



# ZONING BOARD OF APPEALS

Quality Services for a Quality Community

## MEMBERS

**Chair**  
Brian Laxton

**Vice Chair**  
Caroline Ruddell

Andrea Ditschman  
Konrad Hittner  
John Robison  
Jon Jorgensen  
Vacancy

**Alternate 1**  
James Bradley

**Alternate 2**  
Erik Altmann

**City Council Liaison**  
Erik Altmann

**Staff Liaison**  
David Haywood  
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## MINUTES

**January 10, 2018 – 7:00 p.m.**

54-B District Court, Courtroom 1

101 Linden Street

**Present:** Ditschman, Jorgensen, Laxton, and Ruddell

**Absent:** Hittner (arrived at 7:07p.m.) and Robison

**Staff Present:** Haywood

### 1) OPENING

#### A) Roll Call

Laxton called the meeting to order at 7:05 p.m.

At the calling of the roll, Robison and Hittner were absent. Hittner arrived at 7:07 p.m.).

#### B) Election of Officers

The Board elected Laxton as Chair and Ruddell as Vice Chair.

#### C) Approval of the Agenda

**Motion:** Ruddell moved to approve the agenda. Ditschman seconded the motion.

**Vote:** All yeas. Motion passed unanimously by a vote of 4 to 0.

#### D) Approval of the Minutes

**Motion:** Ditschman moved to approve the November 1, 2017 minutes as presented.

Hittner seconded the motion. **Vote:** All yeas. Motion passed unanimously by a vote of 5 to 0.

## 2) COMMUNICATIONS

A) **Written** – None

B) **Oral**

Mark Grebner, 615 Glenmoor Road #1B, attorney for the Zydeck family, addressed the Board regarding Zydeck's variance appeal at 444 Division Street. Grebner asked the Board not to undo the approval of the variance they granted in September.

Grebner gave the history of the paving permit, stop work order, ZBA meeting, variance approval, new paving permit, lack of inspector twice, and letter from the City to remove a portion of the newly installed driveway at 444 Division Street.

Haywood stated the signed minutes of September 6, 2017 amended motion reads:

It was moved by Muska and seconded by Laxton to amend the percentage for Section 50-816(3). – Yard Paving Restriction to allow a driveway that covers no more than **33.5 percent** of the rear yard; an extra four feet to the width of the drive toward the house to the length of the original drive of not more than 34 feet.

He continued he had started to tell the applicant he was not correct in using the 33.5 percent because the width was not defined in the motion. At this point, because this is a matter of record, the way it was written it needs to be cleaned up.

Laxton stated the Board could review the arguments Grebner were to put in memo form, listen to the audio tape, and review the staff report again to determine what was intended and if 33.5 percent is in error or not.

Jorgensen stated the importance is to clarify the record whether it is supposed to be 33.5 percent or the dimensions that were listed in the motion.

Grebner continued he is sure he is not interested in filing a motion on his clients' behalf because they have a driveway and they are done. He said if the Board wants to take up action to clarify the record that would be on them as a person has a right to rely on the City and the City Staff has a duty to correct these things.

Kimberly Zydeck, the owner, addressed the Board and stated she was at the September meeting and does not remember hearing 33.5 percent.

Haywood stated Staff would consult with the City Attorney to decide the best way to move forward with the minutes.

Grebner stated he would wait to draft his arguments until after the City Attorneys recommendation.

## 3) NEW BUSINESS – None

- 4) **OLD BUSINESS** – None
- 5) **STAFF REPORTS** – None
- 6) **BOARD MEMBER CONCERNS** – None
- 7) **ANNOUNCEMENTS**

Laxton welcomed Jorgensen as a regular member to the Board. He also said there is one vacancy on the Board to be filled.

The Board moved their April 4, 2018 meeting to April 11, 2018 and their July 4, 2018 meeting to July 11, 2018.

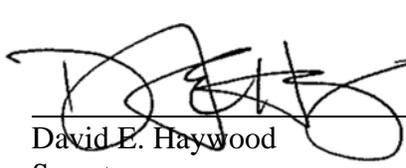
8) **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:39 p.m.



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Brian Laxton  
Chair



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David E. Haywood  
Secretary