

to three. He stated that, in his experience as rental owner, he has seldom rented a one-bedroom apartment to two people. Mr. Chapman said that there would still be one parking space per unit, and the reduction of one space would bring the proposed project into conformity for total lot coverage.

Mr. Chapman stated that he has other available parking nearby. The Chairperson asked how far this parking is. Mr. Chapman said that it was about 200 feet. The Chairperson asked if the appellant is going totally demolish the current structure. Mr. Chapman said that they would do so.

The Chairperson called on anyone wanting to speak in favor of, make general comment about, or speak against the substitution. No one came forward.

The Chairperson closed the floor for discussion. He said that he thinks the proposed project is less objectionable than what is there. Mr. Baum said that when a property like this is improved, it is best for the City. He added that the small lot limits what the owner can do, and that this project is worthy of support.

On a motion by Mr. Baum, seconded by Ms. Tousley, the Board moved to grant to the property at 46 and 46 ½ Smith Street a substitution of a nonconforming structure which is a duplex with ten (10) total tenants allowed, one (1) legal nonconforming parking space, a front setback of three feet (3') where twenty-five feet (25') is the minimum requirement, a left side setback of two feet (2') where twelve point five feet (12.5') is the minimum requirement, building lot coverage of sixty percent (60%) where thirty percent (30%) is the maximum allowance, total lot coverage of sixty-five percent (65%) where sixty percent (60%) is the maximum allowance, and lot size of three thousand three hundred sixty-seven (3367) square feet where seven thousand (7000) square feet is the minimum requirement, for a triplex with six (6) total tenants, four (4) parking spaces where six (6) is the minimum requirement, a front setback of five feet (5'), a left side setback of three point five feet (3.5'), lot size of three thousand three hundred sixty seven (3367) square feet where ten thousand (10,000) square feet is the minimum requirement, building lot coverage of thirty-three percent (33%), and total lot coverage of sixty-one percent (61%).

The Chairperson called for a vote: Yes -- Baum, Carson, Golzy, Thomas, Tousley. No – no one. Motion approved 5-0; substitution granted.

Case #18-06V 406 Elmwood Place Zone R-1 Nick Kuhn, appellant

Appellant is requesting a variance from ACC 23.03.14 to allow a fence with a zero feet (0') front setback where twenty-five feet (25') is the minimum requirement.

The Chairperson called on the appellant to testify.

Nick Kuhn said that he had just bought the property. He stated that the lot is on a corner, and that the house is in the back corner of the lot, causing there to be no back yard. He added that all of the yard is exposed.

Mr. Kuhn said that the proposed fence will be 3.5 feet high, and that he wants the fence

The Chairperson called on the secretary to testify. The secretary explained that the company wants to put their sign/logo directly on the corner of the building, but that City Code dictates that it be set back ten percent of the width of the building.

The Chairperson called on the appellant to testify.

Matt Herridge (QMG Venture, Inc. representative) addressed the Board. Mr. Herridge presented a diagram of the building and proposed signage to the Board. Mr. Herridge said the structure in question has been defined as a sign by the Code Enforcement Office, but that it is really a design element of the restaurant. He said that it will be aluminum slats with a “Q” painted on the corner. He said that this will help in passers-by identifying the restaurant.

Ms. Kopelwitz asked if the sign would be lit. Mr. Herridge said that it would not be.

Grant Wharton (QMG Venture, Inc. representative) addressed the Board. Mr. Wharton said that it would be 8 ½ feet from the corner to the edge of the sign, and both parts of the sign will be at the corner.

The Chairperson called on anyone wanting to speak in favor of, make general comment about, or speak against the variance. No one came forward.

The Chairperson closed the floor for discussion.

On a motion by Mr. Thomas, seconded by Mr. Baum, the Board moved to grant to the property at 859 East State Street a variance from ACC 23.03.13(I)(1)(i) to allow a front wall sign with zero feet (0’) edge setback where three feet eight inches (3’8”) is the minimum distance, and a side wall sign with a two feet (2’) setback, where twenty feet two inches (20’2”) is the minimum distance.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The sign is part of the branding of the business.
- 2.) **HARDSHIP AND DIFFICULTY:** It is not recognizable without sign.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Yes – Baum, Carson, Golzy, Thomas, Tousley. No – no one. Motion approved 5-0; variance granted.

OTHER BUSINESS:

--*Disposition of minutes from January 9, 2018 meeting.* On a motion by Ms. Tousley, seconded by Mr. Baum, the Board moved to approve the minutes as presented 3-0.

--*Law Director meeting.* The Chairperson announced that the Law Director would like to meet with the Board. The Chairperson suggested that, at the next meeting, if there is one or two cases scheduled, that might be a good time.

--*Annual organizational meeting.* On a motion by Mr. Baum, seconded by Mr. Thomas, the Board moved to nominate John Golzy as Board Chairperson. Motion approved 5-0.

The meeting was adjourned at 7:50pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary