

# Board of Zoning Appeals

## April 13, 2023

**Members present:** Phil Rooney, Chairman; Kerry Trombley; Blaine Wells; Scott Brecheisen; and Alex Treece.

Mr. Rooney called the meeting to order at 6:00 p.m. and the general rules were reviewed.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-05-2023-63614**

**Address: 776 6<sup>th</sup> Street**

**Zone: R-3 Small Lot Residential**

Filed by Marc Powell, regarding a variance from section 1161.01.1(F) of the City of Findlay Zoning Ordinance for the height of a constructed detached garage at 776 Sixth Street. The applicant has constructed a detached garage which exceeds the maximum allowable height of the building by 1.1-feet. This section allows for the maximum height of 18-feet for an accessory structure.

The owner had constructed the building prior to obtaining a permit. When it was discovered that the building was being built, a stop work order was given to the contractor, and it was explained that the height may not exceed 18-feet in height. At the time the stop work order was given, the height of the building was around 24-feet from grade.

After receiving a permit, the final inspection was performed, and it was discovered that the height still exceeded the allowable 18-feet, by 1.1-feet. This was viewed as negligence by either the owner or contractor, since they were specifically told of the height limit. During the final inspection, it was also discovered that the owner also installed another structure without a permit.

The city opposes the variance as requested.

Mr. Wells asked if the additional structure that was found during the final inspection was completed; or was it in process as well? Was it there when the other structure was checked?

Mr. Adkins stated it was completed and it was not there when the other structure was checked.

Mr. Marcus Powell, owner of 776 Sixth Street, was sworn in. He stated the other structure they are talking about is the fence. He stated he obtained a permit previously for the fence and all he did was relocate it from the corner of the house to the corner of the property to the corner of the house to the corner of the garage. He stated he didn't know there was a permit needed for that.

He stated it was his ignorance to the permitting process of the building. He stated the contractor is Amish and they told him he should be okay. He stated the reason it's still out of code is because he consulted with the engineer who designed that building and if that peak were to go any flatter it would not be able to hold the snow load; so that's the lowest they could get it to safely hold snow load, which still keeps it out of code by 1-foot. He stated as you drive down Sixth Street and look over, you really can't even see the garage. It is not an eye sore and is kind of tucked away behind the main house. He stated there are several other structures along Sixth Street and he included pictures of other homes that are clearly over 18-feet, probably grandfathered in before the time that the code was established.

Mr. Trombly asked for Mr. Powell to help us understand why, after he had that initial meeting with Erik, saying it cannot be 24-feet and needs to come down under 18-feet, sounds like he made the conscious decision to go 19-feet anyways; what happened in between there and why wasn't there reaching out to the city requesting a variance at that point instead of waiting till it's constructed?

Mr. Powell stated he guesses the main reason is Erik consulted with the contractors, not him directly, they consulted a little bit, maybe with a phone call, then he went back to the contractor's engineer who designed the building and said they needed to get it at 18-feet, but he said they couldn't do that or it's not going to be safe and you risk having that roof top collapse under snow load in this area. So, he just trusted him, and he didn't know the variance process. He stated he's ignorant to this whole process, admittedly so. He did not feel that could safely go to 18-feet without major risk of collapse, so he made the decision to go as low as they could, and then apply for a variance.

Mr. Trombly stated that was a backward order.

Mr. Powell stated yes, that is his fault.

Mr. Wells stated Mr. Powell referred to neighboring homes; what was the purpose of including the photos of the homes?

Mr. Powell stated basically to show there are other structures along Sixth Street that are over 18-feet, that are much more obvious. He stated he does not know if it is a visibility thing, he does not know why the code is what it is. He stated, he just assumed it is because of the visibility.

Mr. Wells stated the 18-feet applies to accessory structures, not individual homes. So, the code applies to accessory structures, not single- family dwellings.

Mr. Powell stated okay, thank you for the clarification.

Discussion took place in regards to other homes and structures in the neighborhood.

Mr. Powell stated the point is that they are highly visible, and do not stick out like a sore thumb in the neighborhood.

Mr. Brecheisen asked if there is a 2<sup>nd</sup> floor on the garage? What's the height of the first floor?

Mr. Powell stated there is a storage loft. He stated the height of the first floor is a little over 9-feet.

Mr. Randy Otermat, 724 Sixth Street, was sworn in. He stated he understands the need for Zoning requirements to manage construction in the city; however, he believes there is some room for judging each case on an individual basis. He stated he does not see a problem with this building as is. It fits into the neighborhood, you can't even see it from the street, unless you stop and look past his house to see it back there. No-one in the neighborhood has complained about it being too high. It's been there about a year now, and there is no problem with utility access, blocking anyone's view, or anything else. He stated he hopes, with what Mr. Powell has put into, what is a very nice structure, that the Board would grant this variance.

Mr. Rooney asked Mr. Adkins if there are any communications on this case.

Mr. Adkins stated there were no communications on this case.

Mr. Wells stated he agrees it is in harmony with the area surrounding, but the rub he has is that, even though Mr. Powell may not have understood the need for permits in the beginning, when Erik showed up and talked to the contractor and says this is what needs to happen, there was a perfect opportunity right then to solve this issue. Most people sitting in front of the Board don't get that chance to make it right before 'here we are', and you were given that chance. This is why he is struggling with this, whether to be on board with this or not.

Mr. Powell stated he did try to go back to the engineer who designed that building to see if they could lower that, he stated he didn't know the process and that's why he threw himself to the mercy of the council because of his ignorance of the process. They did try to lower it. They got it down from what was going to be a peak of 24-feet, down to 19-feet. He stated any lower than that would not have been safe; and that would have meant taking out walls, dropping the seal, etc.

Mr. Wells asked how long construction had been going on before the city showed up?

Mr. Powell stated he really was not sure.

Mr. Adkins stated it was fully frame to where they were putting tresses on.

Mr. Brecheisen asked, in the picture that Erik provided them, was the original plan to have a room in the roofline or was a second floor always planned?

Mr. Powell stated the peak of the roofline was supposed to match the house, the same pitch. But then they found out about the height requirement and they had to flatten that out.

Mr. Trombley asked how long it has been up, completed?

Mr. Powell stated maybe November; maybe a little longer; maybe October.

\* Mr. Trombley stated it probably meets a lot of the criteria; it's small, a foot, it doesn't infringe on the neighbors, it's got harmony with locality, it's just item C of what they need to look at to approve a variance, applicant's disregard: That the special conditions and circumstances do not result from the actions of the applicant, his agent and/or contractor, to disregard or circumvent the zoning ordinances. So, he is struggling with, after that time when he had that discussion with Erik, that would have been a perfect time to go back and say we can't meet the 18, what can we do?

\*Mr. Wells made a motion to deny the request for the variance. He stated the benchmarks that we need to use to track whether we approve these or not, there aren't very many that get the opportunity to make it fit within the box, you got it and it still didn't. He made a motion to deny the variance as requested.

\*Mr. Rooney seconded the motion. He stated this is a tough one, but he broke the rules and we can't let people break the rules. Especially when there were opportunities to solve that problem. There is no alternative, either the board votes yes or no. If they vote no, Mr. Powell has to do something to the garage to lower the roof 1-foot and 1-inch.

Mr. Trombley stated he'd make the case on the other side too. He stated this is a small variance, especially since he did lower it from 24-feet to 19-feet.

Mr. Rooney took a vote on the motion to deny the requested variance.

Motion to deny the requested variance, 3 (Mr. Rooney, Mr. Wells, Mr. Trombley) – 2 (Mr. Brecheisen, Mr. Treece - nay). Motion Denied.

**\*AMENDED: Motion Denied due to not fulfilling 1115.05 (C), applicant's disregard.**

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-06-2023-63617**

**Address: 209 W. Main Cross Street**

**Zone: C-3 Downtown Commercial**

Filed by the Hancock County Commissioners, regarding a variance from section 1137.04(A)(1) of the City of Findlay Zoning Ordinance for a proposed justice center building at 209 W. Main Cross Street. The applicant has proposed to construct a new building that will be 24-feet from the W. Main Cross Street right-of-way. This section requires the new building be constructed no more than 5-feet from the right-of-way.

The City Zoning code requires that all new buildings be built within 5-feet of the property line to keep the uniformity of the city in mind. The new justice center has a requirement to sit further back off the property line due to the safety of the courthouse per federal law.

The city does not oppose the variance as requested.

Mr. Brecheisen asked if the 24-feet off of the street is factual per federal law?

Mr. Adkins stated that is what he was told.

Mr. Brett Giese of RCM Architects, representing the owner, was sworn in. He stated the 5' for the Downtown Business District is the rule and regulation, more often than not, there are variance requests to get closer to the property line, this is a different approach, trying to get further away from the street. They have a couple of different topics they touched on when considering this variance. The amount of space that would be needed at the front of the building to provide safety to the people inside the building and for the building itself, away from a potential car from ramming it. The 24-foot distance? When you get into the US Court Design Guide from the Judicial Conference of the United States and the risk management process for Federal facilities, they talk about increasing the setback to allow the opportunity to install some passive security measures. They don't specifically say you must be this number of feet off. It's all based relative to the size of the lot, size of the site, size of the proposed building. The approximate 24-foot came in wanting to maintain the same common line of development as the adjacent Post Office and to not take away from the views and vistas along West Main Cross as you approach the Downtown looking at our current Court House building. They do not want to do anything that would inhibit the views of that facility. They are not likely to repeat another Judicial building in the downtown area anytime in any of our lifetimes. Court buildings generally do not fit well within Zoning guidelines and regulations.

Mr. Rooney asked Mr. Adkins if there are any communications on this case.

Mr. Adkins stated there were no communications on this case.

Mr. Wells asked for examples of passive security. He asked if it is just the distance or if there are structures planned to create barricade barriers, etc?

Mr. Giese stated the distance is one of them to help create as much area as we can between a parked car out front and the front door. They will have some elevation changes with the building, not only the first floor being approximately 30-feet above the existing sidewalk elevation, but they do have a series of curbs in there to help offset a vehicular pathway towards the front door, there are bollards, and proposed trees, and some light fixtures in there, as well.

Mr. Trombley stated it is relatively a small variance request and understanding the uniqueness of this property and use and keeping the existing building line with the Post Office, it makes a lot of sense.

Mr. Trombley made a motion to approve the variance as requested.

Mr. Brecheisen seconded the motion.

Mr. Rooney asked what conditions are needed for getting the required permits?

Mr. Adkins stated it has already gone to City Planning Commission with approval on the condition they are granted this variance.

Mr. Tim Bechtol, Hancock County Commissioner, stated there will be a 'Go, No-Go' meeting on April 20<sup>th</sup>.

Mr. Rooney amended the motion to include getting the required permits within 6 months.

Motion to approve the variance as requested contingent upon getting the required permits within 6 months, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-07-2023-63618**

**Address: 701 Lima Avenue**

**Zone: I-2 Heavy Industrial**

Filed by Cooper Tire, regarding a variance from section 1143.08(A) of the City of Findlay Zoning Ordinance for proposed mixer building at 701 Lima Avenue. The applicant has proposed to construct new building that will be 112-feet in height. This section allows for the maximum height of a building to be 60-feet.

The due diligence was done to ensure the airspace of the City of Findlay was not affected by a 112-foot high structure being built within the immediate area. Currently, there is a 151-foot high structure on the campus, which will stand 39-feet taller than the proposed structure. This is a significant request of 52-feet beyond the allowable height of 60-feet.

The city was pleased to see that the FAA deemed that this structure would not affect the airspace, and will support the decision of the BZA.

Mr. Giese, (still under oath), stated this is a proposed structure that is approximately 112-feet above grade. This is to house equipment for a new mixer line within the facility. Alternates were considered, but the equipment is what the equipment is. If they were to go with another manufacturer of this equipment, it is the same type of height requirement needed to house this type of equipment. They are

asking for 52-feet above the 60-feet allowed. The construction or the day-to-day operations does not alter or impair the character of the locality. It is zoned appropriately. FAA granted the project a Determination of No Hazard to Air Navigation. They do have to follow up on the determination within 5 days of the construction reaching the highest point. Marking and lighting are not required for the aviation safety.

Mr. Trombley asked if there are going to be 8 mixing structures in there? East elevation looks like 2 rows of 4 mixers, so 8 within that area? Is that correct?

Mr. Ryan McKee, 701 Lima Avenue, was sworn in. He stated they are bulk storage silos for the material that they use in the mixing of the rubber. The material is stored in the silos and through gravity are fed down into the mixer.

Mr. Trombley asked how they are fed? Is it fed externally or is there a pump that pumps it to the top?

Mr. McKee stated there will be a pneumatic conveying system from the existing silos which will be pneumatically conveyed into those silos.

Mr. Trombley asked if there is any opportunity for any of that material to leave the silo, leave the conveyor, or get out into the air where it could potentially impact some of the neighbors?

Mr. McKee stated there is not. It is conveyed in an enclosed sealed pipe. Once the material is discharged into the vent there is a dust collector and the transport air will be vented through that dust collector.

Mr. Trombley asked what kind of noise will the conveyor make?

Mr. McKee stated that when the conveyor is running, it should not make any audible noise. If you are standing next to it, you can hear the material moving through, but in terms of a large amount of noise, there should not be a large amount of noise.

Mr. Trombley asked if the venting will be down at ground level or if it will be up?

Mr. McKee stated the venting vents will be on top of the silos.

Mr. Brecheisen asked if there are any proposed lights, even though they are not needed, do they plan on putting any on the structure?

Mr. McKee stated they will not be putting any aviation lights but will be putting service lights.

Mr. Brecheisen asked if they would be on constantly at night or only when service is happening?

Mr. McKee stated they will be on photo set, so they will be on day and night.

Mr. Trombley asked how the service lights are going to be directed? What kind of lights are they? Shielded or recessed? Is the light going to leave the property line to a greater extent than light is currently leaving the property line, where it might impact some of the neighbors to the East?

Mr. McKee stated they will be directed directly down on the platform so if they have to walk up there to service something it will be light in the specific general area. LED lights. They could look at the light and see what is needed to shield that light and keep the light right where they need it.

Mr. Giese stated the proposed tower is 380ish-feet from Lima Avenue and approximately 550-feet from Summit Street so they are well contained for that neighborhood for light spillage.

Mr. Trombley stated with it being 112-feet up, it will be very visible and thinks the shielding makes sense to be directed away from Summit Street. He then asked if it will be 24/7 operation?

Mr. McKee stated yes.

Mr. Rooney asked Mr. Adkins if there are any communications on this case.

Mr. Adkins stated there is one communication on this case. The email letter from Cathy Weygandt was read into record. She is not in favor of the variance request.

Mr. Trombley asked what are they venting and how is it being filtered out, regarding the new tower?

Mr. McKee explained the venting process to the Board members.

Mr. Brecheisen asked if the colors are going to match the existing structures of black and brown?

Mr. McKee stated yes, it will match the rest of the facility.

Mr. Wells made a motion to approve the variance as requested subject to permits being obtained within 60 days.

Mr. Adkins stated they are waiting on City Planning Commission approval, so within 60 days of CPC approval would be acceptable.

Mr. Wells amended his motion to approve the variance as requested, conditional upon City Planning Commission approval and obtaining required permits within 60 days of CPC approval.

Mr. Trombley stated he would add on to ensure a lighting plan is reviewed to make sure there is no spillage of light outside the property line.

Mr. Adkins stated it is something that will be reviewed anyways because of candle light purposes. He stated he will make it a point to talk to HRPC about that. Brett and the architects can supply that plan to them.

Mr. Brecheisen seconded the motion.

Motion to approve the variance as requested, conditional upon City Planning Commission approval and obtaining required permits within 60 days of CPC approval, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-08-2023-63620**

**Address: 11915 TWP Road 145**

**Zone: M-2 Multi-Family, High Density**

Filed by AGE Findlay Propco LLC, regarding a variance from section 1126.09(A) of the City of Findlay Zoning Ordinance for proposed residential dwellings at 11915 Township Road 145. The applicant has

proposed to construct residential dwellings that will have a 10-foot building separation. This section requires a building separation between dwellings of 20-feet.

This section of the development is proposed as single-family dwelling units. The separation of 20-feet in the code is geared towards multi-unit buildings, whereas the intent of the dwelling units proposed is to be built more like those that you would find in a single-family neighborhood. In single family neighborhoods, all the dwellings have a 10-foot separation, due to the 5-foot minimum setback the code requires.

With the intent of this development, the city does not oppose the variance as requested.

Mr. Brecheisen asked if a variance for this property came through a few months ago?

Mr. Adkins stated yes. He believes for the lot coverage and the number of units in the main structure. He stated they can explain.

Mr. Brian Hoblob of CBH Building and Development, representing the owners, was sworn in. He stated the original site plan had 4 – 4-unit buildings and 9 flex building originally. Four units or greater went to Wood County and they gave them a 6-page plan review where they want to completely change the structures, make them completely commercial and institutionalize them. They need a very distinct and clear licensing for the state level for the main assisted living care building verses the independent living buildings. By creating a commercial setting for all of the villas, that's going to put a real pause on them. When the Senior population is making a transition from their current home into the residential structures, they find that the transition is much smoother in a residential setting as opposed to something that is more institutional; then when they get to the point where they absolutely need the assisted care, then that would have a different set of standards. They wanted to make sure they can accommodate the senior population in that transition as best they can. They are just trying to reconfigure the buildings so they are 3-units or less so they can comply with the residential nature where they can deal directly with the city instead of Wood County's Commercial standards.

Mr. Wells asked what level of care will the occupants receive in the transition villas?

Mr. Hoblob stated they are completely independent. No care will be offered by the assisted living building. Licensing does not allow that, so that's the clear distinction between the two products.

Mr. Wells asked if the maintenance and upkeep is the responsibility of the owner?

Mr. Hoblob stated yes, the Provision Senior Living community has an onsite maintenance and they will care for those units which is part of the lease agreement.

Mr. Wells asked what the minimum time length of the leases are?

Mr. Hoblob stated it varies. It is based on their health. There is a variation from 55 to end of life. It depends on how long they can live independently. Some can live there for several years.

Mr. Rooney asked Mr. Adkins if there are any communications on this case.

Mr. Adkins stated there is no communication on this case.



Mr. Wells asked about the area where the pipeline easement is. Is it mostly green space and pickleball courts?

Mr. Hoblob stated there are pickleball courts, walking trails on sidewalks, and they do not encroach on that easement.

Mr. Rooney made a motion to approve the variance as requested. It is a unique development and is its own neighborhood within the structure of their property. It is in harmony with the area. He asked if they will have to go back to City Planning.

Mr. Adkins stated no, they will not have to because it is minimal change to the site plan; however, we will issue new permits for each building because they are separated from the time they got the original approvals.

Mr. Rooney made a motion to approve the variance as requested on the condition that the initial permit is obtained within 60 days and continues to get the required permits until the project is completed.

Mr. Wells asked if they are out of the floodplain?

Mr. Adkins stated there is no regulated floodplain in that area.

Mr. Wells seconded the motion.

Motion to approve the variance as requested, on the condition that the initial permit is obtained within 60 days and they continue to get the required permits until the project is completed, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-09-2023-63650**

**Address: 801 Center Street**

**Zone: R-3 Small Lot Residential**

Filed by Gary Sowers, regarding a variance from section 1123.05(C) of the City of Findlay Zoning Ordinance for proposed addition to the dwelling at 801 Center Street. The applicant has proposed to construct an addition to the southern side of the property that will be 0-feet from the property line. This section requires a 10-foot setback from the side property line.

The proposed request was not the original discussion the city had with the owner of the property. The original discussion involved requesting the new attached building to be in line with the dwelling replacing the existing attached garage, not lined up with the garage as proposed.

This request is significant for the area, and after seeing the preliminary drawings, the city is concerned with the use, being this is a residential zone not a commercial nor industrial zone. The design of the structure is what you would find in an industrial zone, which raises concerns and questions the intent of this building being proposed.

All but .3-percent of the allowable 50-percent coverage, is being proposed to cover, the overall size of the structure is over-bearing for the area.

If the building being proposed was a detached structure, the owner of the property would be limited to 900-square feet in building area, and limited to a height limit of 18-feet. That size of building is a better fit for the area. An accessory building would possibly only need a request of a variance for the front yard setback as well.

There was a representative of the neighborhood contacted the city with their concerns, and the city agrees that this request for a setback of 0-feet is extremely substantial. The city opposes the variance as requested.

Mr. Gary Sowers, 801 Center Street, was sworn in. He stated he is just looking to have an attached garage to match up to the existing and will have a zero setback. This will match up to the house.

Mr. Brecheisen asked what the use of the garage will be?

Mr. Sowers stated it will be for personal use, to put his truck in, a boat and a motor home in it.

Mr. Trombley asked if this is a 3300 square feet garage?

Mr. Sowers stated yes, and it will have a restroom in it.

Mr. Trombley stated that if he met the setback, he would have a 2600 square feet garage. He asked if Mr. Sowers is telling them that is not large enough for what he needs? He stated this feels like a big ask.

Mr. Sowers stated the reason is that by the time you put autos in there and other stuff like personal stuff in there, it just eats up the space. You just never have enough room, so he thought if he's going to build it, he may as well build it for the future for his kids and that way they can utilize it down the road. They can play basketball inside.

Mr. Wells stated meeting the setback and providing a 2600 square feet footprint would be one of the largest garages he's ever seen. Of the six criteria or conditions they look at for this, the one he is struggling the most with is harmony of the locality. Being directly West of Riverside Park and the drawing provided is a very large metal building, that is a commercial or industrial looking building, right next to a city park, right in the middle of a residential area. He stated it is really outside the harmony of the local area. He stated he thinks it could be shrunk and still accomplish his goal and meet the setback requirements.

Mr. Sowers stated it would have a fence going down the East side.

Mr. Trombley asked Mr. Sowers if he was intending on storing any commercial vehicles, wood chippers, bucket trucks, etc.?

Mr. Sowers stated no.

Ms. Lauri Ulm, 804 Center Street, was sworn in. She stated she has concerns that since the area is backed up against the park it may obstruct motorist views of Carnahan Street as they go out, especially on the West side. It may block the park view from the neighborhood homes. She continued to state that

although he says he will not be parking commercial vehicles there, when he is doing his trees, he has already parked those vehicles there, so she has concerns about that. She is also concerned that if he is allowed this building, then other neighbors are going to want to build a big building like this?

Ms. Dawn Tuttle, 222 Carnahan Avenue, was sworn in. She stated she has a large window in the front of her house and loves the view. The large building would obstruct her view to the park. She does not think allowing this would be a good idea.

Mr. Rooney asked Mr. Adkins if there are any communications on this case.

Mr. Adkins stated there is one communication on this case, but she already spoke.

Mr. Trombley stated that he doesn't see anything unique about this property that would necessitate a variance. He can already build a fairly large garage inside the Zoning rules. He also doesn't think that large of a building, that close to the road, fits with the harmony of the area.

Mr. Wells stated that he thinks the magnitude is an over reach. He stated the biggest problem he has is the park being directly to the East, the view of the neighborhood, a commercial/industrial looking building sitting in the middle of a high traffic area, especially in the summer, and the sight line coming out of the park.

Mr. Wells made a motion to deny the variance as requested.

Mr. Trombley seconded the motion.

Motion to deny the variance as requested, 5-0.

The following was introduced by Mr. Erik Adkins:

**Case Number: BZA-10-2023-63665**

**Address: 3012 Goldenrod Lane**

**Zone: R-1 Large Lot Residential**

Filed by Sergio Rodriguez, regarding a variance from section 1161.01(C)(2) of the City of Findlay Zoning Ordinance for proposed detached structure at 3012 Goldenrod Lane. The applicant has proposed to construct a 1900- square foot building. This section allows for an accessory structure to have a maximum floor area of 900-square feet.

The owner has recently purchased the adjacent lot to his property and is looking to build an accessory structure to his dwelling and future pool. If the owner were to build a dwelling on this lot, the minimum building requirement would be 1600-square feet. Additionally, the owner would then be able to build a 900-square foot building.

As long as the structure is built to fit the neighborhood and match the owners existing dwelling, the city would not oppose the variance as requested being all setbacks are being met.

Mr. Wells asked if the parcels were going to be combined?

Mr. Adkins stated that he has already gone through that process.

Mr. Sergio Rodriguez, 3012 Goldenrod Lane, was sworn in. He stated they have already had the parcels combined, but the Auditor's Office said they are so far behind, when they can get to it, they will. He stated he is filing for a variance because he is allowed a 900-square foot building on the parcel, combining lot will be a 30,000 square foot lot, so he hopes to put up a building, garage / pool house; put up a pool and fence in the whole property. It will match the aesthetics of their house. It will be a nice building.

Mr. Wells asked about the setbacks on a corner lot for the fence.

Mr. Adkins explained the yard has to be fenced in because it is a requirement for the inground swimming pool. The building would meet the 30-foot setback from James Court and from Goldenrod Lane, which is the setback to have a privacy fence up to 8-feet high starting at that point.

Mr. Trombley asked if he was putting sidewalks in to connect with the neighbors on James Court and Goldenrod.

Mr. Rodriguez stated yes, he would be putting sidewalks around to James Court and Goldenrod Lane.

Mr. Wells asked if we would be good on lot coverage once the parcels are combined, with the proposed building?

Mr. Adkins stated yes, it will be well under the 33% allowable.

Mr. Trombley asked what material will be used to build this?

Mr. Rodriguez stated the picture in the packet is just a generic one printed off from Menards. He can change the color, etc.

Mr. Trombley asked what the intended material is for construction?

Mr. Rodriguez stated he was hoping metal, because they sell them as kits.

Mr. Trombley asked if this would match the look of the house?

Mr. Rodriguez stated it would match the color scheme of their house. He stated it is 10% brick and vinyl siding for the rest.

Mr. Wells asked if this is in a subdivision requirement for a certain percentage to be masonry?

Mr. Rodriguez stated they will do what they need per code.

Mr. Wells stated that he would hope that every effort would be made to match it with the existing neighborhood since it is right there on the corner.

Mr. Rodriguez stated that he has to submit paperwork to James Kahler for architectural review and it must meet his standards before he can start.

Mr. Trombley asked why he needed a bigger building than the allowable 900-square feet?

Mr. Rodriguez stated it is going to be a garage and a pool house. He will need it to store all of his pool equipment and his truck doesn't fit in his garage, so he will park his truck in there.

Mr. Wells stated, per the drawing, it has an extended height garage door. He asked if he was going to store a RV in it?

Mr. Rodriguez stated no, that was just a generic drawing and he can change the size of the door. He intends on the door to be 10' x 12' or the standard 10-foot height size door.

Mr. Trombley stated he is struggling with how this will fit in with the area by the Menards print out. Without seeing how it will really look, it is hard to judge.

Mr. Rooney stated that the subdivision developer will approve or deny his design. He will ensure that whatever is built looks decent enough.

Mr. Wells asked if he costed it out to do vinyl siding?

Mr. Rodriguez said he has not. He is talking to other contractors and they are putting together kits for him.

Mr. Wells stated that he shares the concern of it being a very generic drawing, it's hard to render a decision. It needs to remain in harmony.

Mr. Brecheisen stated he didn't think it would be difficult to build a structure that would act as a garage that would feel and look like a home that would fit in on that corner rather than a steel pole barn.

Mr. Adkins reminded the Board members to take into consideration they are just here to rule on the variance for the size of the building. He stated that this does have a safe guard with Mr. Kahler deciding on if the materials match his subdivision or not.

Mr. Rooney asked if Mr. Rodriguez has talked to Mr. Kahler or not?

Mr. Rodriguez stated he has talked to him. He stated he has to submit the paperwork to him for the aesthetics of the building for approval. He stated that he went around to the neighbors and showed them the plans, and none of them had any issues with what he wants to put up.

Mrs. Rodriguez, 3012 Goldenrod Lane, was sworn in. She stated there are a lot of little areas in that cul-de-sac that don't line up with everything else. She stated she has been there 19-years. They will be improving the lot for the neighborhood.

Mr. Wells asked what the timeline is?

Mr. Rodriguez stated he is on the contractor's schedule with this being their busy season, so it could be 1 ½ - 3 months before anything starts going up.

Mr. Trombley asked if he considered a smaller building?

Mr. Rodriguez stated he did, but for that big of a lot, he decided to go bigger than the 900-square feet.

Mr. Rooney and Mr. Adkins discussed the required living area for a dwelling.

Mr. Rooney stated that a house or this building, as long as it looks nice, makes no difference to him. It's the developer's responsibility to make sure everything looks nice, not theirs.

Mr. Wells agreed. He stated it is unique to have the developer have the ultimate say on making sure the exterior is in harmony with the subdivision restrictions.

Mr. Adkins stated that if it were two separate lots and had a dwelling, each could have 900 and 900.

Mr. Rooney asked Mr. Adkins if there are any communications on this case.

Mr. Adkins stated there is no communication on this case.

Mr. Wells asked if they can put a condition on the motion that if he does not get the approval from the developer to build the building, the variance is voided?

Mr. Rooney asked Mr. Adkins if the variance would lap if he doesn't get his permit in a certain amount of time?

Mr. Adkins confirmed that the permit is good for one year from date of issue. He stated as long as the permit is issued within 60 days, it stays on with that property.

Mr. Wells made a motion to approve the requested variance pending obtaining the required permits within 60 days.

Mr. Brecheisen seconded the motion.

Motion to approve the requested variance pending obtaining the required permits within 60 days, 4 – 1 (Mr. Trombley – nay).

The March 16, 2023 meeting minutes were approved.

The meeting was adjourned.

  
Chairman

  
Secretary