



Highland District Council
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Building a More Vibrant, Welcoming, and Safe Neighborhood

February 17, 2016

Dear Members of the Board of Zoning Appeals:

The Community Development Committee (CDC) of the Highland District Council hosted a Community meeting February 16, 2016, regarding the side-yard setback variance for a chimney at 1809 Yorkshire Avenue. While the City staff recommendation calls for approval of the requested variance, the CDC voted to remain "neutral" in the matter based on several considerations outlined below and input from the property owner and neighbors.

This chimney setback variance was not part of the original setback variances granted for 1809 Yorkshire Avenue in August, 2015. The site plans for those variances did not include a new chimney and it is unclear as to whether the plans included the existing chimney. Apparently a different set of building plans with a new chimney were accepted by DSI when the building permit was issued. As a result, the original chimney has been removed and a new chimney is now partially constructed in a location different from the original chimney. On the surface there appears to be a series of missteps and culpability between the homeowner and the City in regards to plan approval and permit issuance.

Six Yorkshire Avenue neighbors -- representing three homes -- attended the CDC meeting to oppose the new chimney. These neighbors, all living within 150 feet of 1809 Yorkshire Avenue, indicated that they were not notified by the City of the original variance requests nor the current chimney setback variance. The HDC did receive the required postcard notifications, so it is unclear as to whether the neighbors received the required notifications or inadvertently recycled the postcards. According to Councilmember Tolbert's office some neighbors provided the homeowner with signatures of support for the variances in August, 2015. The neighbors present at the February 16 CDC meeting indicated they were not contacted by the property owner.

Much of the neighbors' criticism concerned the overall negative impact teardowns and additions have had on their street. The variances granted for 1809 Yorkshire Avenue in August, 2015, were prior to implementation of the Ward 3 Residential Design Standards. Neighbors in attendance especially did not like the size and scale of this property and the resulting negative impact to their natural light and views. The height and width of the new chimney was unknown, but there is concern that the chimney will further infringe on neighboring light and views.

The BZA Staff Report findings for 1809 Yorkshire Avenue states that the chimney "will have a positive impact in the neighborhood" and that it "will not alter the character of the surrounding area." However, the neighbors indicated that the originally approved size and



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scale of the home is not in character with the neighborhood and that the chimney, located closer to the street and most likely taller than the original chimney, exacerbates the issue.

The CDC and neighbors agree this is a no-win situation. If the current setback variance is denied a chimney that is largely already constructed would need to be removed, presumably at the homeowner's expense. Whether or not the chimney's setback variance is granted, a house with setback variances approved prior to the Residential Design Standards going into effect, will stand at 1809 Yorkshire Avenue.

As evidenced by this and other recent residential variances, the CDC requests continued public discussion regarding the newly implemented Ward 3 Residential Design Standards.

Sincerely,

Amy Salmela

Chair
Community Development Committee
Highland District Council