

**BOARD OF ZONING APPEALS AGENDA
MINUTES OF MEETING
October 12, 2015**

MEMBERS PRESENT: Carl Zani, Eric Moulton, Dick Mickley, Barbara Taylor, Alex Kessler, Scott Zwierzinski.

OTHERS PRESENT: Zoning Administrator Derek Hutchinson, Clerk of Council Kristina Jones.

CITIZENS PRESENT: Larry Lab, Don Werling, Rita Flory

MEETING CALLED TO ORDER: The meeting was called to order at 7:00 p.m.

APPROVAL OF MINUTES: The minutes from September 14, 2015 were approved as submitted.

AGENDA ITEMS:

To hear a variance request to permit a front yard setback of 11 (eleven) feet for a deck vs. a minimum front setback of 30 (thirty) feet required in an R-2 Zoning District, for property located at 808 W. Fifth Street. Filed by Don Werling, Union County Senior Services.

Comments of Zoning Administrator: Mr. Hutchinson said what you see is common in our uptown homes. The houses existed prior to the zoning code and most of the houses themselves are in the front setback. He said we have had the engineers go out and look at it and everything is in the setback. Staff is in support of the variance that is being proposed.

Comments of Requester: Don Werling with St. John's Lutheran Church. He was contacted by the Union County Senior Services to help Sandy Nuckles because she was having difficulty handing the height of the steps. He is wanting to modify the steps to help her. Mr. Zani asked if it was already in the setback before the work was started. Mr. Werling said if you look at the setback it is actually in her living room. Mr. Moulton asked how long the deck has been there. Mr. Werling explained that it was there before Ms. Nuckles bought the house.

Comments of Citizens:

Discussion by BZA Members: Mr. Mickley moved to approve the variance, seconded by Mr. Moulton. Question put, stood:

Mr. Kessler YES;	Mr. Mickley YES;	Mr. Zani YES;
Mr. Moulton YES;	Ms. Taylor YES;	Mr. Zwierzinski YES

The variance was approved 6-0.

To hear a variance request to permit an 8.6 square foot Model Home sign that is 6.5 feet in height vs. a maximum of 6 square feet and 4 foot tall Model Home sign with SR Zoning District for property located at 1698 Adena Pointe Drive. Filed by Larry Lab, Morrison Sign Company.

Comments of Zoning Administrator: Mr. Hutchinson said they are just wanting a larger sign than what is allowed by code. Staff has reviewed this and is in support of the variance.

Comments of Requester: Larry Lab said Fischer Homes has spent a lot of money in their branding. The sign that we are asking for it in front of every one of their homes. He said we made the sign according to the code but it takes away from the property. Even though it is being treated as a permanent sign it will be a temporary sign and removed once someone buys the home.

Comments of Citizens:

Discussion by BZA Members: Mr. Moulton moved to approve the variance, seconded by Mr. Zwiezinski. Question put, stood:

Mr. Mickley YES;	Mr. Zani YES	Mr. Moulton YES;
Ms. Taylor YES;	Mr. Zwiezinski YES	Mr. Kessler YES

The variance was approved 6-0.

To hear a variance request to permit a fence to extend 5 (five) feet past the front corner of the main building located on a corner lot vs. fences not permitted to extend closer to the street than the front of the main building, for property located at 305 W. 9th Street. Filed by Rita R. Flory.

Comments of Zoning Administrator: Mr. Hutchinson said she is requesting to bring out the fence past the corner of the house. He said it is a picket fence and only three feet in height. Staff has reviewed this and is in support of the variance.

Comments of Requester: Rita R. Flory explained she has been having troubling with her neighbor because her dog looks at her. Mrs. Flory said she is putting up the fence so the neighbor cannot see her dog and her dog can run the backyard while she is out. Mr. Zani asked how tall the fence would be. She said three feet. Ms. Taylor asked if the fence would match the fence on the back of the property. Mrs. Flory explained it will match as close as it can because the current fence is old.

Comments of Citizens:

Discussion by BZA Members: Mr. Mickley moved to approve the variance provided that the fence is picket and no higher than three feet, seconded by Mr. Zwiezinski. Question put, stood:

Mr. Zani YES;	Mr. Moulton YES;	Ms. Taylor YES;
Mr. Zwiezinski YES;	Mr. Kessler YES;	Mr. Mickley YES

The variance was approved 6-0.

ADJOURNMENT: The meeting was adjourned at 7:19 p.m.