



**BOARD OF ZONING APPEALS
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING
February 25, 2020**

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

PRESENT: Board Members Matthew Jones, Brad Lamb, Karen Alfred, Robert Swisher
ABSENT: Bryan Baesel
ALSO PRESENT: Assistant Law Director Regis McGann and Clerk of Commissions Nicolette Sackman

SELECTED CORRESPONDENCE - None

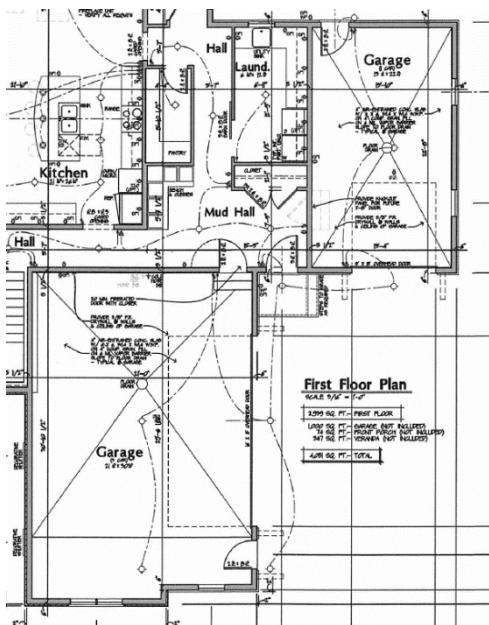
DOCKETS

Docket 2020-01 – *tabled 1/28/20*

Applicant: Orley Custom Homes

Premises: 2351 Fox Run, PP#214-29-041, Ward 1

Requesting to install an attached garage with two garage areas for a sum total of 1,000 sf, at variance with §1211.04(a)(2) which states private garages may be attached or detached, but not both, {and} shall be limited to one garage area of 1,000 sq. ft. on lots sized from 20,001 to 40,000 sf; **a variance for a two garage areas.**



Mr. Orley, sworn in by Mr. McGann, explained he is seeking a variance to build a garage with two separate spaces, a front load (1 car) and a side load garage (2 cars). Combined, the area will not exceed the permitted 1,000 sf. He explained the garages are connected with an interior mud room, but since they do not directly connect to one another, they are considered two garage areas.

Members of the board discussed the proposal. The mud room will have a door to the two car garage area, but it will most likely be revised to have a second door to the one car garage. Members of the board had no objections to the request, as if they did connect internally (without a room between them, they would look no different from the exterior as they are proposed.

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 – 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 purchase the property with the knowledge of the zoning restriction – no
6. Whether the property owner’s predicament feasibly can be obviated through some other method other than a variance – yes by changing the internal layout, but it would look no different visually from the exterior.
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 approve Docket 2020-01 as submitted.
ROLL CALL:

Yeas: Jones, Alfred, Swisher, Lamb

Nays: None, motion carried

Docket 2020-03

Applicant: Joe and Hilary Pacetti

Premises: 3028 Meadow Lane, PP#215-30-084, Ward 2

Requesting to install an addition 12’-6” off the side property line, and 27’- 6” off the adjacent dwelling next door, at variance with §1211.08(e) which states: the width of either side yard of a lot shall be not less than the respective dimensions as set forth in §1211.09 (15’). The total width of both side yards of a lot and the width of two adjoining side yards on adjoining lots shall be not less than the total width set forth in §1211.09 (30’); **a 2’-6” variance for the side property line setback**, and a **2’- 6” variance for the adjacent side yards between dwellings**. Additionally, the sum total of the two side yards on this lot will equal 25’; **a 5’ variance for the sum total of side yards on this property**.

Mr. and Mrs. Pacetti were sworn in my Mr. McGann. Mr. Pacetti explained they would like to add an addition to the house for a bedroom, bathroom and laundry room, as they need more space as his father will be living with them. The addition will be no closer to the side yard than the existing structure and follow the same 12.5’ setback line. When the house was built that was the permitted setback and the house was built according to code.

Members of the board discussed the proposal and noted the addition will follow the setback and from the front of the house, the addition will not be seen. They were in favor of the request since it will follow the same setback as the existing structure.

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 – 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 purchase 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 – yes as the addition could be changed but it would not be practical.
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 Ms. Alfred to approve Docket 2020-03 as submitted for a 2’- 6” variance for the side property line setback.

ROLL CALL:

Yeas: Jones, Alfred, Swisher, Lamb

Nays: None, motion carried

Motion: Ms. Alfred moved, seconded by Mr. Swisher to approve Docket 2020-03 as submitted for 2’- 6” variance for the adjacent side yards between dwellings.

ROLL CALL:

Yeas: Jones, Alfred, Swisher, Lamb

Nays: None, motion carried

Motion: Mr. Swisher moved, seconded by Mr. Lamb to approve Docket 2020-03 as submitted for a 5’ variance for the sum total of side yards on this property.

ROLL CALL:

Yeas: Jones, Alfred, Swisher, Lamb

Nays: None, motion carried

MISCELLANEOUS

None

APPROVAL OF MINUTES

Motion: Mr. Basel moved, seconded by Mr. Lamb to approve the minutes of the January 28, 2020 meeting.

ROLL CALL:

Y Yeas: Jones, Alfred, Swisher, Lamb

Nays: None, motion carried

ADJOURNMENT

Chairman Jones adjourned the meeting at 7:45 P.M.

Matt Jones

Matt Jones, Chairman

Nicolette Sackman

Nicolette Sackman, Clerk of Commissions

Approved: May 26, 2020