CALL TO ORDER
At 7:03 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko
Absent: None
In the audience: None

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the January 27, 2014 ZBA meeting minutes. Scott Cherry seconded the motion. All were in favor and minutes were approved.

PETITIONS
#14-04 John Enlow – Variance
Planner Zubko stated the property is located at 208 Tuma Road about 0.8 miles south of Veteran’s Parkway (Route 34). The petitioner is requesting a variance to build an accessory structure (detached garage) that will be in the front yard setback. The regulation is a minimum of 50’ front yard setback in the R-3 District and the petitioners will be at 40’, requesting a 10’ variance. The property was platted in 1927 and part of the Fox River Gardens Subdivision. The property is 1.29 acres and as you can see from the aerial in the packet a few other properties directly east of this site already do not meet the 50’ setback. They are at about 32 and 40 feet. Also the petitioner will meet the 20’ height requirement and be 5’ from the south property line.

The reason the petitioners would like the variance is to preserve two 100++ old oak trees. Staff recommends approval of the variance.

Chairman Mohr opened the meeting for public testimony.

Ms. Clementi asked why they could not put it further back on the lot. Planner Zubko stated due to the trees and septic location and the petitioner would like to utilize the existing driveway.

With no testimony made, Chairman Mohr closed the testimony and reviewed the Findings of Fact for a variance, they were approved as follows:
That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The petitioners are trying to preserve two 100++ year old oak trees.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties surrounding him already exceed the standard regulations but were built before the regulations existed.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The petitioners did not plant those trees.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood as they are similar.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed location of the accessory structure will not impair an adequate supply of light and air to adjacent properties and will not increase congestion on the roadways.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Donna McKay to approve the variance with staff’s findings of fact. With a roll call vote all were in favor and the variance was passed.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES- None

NEW BUSINESS

OLD BUSINESS
Vote on changes to the By-laws regarding the notification process- Planner Zubko stated this was put on hold last meeting to add something about notifications if there is a lack of a quorum, she has changed to text to show that modification. Mr. Thompson asked a few questions about public interest. Mr. Mohr wanted to change the word hearing to meeting on page 7 as the group does not feel a public hearing is needed on our own by-laws. Dick Whitfield made a motion to vote on these changes at the next meeting, Scott Cherry seconded the motion. This will be voted on at the next meeting.

PUBLIC COMMENT- There were no members in the audience that wanted to comment.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS- Next meeting will be on April 28, 2014
Karen Clementi made a motion to adjourn the ZBA meeting, Tom LeCuyer seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:16 p.m.