

MINUTES OF THE MEETING  
OF THE  
DECATUR ZONING BOARD OF APPEALS

Thursday, June 8, 2017, 4:00 P.M.  
City Council Chamber, Decatur Civic Center

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The June 8, 2017 meeting of the Decatur Zoning Board of Appeals was called to order at 4:00 P.M. in the City Council Chamber, Third Floor of the Decatur Civic Center, by Chairman Barry Goodman who determined a quorum was present.

Members Present:     Erv Arends, Tom Brinkoetter, Julie Gahwiler,  
                                  Chris Harrison, Eileen Milligan, Barry Goodman

Members Absent:     Kim Aukamp

Staff Present:         Suzy Stickle, Joselyn Stewart,  
                                  Randy Johner, Amy Waks, Janet Poland

It was moved and seconded (Harrison/Gahwiler) to approve the minutes of the March 30, 2017 special meeting of the Zoning Board of Appeals. Motion carried with Eileen Milligan and Barry Goodman abstaining from the vote.

New Business

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| Cal. No. 17-02 | Petition of BRIAN KENDALL, for a variance in the provisions of the Zoning Ordinance to allow for the construction of an accessory structure larger than the main structure at 3350 WEST MARIETTA STREET. |
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Chairman Barry Goodman recused himself from this item.

Ms. Suzy Stickle was sworn in by Mrs. Janet Poland.

Ms. Stickle read the recommendation of staff:

The subject site is approximately 0.45 acres and located at 3350 West Marietta Street. The site is improved with a single family residential structure with a footprint of 1,392 square feet and a detached accessory structure with a footprint of 1,352 square feet. The zoning for the subject site is R-1 Single Family Residence District.

The petitioner has been operating a construction business from this location since its annexation into the City of Decatur in October of 1995. The City Council approved a petition for a non-conforming use permit that allows for the expansion of the use for the business that currently operates at this site. The City Council approval of the non-conforming use permit now gives the petitioner the ability to request a variance from the Zoning Board of Appeals to allow for the construction of an accessory structure larger than the main structure.

The petitioner is requesting variation from the provisions of the Zoning Ordinance to allow for the construction of an accessory structure larger than the main structure. The petitioner proposes to demolish the current detached accessory structure and construct a new detached accessory structure with a footprint of 2,912 square feet. The proposed footprint square footage of the detached accessory structure is approximately 2.1 times the square footage of the footprint of the main structure.

The petitioner is requesting the variance to increase garage/storage area and to consolidate equipment from multiple locations according to the petition filed. The petition states that the increase in garage/storage area would be more cost effective and convenient.

The Zoning Board of Appeals can grant a variance when it will not create a safety hazard will not be detrimental to the overall health, safety or welfare of the neighborhood or to the City as a whole and the variance is found to be in harmony with the intent of the Zoning Ordinance and the Comprehensive Plan.

Granting a variance for the construction of a 2,912 square foot detached accessory structure should not alter the essential character of the locality. The structure should not impair the adequate supply of light and air to adjacent properties; it should not increase congestion of the area or endanger public safety.

Staff is of the opinion that the request for a variance to allow for the construction of a 2,912 square foot detached accessory structure is not in harmony with the intent of the Zoning Ordinance and the Comprehensive Plan.

Staff recommends denial of the petition.

The Zoning Board can approve the variance request as presented, deny the variance request or modify the request as appropriate.

Mr. Erv Arends asked if the Zoning Board of Appeals would be setting a precedence if the variance is granted. Ms. Amy Waks stated that the allowances the Zoning Board makes that are not in the Zoning Ordinance are setting a precedence for any future requests.

Mr. Tom Brinkoetter asked for a clarification from staff when the staff report states the accessory structure should not alter the essential character of the location. Ms. Stickle stated the area has large structures in the area since the homes are in and out of the county. It is not with the intent of the Zoning Ordinance and the Comprehensive Plan. The Comprehensive Plan states it should be more residential like and the Zoning Ordinance does not allow for the accessory structures to be larger than the main structures.

Mrs. Mary Cave, representative, was sworn in by Mrs. Poland.

Mrs. Cave stated the cause for the petition is the existing building is in poor condition and needs to be replaced. Mr. Kendall saw this as an opportunity to enlarge the structure. Mr. Kendall currently owns four (4) vehicles and two (2) JLG lifts. The existing building does not house all of the vehicles. Mr. Kendall would like to enlarge the building to keep his vehicles under cover. Mrs. Cave said the proposed new building will fit the neighborhood it is in.

Mr. Brian Kendall, petitioner, was sworn in by Mrs. Poland.

Mr. Kendall handed out pictures to the Zoning Board members. Mr. Kendall said the homes surrounding his location have accessory structures that are larger than their main structures. Mr. Kendall has been in his home for thirty-five (35) years. He said the new building will only be one (1) foot wider than the existing building. This will not add any additional traffic to the area. Mr. Kendall would like to be able to get all his vehicles out of the driveway.

Ms. Gahwiler asked if the building will be along the side of the privacy fence and asked if the fence goes all the way back. Mr. Kendall said yes.

Mr. Kendall said he has signed affidavits from all of his neighbors. He gets along with all his neighbors and has worked in most of their homes. He would never do anything that would take away from the neighborhood.

Ms. Eileen Milligan asked if the one (1) foot wider expansion will be enough. Mr. Kendall said he believes so. Ms. Stickle said the building will be three (3) feet to his property line.

There were no objectors present.

Mr. Chris Harrison made a motion to approve Cal. No. 17-02 as presented.

Mr. Harrison amended his motion as follows:

It was moved and seconded (Harrison/Brinkoetter) to allow the 3,120 square foot structure to be built as requested by the petitioner for Cal. No. 17-02. Motion carried 4-1-1 with Mr. Erv Arends voting nay and Chairman Barry Goodman recusing himself.

Ms. Stickle stated there will not be a Zoning Board meeting next month.

There being no further business, it was moved and seconded (Harrison/Gahwiler) to adjourn the meeting. Motion carried unanimously. Chairman Goodman declared the meeting adjourned at 4:22 P.M.