

Approved: 8/9/07
Clerk: 3/18/08

**MINUTES OF THE REGULAR MEETING
BOARD OF ZONING APPEALS
July 26, 2007 7:30 P.M.
CITY COUNCIL CHAMBERS, 10TH FLOOR CITY HALL**

I. ROLL CALL

The meeting was called to order by Chairman Burgess at 7:30 p.m. Chairman Burgess read the BZA introduction. Roll call was taken.

Present:

B. Burgess F. Lain A. Frederick G. Hilts M. Mayberry G. Swix

Absent: B. McGrain E. Horne

Staff: S. Stachowiak

A. A quorum of at least five members was present, allowing voting action to be taken at the meeting.

II APPROVAL OF AGENDA

A. Frederick moved, seconded by G. Hilts to approve the agenda as printed.

On a voice vote, the motion carried 6-0.

III. HEARINGS/ACTION

A. BZA-3908.07, 725 American Road

This is a variance request by Justin Schaefer on behalf of Menard, Inc. to permit a third wall sign on the Menard's building at 725 American Road that would be 30.25 square feet in area. Section 1442.13 of the Sign Ordinance permits 2 wall signs with a combined area of 200 square feet at this location. There are 2 wall signs currently on the building that have a combined area of 464.25 square feet. The additional square footage was approved by a previous variance. Variances of 30.25 square feet to the previously varied size limitation and 1 to the allowable number of wall signs at 725 American Road are therefore, being requested. Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Justin Schaefer, Menard Inc. (7/12/07), spoke in support of the request. Mr. Schaefer said that the additional sign is necessary to direct customer's to the newly constructed garden center.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

The Board members discussed the benefits of the proposed sign for directing customers in the parking area.

Mr. Lain stated that the approval should mandate that the sign state "garden sign" only.

Ms. Stachowiak stated that the motion could reference the drawing in the packet.

F. Lain moved to approve BZA-3908.07, a variance of 30.25 square feet to the size limitation and 1 to the allowable number of wall signs at 725 American Road to permit the sign depicted on the drawing dated 5/4/04, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. Seconded by G. Hilts.

VOTE	YEA	NAY
Mayberry	X	
Swix	X	
Hilts	X	
Burgess	X	
Lain	X	
Frederick	X	

Motion carried, 6-0, BZA-3908.07, was approved.

B. BZA-3900.07, Vacant Lot North of 3228 Everett Lane

This is a variance request by Fredric McLaughlin. The applicant is proposing to construct a new single family home on the vacant lot located directly north of 3228 Everett Lane that would have a front setback of 12 feet, 10 inches at its nearest point to the front lot line. Section 1248.07 of the Zoning Ordinance requires a 20 foot front yard setback. A variance of 7 feet, 2 inches to the required front yard setback is therefore, being requested. Staff recommended approval of the request on a finding that the variances would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Ms. Stachowiak stated that the request has changed significantly since it was first submitted. She said that there is no longer a request to encroach into the rear yard setback and the front yard setback variance has been reduced as a result of reducing the size of the proposed house and moving it further to the south on the lot. She said that the house will not project into the drain easement. She also said that only a small corner of the house itself will project into the front yard setback, as depicted on the site plan. Ms. Stachowiak stated that the practical difficulty is the shape of the lot which narrows dramatically from south to north.

Ms. Stachowiak stated that Ms. Horne, on behalf of her mother who owns a home in the area, objects to the request based upon its incompatible design with respect to the rest of the neighborhood. Ms. Stachowiak stated that she received a call from another neighbor in the area expressing the same concerns.

Fred McLaughlin, 222 W. Kalamazoo, spoke in support of his variance request. He thanked the staff for working with him over the past few weeks to arrive at a workable design. He also thanked the Board for its recommendations.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Frederick stated that the city does not have any architectural standards. He also said that the applicant has made the changes to the site that were suggested by the Board and the proposed architecture is a matter of preference that cannot be dictated by the Board. He also said that the practical difficulty involving the shape of the lot, as described by staff, is clear and certainly warrants the minimal variance that is being requested.

G. Swix moved to approve BZA-3900.07, a variance of 7 feet, 2 inches to the required front yard setback to permit the construction of a new single family home on the vacant lot located immediately north of 3228 Everett Lane, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. Seconded by A. Frederick.

VOTE	YEA	NAY
Swix	X	
Lain	X	
Hilts	X	
Burgess	X	
Mayberry	X	
Frederick	X	

Motion carried, 6-0, BZA-3900.07, was approval.

C. BZA-3907.09, 1615 W. Ottawa Street

This is a variance request by Larry Schaefer Inc. on behalf of Phil & Cheryl Hecksel to construct a 6 foot by 10 foot covered front porch at 1615 W. Ottawa Street that would have a front yard setback of 27.5 feet. Section 1248.07 of the Zoning Ordinance requires a front yard setback of 31.25 feet at this location. A variance of 3.75 feet to the front yard setback requirement is therefore, being requested. Staff recommended approval of the request on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application.

Clint Schaefer, on behalf of the property owners (7/12/07), spoke in support of the variance. He stated that the owners would like to construct a new porch that would match the architecture of the existing house. He said that the lot is relatively small for a corner lot and has an angled front property line that makes it difficult to meet the required front yard setback.

Mr. Burgess asked if anyone else wished to address the Board. Seeing none, the Board moved into the Committee of the Whole.

Mr. Frederick stated that the practical difficult, as described by staff, is very clear.

A. Frederick moved to approve BZA-3909.07, a variance of 3.75 feet to the required front yard setback to permit a new front porch at 1615 W. Ottawa Street, on a finding that the variance would be consistent with the practical difficulty criteria of Section 1244.06 (c) and the impact criteria of Section 1244.06 (e), as detailed in the staff report for this application. Seconded by G. Swix.

VOTE	YEA	NAY
Hilts	X	
Swix	X	
Lain	X	
Burgess	X	
Mayberry	X	
Frederick	X	

Motion carried, 6-0, BZA-3909.07, was approved.

VI. OLD BUSINESS

- A. Rules of Procedure - No action
- B. BZA-3817.04, 1014 S. Pennsylvania Avenue - No action

VII. PUBLIC COMMENT - none

VIII. APPROVAL OF MINUTES - none

IX. NEW BUSINESS - none

X. ADJOURNMENT AT 7:52 p.m.

Respectfully submitted,

Susan Stachowiak, Zoning Administrator