

Board of Zoning Appeals

Minutes

May 12, 2020

Members present: John Golzy (Chairperson), Lisa Carson, John Gutekanst, Joe Krause, Kay Tousley, Aaron Thomas (alternate), Robert DeLach (alternate).

City officials present: David Riggs (Zoning Administrator), Paul Eschenbacher (secretary).

The meeting was called to order at 7:01pm online as an internet conference. The Chairperson then introduced a video about the policies and procedures of the Board. He then swore in, under oath, those intending to give testimony.

**Case #20-03V 264 East State Street Zone B-1 Justin Reynolds,
appellant**

Appellant is requesting a variance from ACC 23.10.01, Table B, Off-Street Parking Requirements, to allow a business use with one (1) on-site parking space and three (3) off-site leased parking spaces within 250 feet of the lot, whereas four (4) on-site parking spaces are the minimum requirement.

The Chairperson called on the secretary to testify.

The secretary noted that the driveway at this property is a City alley and cannot be used as official parking for the property. He also said that the parking lot to be used for off-site parking is approximately 200 feet from this property.

The Chairperson read aloud a letter from the owner of the parking lot indicating that he would lease parking spaces to the appellant.

The Chairperson called on the appellant to speak.

Lauren Genter (spouse of appellant) addressed the Board. Ms. Genter said that they want to use the house there as office space. The Chairperson asked about the distance to the parking lot being a problem. Ms. Genter replied that the on-site parking space can be reserved for any disabled customers they might have.

The secretary read aloud a letter of support from a neighbor, Dinty Moore.

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

Mr. DeLach noted that there is street parking available across the street from this property that was not being used at the time he passed the site.

The Chairperson closed the floor for discussion.

Mr. Rothwell said the off-site parking space would be available for a third tenant in the rental house if so needed. The secretary noted that the off-site parking space must be available regardless of the number of tenants.

Mr. DeLach said that there are problems with current parking regulations as some students do not have cars.

Mr. Rothwell added that he wished to provide a nice place for renters to live.

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

On a motion by Mr. Krause, seconded by Mr. Gutekanst, the Board moved to grant a variance to the property at 24 South Shafer Street from ACC 23.10.01, Table B, Off-Street Parking Requirements, to allow a rental unit with three (3) tenants and two (2) on-site parking spaces and one (1) off-site leased parking space, where three (3) on-site parking spaces are required.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The property can occupy up to three renters, with the third off-site parking space nearby. The property can be used with two renters.
- 2.) **HARDSHIP AND DIFFICULTY:** There is practical difficulty if the variance is not granted.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** This variance would not favor the appellant.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

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

OTHER BUSINESS:

--*Disposition of minutes from March 10, 2020 meeting.* On a motion by Ms. Tousley, seconded by Mr. Thomas, the Board moved to accept the minutes as presented 7-0.

The meeting was adjourned at 8:00pm.

John Golzy (Chairperson)

Paul Eschenbacher (secretary)

