



**BOARD OF ZONING APPEALS
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING
NOVEMBER 25, 2014**

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

PRESENT: Board Members Matthew Jones, Jeff Neverman, Scott Fatzinger, Bryan Baesel, Robert Swisher
ALSO PRESENT: Assistant Law Director Sean Kelleher and Clerk of Commissions Nicolette Sackman

SELECTED CORRESPONDENCE

Docket 2014-21

10/20/14 letter from Kenneth Schnabel, 28380 Southbridge Circle – not in favor
10/21/14 letter from John & Trisha Skelly, 28290 Southbridge Circle – not in favor
10/23/14 letter from Rick Kraszewski, 28260 Southbridge Circle – not in favor

DOCKETS

Docket 2014-21 – tabled 10/28/14

Applicant: Diane Nunnally

Premises: 28350 Southbridge Circle, PP#216-19-031

Requesting to install a shed which is 336 168 sq. ft. in area and 14' 11'8" in height, at variance with 1211.04(k) which states, a utility building shall be permitted in a rear yard provided that on lots under 20,000 sq. ft. such buildings are not larger than 120 sq. ft. & not higher than 11'; an area variance of 216 48 sq. ft. and a height variance of 3' 8".

Ms. Diane Nunnally, sworn in by Mr. Kelleher, explained she revised her request and is seeking a variance to allow a 12' x 14' shed. She met with Mr. Reid Wilder (building department) and Mr. Don Grayem (Director of Inspections) and measured the bikes and determined the size shed needed. The new shed is smaller than originally requested and will be placed in the rear yard per code requirements. She moved the shed in the rear yard so it is adjacent to the vacant city owned parcel. She thanked Mr. Wilder for his assistance.

Members of the board discussed that the revised size and height was better than the original request but still requires a variance. Mr. Jones expressed that the parcel adjacent to Ms. Nunnally's is a vacant parcel owned by the city and gives the appearance that Ms. Nunnally's parcel is larger than it is.

After a careful review of the plans and testimony of the Applicant, the Board finds that:

1. The Applicant's property is located at 28350 Southbridge Circle.
2. The Applicant wishes to construct a shed/utility building on her property.

3. The matter was tabled from the 10/28/14 BZA Meeting.
4. The Applicant has significantly revised her original request downward and now wishes to install a 12' x 14' foot utility (168 sq. ft.) building that is 11' 8" in height.
5. The Code requires the utility building to be not larger than 120 sq. ft. and not higher than 11'.
6. The request requires variances of 48' and 8" respectively.
7. The adjoining property (owned by the City) would not suffer a substantial detriment.
8. There would be no detrimental effect on the character of the neighborhood.
9. The spirit of the code would not be violated by the granting of a variances.

Motion: Mr. Fatzinger moved, seconded by Mr. Basel to approve a 48 sq. ft. area variance for Docket 2014-21.

ROLL CALL:

Yeas: Jones, Basel, Fatzinger, Neverman, Swisher

Nays: None, motion carried

Motion: Mr. Fatzinger moved, seconded by Mr. Basel to approve an 8" shed height variance for Docket 2014-21.

ROLL CALL:

Yeas: Jones, Basel, Fatzinger, Neverman, Swisher

Nays: None, motion carried

APPROVAL OF MINUTES

Motion: Mr. Fatzinger moved, seconded by Mr. Neverman to approve the minutes of August 26, 2014

ROLL CALL:

Yeas: Jones, Fatzinger, Neverman

Abstain: Swisher, Basel

Nays: None, motion carried

Motion: Mr. Fatzinger moved, seconded by Mr. Neverman to approve the minutes of October 28, 2014

ROLL CALL:

Yeas: Jones, Basel, Fatzinger, Neverman

Abstain: Swisher

Nays: None, motion carried

FINDINGS OF FACTS

Motion: Mr. Fatzinger moved, seconded by Mr. Neverman to approve the findings of fact for Docket 2014-17 Yorkovich

ROLL CALL:

Yeas: Jones, Basel, Fatzinger, Neverman

Abstain: Swisher

Nays: None, motion carried

Motion: Mr. Fatzinger moved, seconded by Mr. Neverman to approve the findings of fact for Docket 2014-22 Perla

ROLL CALL:

Yeas: Jones, Basel, Fatzinger, Neverman

Abstain: Swisher

Nays: None, motion carried

Motion: Mr. Fatzinger moved, seconded by Mr. Neverman to approve the findings of fact for Docket 2014-23 Villwock

ROLL CALL:

Yeas: Jones, Basel, Fatzinger, Neverman

Abstain: Swisher

Nays: None, motion carried

MISCELLANEOUS - None

ADJOURNMENT

Chairman Jones adjourned the meeting at 7:41 P.M.

Matt Jones, Chairman

Nicolette Sackman

Nicolette Sackman, Clerk of Commissions

Approved: January 27, 2015