

MINUTES
WWPNA Zoning Committee
Tuesday, January 27, 2009

The meeting convened at 7:00 p.m., and the Committee members present were Gertie Grant (Acting Chair), Gloria LeFree, Barry Sarver, David Callaghan, and Jim Jones. In earlier emails, Fred Hammer gave his proxy to Jim Jones, and Anne Davis gave her proxy to Gertie Grant. The minutes of November 25, 2008 were approved by the Committee members present who attended the meeting. A separate sheet attached to these minutes list the guests present at the meeting.

The first order of business was **the Zoning Appeal Application (Case #231-08) for 1087 South Ogden Street**. It is an appeal of an order to discontinue maintaining a porch cover, erected without permits, 21 feet into the 24 foot South Ogden Street average front setback, in an R-2 zone. The applicants, Mike Malouf and Jackie Fair, were in attendance and presented their statement. Their 27 year old son had been hit by a drunk driver while bicycling home from his second job at approximately 1:00 a.m. on September 20, 2008. His spine was severed and he is now paralyzed for life. His return home from rehabilitation depended on having the ability to access the house at ground level and to provide some shelter from the elements in cases of emergency. Mr. Malouf set about reconfiguring the access to an existing mother-in-law apartment that had an entrance on the south side of the house (since 1932). He then constructed a wooden awning that follows the walkway from the sidewalk to the house entrance. He designed it to compliment the style of the house, and painted it and shingled it to match. Since the walkway is cut from the side of a hill, the structure (or porch as referred to by the City) juts above the hillside by just a few feet. Mr. Malouf spoke to all his near neighbors and passers-by, of whom he solicited signatures, and felt that he had done his part to make sure the changes he made did not offend anyone. He admits that it never crossed his mind that permits were needed, because he was so focused on doing what he could to facilitate the return home of his son and because he was skilled enough to make these changes himself.

The Committee members asked questions of both parties, and heard statements from three of their neighbors who came to the meeting in support. Photos and signatures of support were passed around by the applicant. Gloria LeFree stated that she had leafleted this information to both sides of the 1000 and 1100 blocks of Ogden Street, and that several emails had been received in support of the variance. One dissenting email was received, but the objections stated were not considered reasonable. **MOTION: Jim Jones motioned that the Zoning Committee support the variance #231-08, and present a recommendation to the full WWPNA**

Board on Tuesday to send a letter to the Board of Adjustment for Zoning Appeals supporting the variance. Gertie seconded. VOTE: 7-0-0. Approved.

Finished and On-Going Business

Board of Adjustments Case #191-08, 195 S. Pennsylvania – Appeal of an order to discontinue maintaining a multiple unit dwelling (21 units) with 11 parking spaces (23 required); and detached accessory structure erected without permits and encroaching on setback limits. Gertie reported that she attended the hearing this morning and ended up testifying because there was no other opposition present. The Board granted the variance for the deficient parking, but denied the variance for the pergola and roof-top shade structure. The applicant was given 10 months to move the pergola, and was not penalized for neglecting to have obtained permits. This variance was officially opposed by WWPNA.

Board of Adjustments Case No. 201-08, 1367 S. Corona and Board of Adjustments Case No. 197-08, 137 Grant Street were not reviewed by the Zoning Committee because no notice was received. The Committee agreed to bring this oversight to the Board's attention and discuss remedies for receiving future notices.

1st Avenue Hotel Building and Karma Asian Cuisine, Inc. 22 S. Broadway 'Hotel and Liquor' License – Gertie Grant reported that the WWPNA Zoning Committee heard presentations from both applicants at the November meeting. Subsequently, the neighborhood was leafletted on the east side of Broadway with information about both applications. The Committee took no further action because there was no response from neighbors. The Committee then deferred the 1st Avenue hotel to the Baker Historic Neighborhood, but it is Gertie's understanding that a 'good neighbor agreement' is being negotiated by a Baker neighborhood representative. We do not know yet if the liquor license was approved for Karma Asian Cuisine.

INC ZAP Meeting – 1/24/09

Gertie Grant reported on the presentation made by the City to INC ZAP regarding the Zoning Code Update. A timeline has been set, and they are 'fixing' the old Code by designating zoning based on context and form. Also based on neighborhood character, multiple residential codes will be developed to account for the different forms of housing. Gertie spoke about the one that most defined WWP as being "Urban" in context, which included Single Family, 2-Unit, Townhouses, Main Street, and Neighborhood Centers. The "General Urban" category seemed closer to defining some of the R-3 areas in WWP, and included a broader range of dwellings. This could be a concern to WWP residents and something the Committee should follow closely.

Gertie will prepare a separate report on the INC ZAP meeting on the Zoning Code "Fix" for the WWPNA Board and to the Ad Hoc WWPNA Committee on the Rezoning and Zoning Code Amendments Committee.

Zoning Committee Forms and Check-List

Gertie Grant transmitted the subject forms and check-list to Committee members for discussion and potential updating. Since there were a number of members absent, and others who had not had time to review them, this issue will be taken up at a later date.

There being no further business, the meeting was adjourned at 8:50 p.m.