Zoning District Mixed-Use, Neighborhood Edge (MU-NE)  
Proposal Installation of an 8-foot, 50 square foot, freestanding, monument sign.  
Requests **Area Variances**

- **§375-4(I)(5)** – to allow an 8-foot-tall monument sign, where 5 feet is the maximum height allowed.
- **§375-4(I)(5)** – to allow a 50 square foot monument sign, where 32 square feet is the maximum size allowed.

AV# 0071  
Motion to Approve **Passed – 6-0-0**

AV# 0072  
Motion to Approve **Passed – 6-0-0**

**Project #00403**

Application(s) **AV# 0073**  
Property Address 161 Washington Avenue Extension, Suite 104  
Applicant MyHotTub.com  
Representing Agent Jeremy O'Brien  
Zoning District Mixed-Use, Community Highway (MU-CH)  
Proposal Installation of a 94.7 square foot "box" wall sign.  
Requests **Area Variances**

- **§375-4(I)(5)** – to allow a 94.7 square foot "box" wall sign where 32 square feet is the maximum allowed.

**APPLICATION WITHDRAWN**

## Pending Business Agenda

### Project #00372

Application(s)	<b>AV# 0059</b>
Property Address	1415 Washington Avenue
Applicant	1415 Washington Property LLC
Representing Agent	Dan Hershberg
Zoning District	Mixed-Use, Community Urban (MU-CU)
Proposal	Demolition of +/- 66,237 square foot hotel and the construction of +/- 414,580 square foot student dormitory with 240 dwelling units and a parking garage with +/- 207 automobile parking spaces.
Requests	<b>Area Variance</b> - 375-4(A)(3)(b)(i) – to allow a 107-foot front setback where 10 feet is the maximum permitted. <b>DEFERRED– MOTIONS PREEMPTED DUE TO PENDING DETERMINATION OF ENVIRONMENTAL QUALITY REVIEW FROM PLANNING BOARD</b>

### Project #00371

Application(s)	<b>AV# 0060</b>
Property Address	255-271 Clinton Avenue
Applicant	Home Leasing
Representing Agent	Dan Hershberg, Hershberg & Hershberg
Zoning District	Mixed-Use, Neighborhood Edge (MU-NE)
Proposal	Construction of a parking lot with +/-38 parking spaces.
Requests	<b>Area Variance</b> - 375-4(E)(2)(b) - to allow +/- 33 parking spaces where 3 parking spaces is the maximum permitted. <b>DEFERRED– MOTIONS PREEMPTED DUE TO PENDING DETERMINATION OF ENVIRONMENTAL QUALITY REVIEW FROM PLANNING BOARD</b>

### NC # 0001

Application(s)	<b>NC# 0001</b>
Property Address	36 Judson Street
Applicant	Hon. Jahmel Robinson, Common Council Representative, 5 <sup>th</sup> Ward
Zoning District	MU-NE (Mixed-Use, Neighborhood Edge)
Proposal	Board of Zoning Appeals review of a nuisance complaint.
Requests	<b>Board of Zoning Appeals Review</b> – of a December 12 <sup>th</sup> , 2019 complaint of Nuisance at 36 Judson Street to determine whether 36 Judson Street is a nuisance property. <b>DEFERRED – APPLICANT NEGOTIATIONS ON-GOING</b>