



**BOARD OF BUILDING AND ZONING APPEALS
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING
March 30, 2021**

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

PRESENT: Board Members Karen Alfred, Bryan Baesel, Cynthia Nolde
ABSENT: Robert Swisher, Brad Lamb
ALSO PRESENT: Clerk of Commissions Nicolette Sackman and Law Director Michael Maloney

ELECTION OF OFFICERS

Due to only three members present the election of officers will be held April 27, 2021.

Motion: Ms. Alfred moved, seconded by Ms. Nolde table the election of officers until April 27, 2021.

ROLL CALL:

Yeas: Baesel, Alfred, Nolde

Nays: none, motion carried

SELECTED CORRESPONDENCE

None

DOCKETS

Docket 2020-32 – *tabled 11/24/20, 1/26/21, 2/23/21*

Applicant: Mr. and Mrs. Ward Collins

Premises: 29162 Schwartz Rd., PP#216-12-020, Ward 6

Requesting to install a second 120 sf utility building 6'6" off the rear property line at variance with 1211.04 (k) & 1211.20: a utility building shall be permitted in a rear yard provided that the maximum building size on lots less than 20,000 sf is 120 sf in area located a minimum of 10' from the rear property line and utility sheds shall not have doorways facing the nearest adjacent side and rear lot lines; a **variance to allow doorways facing the nearest adjacent side yard**, a **variance for a second 120 sf utility building**, & a **3'6" rear yard setback variance**.

Applicant was not present.

The board discussed that the variance requests have been on the agenda since November 24, 2020. Ms. Sackman advised she emailed and called the applicant with no return response. It was

the decision of the board to deny the requests and if the applicant wished to seek new variances in the future they could apply at that time.

Motion: Ms. Alfred moved, seconded by Ms. Nolde to approve the variance requests for Docket 2020-32.

ROLL CALL:

Yeas: none

Nays: Baesel, Alfred, Nolde, motion failed

Docket 2021-07

Applicant: Mike Holland

Premises: 29905 Sequoia Trail, PP#21724039, Ward 6

Requesting to install a generator 9' off the side property line, at variance with 1211.20(e): which states central air conditioner, heat pump, etc. may be located in the side yard of a lot providing such units shall be no closer than 20' from the front building line, 10' from the side lot line and is not visible from the street on which the lot fronts; **a 1' setback variance from the side property line.**

Mr. Holland, sworn in by Mr. Maloney, explained he is looking to install a generator in the side yard 9' off the property line. His lot is an old non-conforming lot and does not have a 15' side yard setback and has a 12' setback. If his lot was the size of current lots he would not need a variance. The reason for the proposed location is proximity to the electrical box and gas connection. The area is also a non-finished portion of his basement and he felt it would be better to connect where the utilities are located rather than going through a finished portion of the basement if the unit were placed per code. He will screen the unit from view with an evergreen tree. He noted there are various units in the neighborhood in the side yard that are screened with evergreens or other landscape material. He explained his neighborhood is an older neighborhood and the power frequently goes off due to the old age of the power lines. The unit is relatively quiet at 57 decibels. He noted talking decibels are 57, a washing machine is 70, and a lawn mower is 90.

Members of the board reviewed the proposal and felt there was a practical difficulty and were not opposed to the request.

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: Ms. Alfred moved, seconded by Ms. Nolde to grant a 1' setback variance from the side property line.

ROLL CALL:

Yeas: Baesel, Alfred, Nolde

Nays: none, motion carried

MISCELLANEOUS

None

APPROVAL OF MINUTES

Motion: Ms. Alfred moved, seconded by Ms. Nolde to approve the minutes of the February 23, 2021 Board of Building and Zoning Appeals meeting.

ROLL CALL:

Yeas: Baesel, Alfred, Nolde

Nays: None, motion carried

ADJOURNMENT

Mr. Baesel adjourned the meeting at 7:51 P.M.

Bryan Baesel, Secretary

Nicolette Sackman, Clerk of Commissions

Approved: _____