Present
Leslie Anderson
Clyde Esbri, Chairperson
Robert Gavin
Jeff Klatt
Alan Kroll
Anthony Offak, Vice Chairperson
Amanda Page
Deborah Zukin

Absent
Paul Curtis

Joseph M. Murphy, Director of Planning
Ryan Kaluzny, Assistant City Attorney

A. Call to Order

B. Approval of Minutes for January 10, 2019

C. Old / Unfinished Business

D. New Business

1. Case No. F-19-02-01 – public hearing on the appeal of Alexander Real Estate, petitioner & Royal Oak Investments I LLC, owner, for the following variance to the city’s fence ordinance:
   (a) waive 2 ft. of the maximum permitted 4 ft. fence height within a front yard setback along N. Sherman Dr.
   to install a 6 ft. tall sight obscuring fence within a front yard setback as defined in the zoning ordinance at 315 Maxwell Ave. (25-16-378-031)

2. Case No. F-19-02-02 – public hearing on the appeal of Matthew Kappel, petitioner & owner, for the following variance to the city’s fence ordinance:
   (a) waive 2 ft. of the maximum permitted 4 ft. fence height within a front yard setback along S. Campbell Rd.
   to install a 6 ft. tall sight obscuring wood fence within a front yard setback as defined in the zoning ordinance at 1702 Barrett Ave. (25-23-353-001)

3. Case No. 19-02-04 – public hearing on the appeal of Rebecca & Joshua Thompson, petitioners & owners, for the following variances:
   (a) alter/expand a non-conforming structure
   (b) waive 12 ft. of the minimum required 25 ft. setback along Hawthorn Ave. related to the expansion of the single-family dwelling
   to permit construction of a two-story rear addition to an existing non-conforming single-family dwelling at 903 N. Alexander Ave. (25-15-401-005)

4. Case No. 19-02-05 – public hearing on the appeal of Trowbridge Companies, petitioner & owner, for the following variance:
   (a) waive 1 ft. of the minimum required 20 ft. length for 35 parking spaces
to permit construction of a 6-story multiple-family building with 70 dwelling units and 105 total parking spaces at 222 E. 6th St. (25-22-155-011) & 609-611 S. Williams St. (25-22-155-002 & -003)

5. **Case No. 19-02-06** – public hearing on the appeal of Inn Season’s Properties LLC, petitioner & owner, for the following variance:
(a) waive 8 of the minimum required 31 total off-street parking spaces to permit expansion of a restaurant with no off-street parking at 500-502 E. Fourth St. (25-22-133-001 & -002)

E. **Other Business**

1. **Election of Officers**

F. **Public Comment**

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**Call to Order**

The meeting was called to order at 7:00 p.m. by Chairperson Esbri. He informed the audience that the board does not write the zoning ordinance but does have the authority to grant relief from it where practical difficulty or unnecessary hardship would result. He stated the board will vote on each agenda item following a public hearing. Use variance requests require a minimum of 6 affirmative votes in order to grant the requested variances. Non-use variance requests require a minimum of 5 affirmative votes in order to grant the variances. Petitioners were directed to limit their presentations to 10 minutes and that each participant in a public hearing limit their comments to 3 minutes. He further pointed out to petitioners the absence of a full board at tonight’s meeting and their opportunity to request that their agenda item be adjourned until the next regular meeting due to the circumstances.

**Approval of Minutes for January 10, 2019**

Moved by: Mr. Kroll
Supported by: Ms. Zukin

Moved, that the minutes of the January 10, 2019 regular meeting be approved as presented.

Motion adopted unanimously.

**Old / Unfinished Business**

None.

**New Business**


Moved by: Mr. Offak
Supported by: Mr. Gavin

Moved, that the appeal of Alexander Real Estate, petitioner & Royal Oak Investments I LLC, owner, for the following variances to the city’s fence ordinance:
(a) waive 2 ft. of the maximum permitted 4 ft. fence height within a front yard setback along N. Sherman Dr.

to install a 6 ft. tall sight obscuring fence extending along the north property line only, which is located within a front yard setback as defined in the zoning ordinance at **315 Maxwell Ave.** be granted.
Motion adopted 5 - 3.

Yes: Ms. Anderson, Mr. Gavin, Mr. Offak, Ms. Page, Ms. Zukin
No: Chairperson Esbri, Mr. Kroll, Mr. Klatt

Granting the variance is based upon the following:

1. Practical difficulties exist in strict compliance with the fence ordinance provisions.
2. Granting the variance does not negatively affect other property owners in the area.
3. Granting the variance is done in light of public health, safety and welfare concerns.


Moved by: Mr. Kroll
Supported by: Ms. Zukin

Moved, that the appeal of Matthew Kappel, petitioner & owner, for the following variance to the city’s fence ordinance:
(a) waive 2 ft. of the maximum permitted 4 ft. fence height within a front yard setback along S. Campbell Rd.
(b) to install a 6 ft. tall sight obscuring wood fence within a front yard setback as defined in the zoning ordinance at 1702 Barrett Ave., be granted.

Motion adopted unanimously.

Granting the variance is based upon the following:

1. Practical difficulties exist in strict compliance with the fence ordinance provisions.
2. Granting the variance does not negatively affect other property owners in the area.
3. Granting the variance is done in light of public health, safety and welfare concerns.


Mr. Offak announced his recusal and left the meeting room during the case.

Moved by: Mr. Kroll
Supported by: Mr. Klatt

Moved, that the appeal of Rebecca & Joshua Thompson, petitioners & owners, for the following variances:
(a) alter/expand a non-conforming structure
(b) waive 12 ft. of the minimum required 25 ft. setback along Hawthorn Ave. related to the expansion of the single-family dwelling
to permit construction of a two-story rear addition to an existing non-conforming single-family dwelling at 903 N. Alexander Ave., be granted.

Motion adopted unanimously.

Granting the variances is based upon the following:
1. Strict compliance with the zoning ordinance provisions will unreasonably prevent the petitioner from use and enjoyment of the property for a permitted purpose, or would render conformity with such provisions unnecessarily burdensome.

2. Granting the variances will do substantial justice to the petitioner and will not prove detrimental to other property owners in the area, and is the least relief required in order to afford substantial justice to the petitioner or be more consistent with justice to nearby property owners.

3. There are circumstances or conditions inherently unique to the property that necessitates granting the variances.

4. There is evidence of practical difficulty that has not been created by the petitioner and/or property owner but instead results from the inherently unique circumstances or conditions of the property that requires granting the variances.

It is further the finding of the board that the spirit of the zoning ordinance will be observed, public safety secured, and substantial justice rendered by granting the variances.


Moved by: Mr. Offak  
Supported by: Mr. Kroll

Moved, that the appeal of Trowbridge Companies, petitioner & owner, for the following variance:  
(a) waive 1 ft. of the minimum required 20 ft. length for 35 parking spaces  
to permit construction of a 6-story multiple-family building with 70 dwelling units and 105 total parking spaces at 222 E. 6th St. & 609-611 S. Williams St., be granted.

Motion adopted unanimously.

Granting the variance is based upon the following:

1. Strict compliance with the zoning ordinance provisions will unreasonably prevent the petitioner from use and enjoyment of the property for a permitted purpose, or would render conformity with such provisions unnecessarily burdensome.

2. Granting the variance will do substantial justice to the petitioner and will not prove detrimental to other property owners in the area, and is the least relief required in order to afford substantial justice to the petitioner or be more consistent with justice to nearby property owners.

3. There are circumstances or conditions inherently unique to the property that necessitates granting the variance.

4. There is evidence of practical difficulty that has not been created by the petitioner and/or property owner but instead results from the inherently unique circumstances or conditions of the property that requires granting the variance.

It is further the finding of the board that the spirit of the zoning ordinance will be observed, public safety secured, and substantial justice rendered by granting the variance.


Moved by: Mr. Kroll  
Supported by: Mr. Offak
Moved, that the appeal of Inn Season’s Properties LLC, petitioner & owner, for the following variance:
(a) waive 8 of the minimum required 31 total off-street parking spaces
to permit expansion of a restaurant with no off-street parking at 500-502 E. Fourth St., be granted.

Motion adopted unanimously.

Granting the variance is based upon the following:

1. Strict compliance with the zoning ordinance provisions will unreasonably prevent the petitioner from use and enjoyment of the property for a permitted purpose, or would render conformity with such provisions unnecessarily burdensome.

2. Granting the variance will do substantial justice to the petitioner and will not prove detrimental to other property owners in the area, and is the least relief required in order to afford substantial justice to the petitioner or be more consistent with justice to nearby property owners.

3. There are circumstances or conditions inherently unique to the property that necessitates granting the variance.

4. There is evidence of practical difficulty that has not been created by the petitioner and/or property owner but instead results from the inherently unique circumstances or conditions of the property that requires granting the variance.

It is further the finding of the board that the spirit of the zoning ordinance will be observed, public safety secured, and substantial justice rendered by granting the variance.

Other Business

1. Election of Officers

Mr. Murphy reminded the board that it must hold elections for Chairperson and Vice-Chairperson. He then called for nominations.

Moved by: Mr. Klatt
Supported by: Mr. Kroll

To re-elect Clyde Esbri as Chairperson and Anthony Offak as Vice Chairperson.

Motion adopted unanimously.

Public Comment

None.
Adjournment

Moved by: Mr. Kroll
Supported by: Mr. Gavin

Moved, that the meeting adjourned at 8:18 p.m.

Motion adopted unanimously.

Clyde Esbri, Chairperson
Joseph M. Murphy, Director of Planning