

Board Of Zoning Appeals

Minutes

May 8, 2018

Members present: John Golzy (Chairperson), Lisa Carson, John Gutekanst, Kay Tousley, Aaron Thomas (alternate), Jessica Kopelwitz (alternate).

City officials present: Paul Eschenbacher (secretary).

The meeting was called to order at 7:01pm in City Council Chambers, third floor of City Hall. The Chairperson noted that, with the absence of one Board member, Ms. Kopelwitz will be a voting member of the Board for this meeting. The Chairperson introduced a video about the policies and procedures of the Board of Zoning Appeals. The Chairperson then swore in, under oath, those intending to give testimony.

Case #18-11V 235 Columbus Road Zone B-3 Kristi Goldsberry/2K Gold Ltd., appellants

Appellant is requesting a variance from ACC 23.03.13(I)(2)(d) to allow a directional sign twenty-four (24) square feet in area where three (3) square feet is the maximum allowance, and seven feet (7') in height where three feet (3') in height is the maximum allowance.

The Chairperson noted that this case was tabled at the last meeting. On a motion by Ms. Tousley, seconded by Mr. Gutekanst, the Board moved to hear this case at this meeting.

The Chairperson called on the appellant to testify.

Kristi Goldsberry addressed the Board. Ms. Goldsberry said that this is an unusual situation in that the directional sign will be 200 feet from the road. She also said that this sign would not affect any neighbors. Ms. Goldsberry noted the large right-of-way for Columbus Road at the property in question. She said that she understood the reasoning of the rules for directional signs so as to prevent large signs next to the street.

The Chairperson asked if the proposed sign will be lit. Ms. Goldsberry said that it would not be lit.

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 Ms. Kopelwitz, seconded by Ms. Tousley, the Board moved to grant a variance to the property at 235 Columbus Road from ACC 23.03.13(I)(2)(d) to allow a directional sign twenty-four (24) square feet in area where three (3) square feet is the maximum allowance, and seven feet (7') in height where three feet (3') in height is the maximum allowance.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The situation of the land. The sign will be in the back.
- 2.) **HARDSHIP AND DIFFICULTY:** It would be more difficult to direct traffic there without the sign.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Others would be justified in asking for such a sign and placement.
- 4.) **MINIMUM VARIANCE:** It may not sound like a minimum variance, but three square feet is too small.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

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

Case #18-12V 285 East State Street Zone R-1 Michael Fradin, appellant

Appellant is requesting a variance from ACC 23.10, Table A, Schedule of Bulk Controls, to allow construction of a deck on the rear of a building with a front setback of nineteen feet (19’) where twenty-five feet (25’) is the minimum requirement.

The Chairperson called on the appellant to testify.

Michael Fradin addressed the Board. Mr. Fradin said that the old deck there was not safe. He said that he wants to use the back door there as it is convenient to where he parks.

Mr. Fradin said that he was surprised that his permit application was denied as there was no change to the front setback.

Norberto Rosas (58 Berkeley Drive, appellant’s contractor) addressed the Board. Mr. Rosas said that the previous deck was 12 feet by eight feet, while this deck will be larger. He referenced the plans of the project to the Board to indicate that it would be a double deck.

The Chairperson noted that there was no one else present at the meeting to speak in favor of, make general comment about, or speak against the variance.

Mr. Thomas asked the secretary if other nearby properties had decks. The secretary responded that he thought there were at least a couple in the neighborhood.

The Chairperson closed the floor for discussion.

On a motion by Ms. Carson, seconded by Mr. Gutekanst, the Board moved to grant a variance to the property at 285 East State Street from ACC 23.10, Table A, Schedule of Bulk Controls, to allow construction of a deck on the rear of a building with a front setback of nineteen feet (19') where twenty-five feet (25') is the minimum requirement.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** There is a long area in the back. The front setback is not affected by the deck.
- 2.) **HARDSHIP AND DIFFICULTY:** The back door is needed for use.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** There was previously a deck there.
- 4.) **MINIMUM VARIANCE:** Yes, it is a reasonable size.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

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

OTHER BUSINESS:

--*Disposition of minutes from March 13, 2018 meeting.* On a motion by Mr. Thomas, seconded by Mr. Gutekanst, the Board voted 5-0 to accept the minutes as presented.

--*Note from secretary.* The secretary suggested to Board members that when they make a variance motion to mention only the property address to avoid confusion if the variance applicant is mentioned and therefore part of the variance.

The meeting was adjourned at 7:27pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary

