



Board of Zoning Appeals Public Meeting

Date: Wednesday, April 28, 2021

Location: Videoconference via Zoom

Time: 6:00PM

No New Business

Pending Business Agenda

Project #00400

Application(s)	<b>AV# 0065; AV#0066; AV# 0067; INT# 005; INT# 006; INT# 007</b>
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	<b>Area Variances</b>
AV #0066 Preempted	<b>§375-4(G)(4)(a)</b> – To allow the use of the use of masonry elements instead of the original material of wood.
AV #0066 Preempted	<b>§375-4(G)(4)(d)(i)</b> – To allow the reconstruction of the porch in a style that deviates from original construction design.
	<b>The Area Variances requested were preempted by the interpretation the board issued.</b>
	<b>Interpretations</b>
INT #006	<b>§375-4(G)(4)(a)</b> – To request the BZA interpret applicability.
INT #007	<b>§375-4(G)(4)(d)(i)</b> – To request the BZA interpret applicability.
Interpretations Issued	In addressing the applicability of the aforementioned ordinance to the applicant’s proposal, the board stated it agrees that [the applicant’s proposal] does not constitute new construction or a significant expansion; that the work being done doesn’t completely undo and redo the building and that it is not building anew, or adding to the existing structure. Thus, it would be normal maintenance or repairs.  The applicant proposal, which maintains the overall look of the porch, and even goes back to try and respect original style of the porch – although it has the blue stone, which is slightly different – is fairly minimal and maintaining bailing from current porch.

**Replacement of porch materials is not an alteration but rather is consistent with repairs or maintenance; to interpret work being done on the porch resulting in some changes is still consistent with neighborhood style requirements to maximum extent practicable.**

**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>