

One-Year Renewal

R. Dibaya informed S. Baldwin that all Renewals had been paid with the exception of Renewal #2, which had been requested to expire by the applicant. S. Baldwin made the motion that the Renewals that had been paid be approved – Seconded by K. Eaglin – Unanimous Consent Vote – Final vote is three (3) in favor and none against – Motion Carries.

Renewals #1, 3, and 4 were renewed in accordance with the motion and vote.

Tabled Applications:

1. **BZCU-24-60:** Jeffrey Shields – Conditional Use Permit for a short-term rental.
Location: 1128 W Second St Zoned: Central Business District (CBD)

S. Baldwin stated that the applicant had requested to table the application to the next scheduled meeting.

S. Baldwin made the motion to table the application to the next scheduled meeting (February 10th) – Seconded by M. Acosta – Unanimous Consent Vote – Final vote is three (3) in favor and none against – Motion Carries.

Application BZCU-24-60 was tabled in accordance with the motion and vote.

2. **BZVD-24-48:** Larry and Joni Hoffman – Variance from Development Standards for setbacks and lot width.
Location: 1211 W Main St Zoned: Medium Density Residential (R-8)

Larry and Joni Hoffman – 1211 W Main St – the applicants approached the podium and explained that they are building a garage at the rear of their property and need a variance for the placement of the garage, as well as a variance for their lot not meeting the forty (40) foot minimum restriction for zoning classification Medium Density Residential.

S. Baldwin noted that their property was zoned R-8 when it should have been zoned Historic District Residential, which mandates smaller setbacks, and then explained that this is a common issue that the Board has run into.

S. Baldwin then briefly discussed previous variances that were granted in the vicinity of the applicant's residence.

L. Hoffman stated he wants to park his car off Main Street as he explained that cars sometime drive aggressively or speed.

S. Baldwin noted that some of his neighbors have a garage located at the rear of their property as well and asked L. Hoffman about the construction of the garage.

L. Hoffman explained that he will be using the foundation that had been poured by the contractor.

A brief discussion was held about the location of the garage by K. Eaglin and L. Hoffman.

S. Baldwin asked the Board and audience if they had any further questions.

Findings of Fact

1. *Will this variance be injurious to the public health, safety, morals, and general welfare of the community?*

- M. Acosta: I think it fits in well with the immediate area and offers them a huge safety benefit for getting in and out of their vehicles.
- K. Eaglin: No, like it was mentioned, I mentioned that the safety, of course, is a real factor in Main Street. So, I think this is a nice addition to that residence.
- S. Baldwin: And I agree, I think it is an improvement to the public safety to avoid a possible accident, which has happened out there.

2. *Will the use and value of the area adjacent to the property included in the variance be affected in a substantially adverse manner?*

- M. Acosta: No, I would say just the opposite. Having a new building there and fitting in with the adjacent properties.
- K. Eaglin: Yes, it should improve the property values of theirs. Plus, I'd say the neighbors also.
- S. Baldwin: We certainly have heard no testimony from an accredited witness that it will affect adversely, we've heard nothing from neighbors, so I think that one's met.

3. *Will the strict application of the terms of the zoning ordinance result in practical difficulties in the use of the property?*

- M. Acosta: Strict application, there wouldn't be many houses down there, let alone garages or anything else. So, it simply takes away the ability to use the property at all.
- K. Eaglin: Yes, we have to get off of this strictness because of the neighborhood, the way things are laid out down there.
- S. Baldwin: I agree with Mr. Eaglin, it's zoned one thing, but the reality is another. So, I see the practical difficulty as being that dilemma. I think that one's met.

S. Baldwin made the motion to approve the application as submitted – Seconded by M. Acosta – Roll Call Vote – all ayes - Final Vote is three (3) in favor and none against – Motion Carries.

Application BZVD-24-48 was approved in accordance with the motion and vote.

New Applications:

1. **BZVD-24-49:** Claude Rottet - Variance from Development Standards for setbacks.
Location: 826 Fillmore St Zoned: Historic District Residential (HDR)

Claude Rottet – 826 Fillmore St – the applicant approached the podium and explained the request. C. Rottet explained that he was requesting zero (0) foot setbacks from the east property line so that he can build a garage.

S. Baldwin noted that the home sat on both lot lines that C. Rottet owned (820 and 826) as evidence by the GIS picture included in the application.

C. Rottet stated that he was in contact with a surveyor to confirm the property lines.

S. Baldwin stated that the Staff report notes that the Historic Board was requesting a variance before approving a design for the garage, to which C. Rottet stated that he does not have a design yet and added that he was

unsure if the curb east of the property was on his property, which would prohibit him from having a two car garage and would instead force him to have a one car garage.

S. Baldwin stated that his concern was that there was no site plan for the garage.

R. Dibaya noted that what staff had did not show the proposed structure in relation to the property.

K. Eaglin asked if the garage would be attached to the residence, to which C. Rottet stated that it would not.

K. Eaglin stated that he has trouble figuring out how the garage would fit in the lot without dimensions for the garage.

S. Baldwin stated that a lack of a floor plan was a dilemma since he needed more details to avoid any issues with the State, which owns the curb to the east.

C. Rottet stated without the variance for setbacks, he wouldn't know how large the structure could be.

Wanda Rottet, the wife of C. Rottet approached the podium.

W. Rottet clarified what she believed the BZA was requesting, which was a drawing of the home and the garage to see exactly where it would be placed and if it would fit onto the property.

The BZA confirmed that was what they needed.

M. Acosta asked C. Rottet if he knew exactly where his lot line ended and the curb began, to which C. Rottet responded he did not.

M. Acosta stated he needs to know exactly how far the curb is from his lot.

R. Dibaya noted that the Historic Board stated that they want approval for the variance before they can approve the design of the garage.

N. Burkhardt joined the meeting.

A brief discussion was held about what the sketch would need to include.

C. Rottet asked what steps they would need to take before returning to the BZA.

S. Baldwin suggested first having a survey conducted which would give them good legal ground so as not to infringe on the State's property.

K. Eaglin stated once the survey was completed, they would be able to determine how much space they'll have for the garage.

C. Rottet inquired about combining the parcels, to which S. Baldwin stated that that would go before the Plan Commission.

M. Acosta added that combining the parcels would not impact the request for the variance for setbacks.

Ray Dibaya, Secretary/Associate Planner