



Zoning Board of Adjustment

MINUTES OF THE ZONING BOARD OF ADJUSTMENT

September 20, 2023

MEMBERS PRESENT: Chairperson White, Board Member Jacquay, Board Member Shelley, Board Member Dittmar, Board Member Stepherson, Board Member Price

MEMBERS ABSENT: Vice Chairperson Weeks, Board Member Sebold, Board Member Williams

STAFF PRESENT: Planner Hargett, Development Services Coordinator Statler, Assistant City Attorney Lindsay, Network Engineer Johnston, Network Engineer Russo

STAFF VIRTUAL: Development Services Director Morris

OTHERS PRESENT: Lewis Norman, Elizabeth Zuber, Chris Zuber, Charles Butcher, Sterling Gillian, Tim Daniel, Stacey Kosterick, Ben Poffenberger, Jean Lillard

1) CALL TO ORDER/QUORUM PRESENT

Chairperson White called the meeting to order at 3:02 p.m. with a quorum present.

Chairperson White then read the ZBA rules and instructions and explained the procedures of the Board meeting.

2) APPROVAL OF MINUTES

The ZBA August 16, 2023, minutes were approved without objection by the Board.

3) ZBA 2023-014 1739 E Blount St R-1AAA

Mr. Charles Butcher, the property owner, is requesting a reduction to the corner side yard setback (secondary frontage) requirement of 15 FT to 1.5 FT and rear yard coverage from 25% to 51.59% for a carport addition to an existing garage.

The applicant, Mr. Butcher, explains his request for the variances to the Board and states that he needed a carport addition to protect his vehicles. Mr. Butcher also stated that the large right-of-way does not give him much room to build. He continues to explain that the addition will just be an extension of the existing garage.

Board Member Shelley asks the applicant to explain why he cannot use the garage to store his vehicles. Mr. Butcher states he is an avid woodworker and builds furniture for his family and friends not for money but as a hobby. That limits him to space within the garage.

Chairperson White reads a letter of support for the record.

Chairperson White asked the Board if there are any questions for the applicant and any questions for staff. Hearing none he entertains a motion from the Board.

Board member Jacquay made the motion to approve; seconded by Board Member Shelley.

Further discussion from the Board stating that they did not have any issues with the variance request. Board Member Shelley and Board Member Jacquay ask about the right-of-way dimensions. Development Services Coordinator Statler responded there is 100 FT ROW.

The motion carried 6 - 6 and the variance was approved.

4) ZBA 2023-015 3001 N 19th Ave R-1AAA

Mr. Cristopher Zuber, owner is requesting a reduction to the required front yard

setback of 30 FT to 20.5 for an addition.

The applicant, Mr. Zuber, addresses the Board and explains that he and his wife are looking to add a master suite. Mr. Zuber further states they need to expand the home's current footprint to accommodate his growing family and continues to explain his request.

Mr. Zuber apologizes for the last-minute documentation and hands out additional support letters and signatures from his neighbors.

Chairperson White asked the Board if they had any further questions for the applicant. He then asked Mr. Zuber about the plans. The applicant Mr. Zuber explains the floor plan for the addition.

The Board continues discussions with the applicant regarding the floor plan and whether the porch could be eliminated or not.

Chairperson White asked the Board if they had any questions for staff. Board Member Jacquay asked about the distances and Development Coordinator Statler uses the GIS tools to calculate estimated measurements and responds to the Board.

After further Board discussions Chairperson White entertains a motion.

Board Member Shelley motions to approve seconded by Board Member Jacquay. The motion carried 6-6 and the variance was approved.

5) ZBA 2023-016

6081 Biscayne Ct

R-1AAA

Mr. Lewis Norman, owner is requesting a reduction to the required front yard setback of 30 FT to 15.13 FT to accommodate a front porch addition. The applicant is also requesting a rear yard setback from 30 FT to 20 FT to accommodate a rear porch kitchen addition.

The applicant Lt. Col. Norman address the Board and states he is asking for forgiveness although he was out of the country when the contractor, he hired began construction and renovations without obtaining permits. The applicant explains his request and the Board discussed construction in general with contractors continuing to do work in the City without permits. He further explains the project is a whole house renovation along with the front porch and rear porch additions. The applicant continues to explain his variance requests and absence of permits to the Board.

After further discussion Chairperson White asked the applicant if he would like the Board to treat each variance request as one or look at them separately. Lt. Col.

Norman states that honestly he does not know the best way to proceed. Board Member Shelley stated he understood the frustration and that the applicant trusted a contractor to do the right thing and unfortunately this contractor did not. Chairperson White continues to give the applicant options due to the lack of Board members present. The applicant decides to have the Board treat the requests as one decision.

Board Member Dittmar motions to approve, Board Member Shelley seconded. The motion carried 6-6, The variances were approved.

6) ZBA 2023-017

600 W. Moreno St

R-1AAA

Mr. Tim Daniel on behalf of the homeowner is requesting a reduction to the corner side yard setback (secondary frontage) from 15 FT to 4 FT to accommodate a replacement carport.

Mr. Daniel explained his request to the Board stating the homeowners had received a few quotes from other contractors in regard to making repairs to the exist carport, However the homeowners ultimately were given advise to just tear it down and then rebuild with new plans. Mr. Daniel further states that the homeowners want to replace what was previously there and be able to enter the home with a covered carport.

Chairperson White asked if the previous structure was attached? Mr. Daniels stated that it was not. The new structure will not be attached as well.

Chairperson White asked the Board if they had any questions for the applicant. There was discussion from the Board regarding the front of the home and orientation.

Chairperson White asked a member of the audience to address the Board with a speaker request. Ms. Jean Lillard addressed the Board. Ms. Lillard stated that she did not have a problem with the homeowners replacing the old pergola, however she felt like the homeowners should have contacted all the neighbors to ask how they felt. Ms. Lillard did support the variance request.

Chairperson White asked the next speaker to address the Board. Mr. Ben Poffenberger stated that he did not have a problem with the request but he was concerned with how big the right-of-way was and questioned the dimensions. Mr. Poffenberger also stated the request seemed like a lot give the 15 feet to 4 feet would put the structure very close to the property line.

Development Services Coordinator Statler clarified the right-of-way was 50 feet. Mr. Poffenberger did support the variance request.

Chairperson White entertained a motion from the Board.

Board Member Price motions to approve, Board Member Jacquay seconded. The motion carried 5-1, Board Member Dittmar dissenting. The variance was approved.

DISCUSSION –

Chairperson White suggested that the Board waits until all the Board Members can be present in order to have Board elections of Chair and Vice-Chair. Board Member Shelley agreed waiting until next month's meeting.

ADJOURNMENT –

There being no further business, the meeting adjourned at 4:17 p.m.

Respectfully Submitted,



Planner Amy Hargett
Secretary to the Board