



**BOARD OF BUILDING AND ZONING APPEALS
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING
March 28, 2023**

The hearing was called to order at 7:30 P.M. by Chairman Baesel

PRESENT: Bryan Baesel, Karen Alfred, Cynthia Nolde, Brad Lamb, Robert Swisher
ALSO PRESENT: Clerk of Commissions Nicolette Sackman and Assistant Law Director
Nathalie Supler

DOCKETS

Phil Hays 2023-06

1943 Horseshoe Blvd., PP#21427032, Ward 1

*Requesting to construct a 280 sf utility building. §1211.04(k): utility building shall be permitted in a rear yard ...provided that the maximum building size on lots 40,000 sf to 60,000 sf is 200 sf in area; **an 80 sf area variance.***

Mr. Hays, was sworn in by Ms. Supler and explained there is an existing utility building in the rear yard that built in 1958 and needs to be replaced. The existing structure is 300 sf including the overhang and was installed prior to current zoning codes. He explained the structure and concrete pad have deteriorated, will be removed and replaced with a 280 sf shed that does not have an overhang. The size shed is needed as his lot is large and he only has a one car garage so storage space is needed for yard equipment. A portion of the area of his lot is considered right-of-way so it reduced the total area by 4,000 sf of the lot available to determine the maximum size permitted for a utility building.

Members of the board discussed challenges with the size of the lot, one car garage and the way the area of his lot is calculated. The existing shed is larger and was permitted under an old code.

After a careful review of the evidence and testimony, the Board made the following findings of fact:

1. Whether the property in question yield a reasonable return or whether there can be any beneficial use of the property without a variance – no
2. Whether the variance is substantial – no
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance – no
4. Whether the variance would adversely affect the delivery of governmental services – no
5. Whether the property owner purchased the property with the knowledge of the zoning restriction – n/a
6. Whether the property owner's predicament feasibly can be obviated through some other method other than a variance – no

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance – yes

Motion: Mr. Swisher moved, seconded by Ms. Alfred to grant an 80 sf area variance.

ROLL CALL:

Yeas: Alfred, Basel, Nolde, Lamb, Swisher

Nays: none, motion carried

Thomas Corrigan 2023-07

26394 Strawberry Lane, PP#21515060, Ward 4

*Requesting to construct a detached garage with a height of 25' on a lot which currently has an attached garage, the total area of both garages is 1,559 sf. §1211.04(a)(2): private garages may be attached or detached, but not both, and shall be limited to one garage area; **a variance for having both an attached and detached garage and having two garage areas.** §1211.33: on an estate lot the maximum garage area is 1,400 sf; **an area variance of 159 sf.** §1211.04(a)(2): A detached private garage shall not exceed 15' in height; **a 10' height variance.***

Mr. Corrigan, was sworn in by Ms. Supler. He explained his lot is 3.5 acres and heavily wooded. Due to the trees the garage will not be very visible to surrounding neighbors. The detached garage is designed to match the house and due to the roof pitch a height modification is needed.

Members of the board discussed the area of the garage and it was noted the utility space is not counted towards the garage area. Attaching the garage was discussed, which Mr. Corrigan explained would not work due the layout of the existing garage and house. The second floor was discussed and it will not be used as living space. The only utility connecting to the garage will be electric. They reviewed the location, setbacks and height.

After a careful review of the evidence and testimony, the Board made the following findings of fact:

1. Whether the property in question yield a reasonable return or whether there can be any beneficial use of the property without a variance – yes
2. Whether the variance is substantial – yes
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance – no
4. Whether the variance would adversely affect the delivery of governmental services – no
5. Whether the property owner purchased the property with the knowledge of the zoning restriction – n/a
6. Whether the property owner's predicament feasibly can be obviated through some other method other than a variance – no
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance – yes

Motion: Mr. Lamb moved, seconded by Mr. Swisher to grant a variance for having both an attached and detached garage and having two garage areas.

ROLL CALL:

Yeas: Alfred, Basel, Nolde, Lamb, Swisher
Nays: None, motion carried

Motion: Ms. Alfred moved, seconded by Ms. Nolde to grant an area variance of 159 sf.

ROLL CALL:

Yeas: Alfred, Basel, Nolde, Lamb, Swisher
Nays: None, motion carried

Motion: Mr. Swisher moved, seconded by Mr. Lamb to grant a 10' height variance a 10' height variance.

ROLL CALL:

Yeas: Alfred, Basel, Nolde, Lamb, Swisher
Nays: None, motion carried

MISCELLANEOUS

None

APPROVAL OF MINUTES

Motion: Ms. Alfred moved, seconded Mr. Swisher by to approve the minutes of the February 28, 2023 Board of Building and Zoning Appeals hearing.

ROLL CALL:

Yeas: Alfred, Basel, Nolde, Lamb, Swisher
Nays: None, motion carried

ADJOURNMENT

Mr. Baesel adjourned the meeting at 8:00 P.M.

Bryan Basel, Chairman

Clerk of Commissions Nicolette Sackman, MMC

Approved: _____