

**BOARD OF ZONING APPEALS AGENDA  
MINUTES OF MEETING  
March 14, 2016**

**MEMBERS PRESENT:** Eric Moulton, Dick Mickley, Barbara Taylor, Alex Kessler, Scott Zwiezinski, Jason Moore. Carl Zani- excused.

**OTHERS PRESENT:** City Zoning Inspector Ron Todd and Clerk of Council Kristina Jones.

**CITIZENS PRESENT:** Dave Laslow, David Laslow, Chip Mayes, Steve Conley, Michael Rudell, Codie Stanley and Holly Underwood

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

**APPROVAL OF MINUTES:** The minutes from February 8, 2016 were approved as submitted.

**AGENDA ITEMS:**

**To hear a variance request to permit a residential fence to extend 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 801 Lone Rise Drive. Filed by Codie Stanley, A&Z Contracting, LLC.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Todd explained that this is a variance request for a fence to be closer to the street than allowed. Staff has reviewed the variance request as proposed.

**Comments of Requester:** Ms. Stanley spoke to the Board. She explained that the fence would be tied into the neighbor's fence on the rear of the property, which is why they were asking for the variance.

Mr. Zwiezinski asked what materials would be used for the fence. She answered vinyl, it will be 6 foot privacy fence with no open spaces in the panels.

Mr. Mickley asked if they were going to put a gate in the rear of the fence in case someone needed to work on the easement area. Ms. Stanley said that was something that was not discussed, but she will bring it up with the property owners.

**Comments of Citizens:**

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

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

The variance was approved 6-0.

**To hear a variance request to permit a residential fence to extend past the front corner of the main building located on the corner lot vs. fences not permitted to extend closer to the street than the front of the main building, for property located at 1422 Horizon Drive. Filed by Michael & Sarah Rudell, Owner.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Todd said this is another fence variance. Staff has reviewed the variance request as proposed.

**Comments of Requester:** Mr. Rudell explained that they would like to put up a fence at their home, it will be wood and match the neighbor's fence in color. They have spoken with the neighbors and had no complaints about the project.

**Comments of Citizens:**

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

Mr. Kessler YES;      Mr. Moore YES;      Mr. Mickley YES;  
Mr. Moulton YES;      Ms. Taylor YES;      Mr. Zwieszinski YES

The variance was approved 6-0.

**To hear a variance request to permit a new lot coverage of 54.8% vs. the pre-existing coverage of 51.8% for new addition services, for property located at 703 E. Fifth Street. Filed by Steven Bell, Concept Buildings, Inc.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Todd said this is for Underwood Funeral home, Staff has reviewed this and is in support of the variance.

**Comments of Requester:** Mrs. Underwood spoke regarding the project. She explained that they would like to make the back entrance of the building look as nice as the front of the building. She explained that more people enter the building through the back and they would like it to look better. She explained that they would be using the same siding and brick that was used on the front of the building.

**Comments of Citizens:**

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

Mr. Mickley YES;      Mr. Moulton YES;      Ms. Taylor YES;  
Mr. Zwieszinski YES;      Mr. Kessler YES;      Mr. Moore YES;

The variance was approved 6-0.

**To hear a variance request to permit an additional third business sign for new commercial construction at the property located at 1575 Cobblestone Way. Per the B-1 signage regulations, two business signs per commercial property is allowed. Filed by Dave Laslow, Props 4 Us.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Todd said staff has reviewed the variance request as proposed.

**Comments of Requester:** Mr. Laslow explained with the way the building will be setting, he would like to have a sign facing St. Rt. 31, facing Cobblestone and facing US 33, so they will know if they are coming through that they have Burger King as an option.

**Comments of Citizens:** Mr. Conley expressed his concern for the lighting at the new facility. He lives across from where the building will be put in and was wondering if there would be any lighting that would shine straight at his home. Mr. Laslow explained that the lighting would be all down lighting. All the parking lot lights would be in the back of the property and would have dome lighting on them to keep the light shining straight down.

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

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

The variance was approved 6-0.

**To hear a variance request to permit a 9 (nine) feet side setback for a free-standing identification sign for new commercial construction at the property located at 1575 Cobblestone Way. Per B-1 signage regulations, 60 (sixty) feet side setback required for 125 (one hundred twenty-five) feet frontage per commercial property is allowed. Filed by Dave Laslow, Props 4 Us.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Todd said staff has reviewed this and is in support of the variance.

**Comments of Requester:** Mr. Laslow explained that due to the widening of St. Rt. 31, the gas lines running to Turkey Hill, he would have to put the sign on the side of the property not directly in front of the property. He explained that the lights would be down lights as well, not to shine outward.

**Comments of Citizens:**

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

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

The variance was approved 6-0.

**To hear a variance request to permit future construction due to economic hardship, for property located at 14280 Industrial Parkway. Filed by Chip Mayes, Owner.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Todd explained the situation with Mr. Mayes property. When he bought the property it was zone M2 and there was no conditional use to allow for his business. The Administration at that time did not catch the zoning error, so he was allowed to build the buildings. He has since come to the City wanting to build an additional building, which he is not allowed by code. Mr. Todd explained that they would need to vote on three items tonight with consideration to this item. 1) Can Mr. Mayes continue planned construction of his business? 2) Can Mr. Mayes just use the standard permit process for future buildings and 3) require all buildings to use the same materials that were used in the current buildings.

**Comments of Requester:** Mr. Mayes explained that when he bought the property he intended to put up all 10 buildings as in his sight plan. However, he decided to build them as they were all rented out. If he had known he could not put his business on the property he would not have bought the land.

**Comments of Citizens:**

**Discussion by BZA Members:** Mr. Mickley moved to approve allow the applicant to expand his business, seconded by Mr. Zwiezinski. Question put, stood:

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

The variance was approved 6-0.

Mr. Mickley moved to approve allow the applicant to use the standard permit process, seconded by Mr. Kessler. Question put, stood:

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

The variance was approved 6-0.

Mr. Zwiezinski moved for the applicant to use the same materials to construct the new buildings that were used to construct the prior, seconded by Mr. Moore. Question put, stood:

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

The variance was approved 6-0.

**Comments of Zoning Administrator and/or City Planner:** Mr. Todd showed the Board what their new tablets will look like and that they are currently being updated with the software necessary. He also explained that the legislation to change the day of the week for the meetings will be on the agenda for the March 23, 2016 City Council meeting.

**ADJOURNMENT:** The meeting was adjourned at 7:42 p.m.