CALL TO ORDER
At 8:06 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Karen Clementi, Tom LeCuyer, Donna McKay and Dick Thompson
Also present was: Senior Planner Angela Zubko
Absent: Scott Cherry & Dick Whitfield
In the audience: Ron Jorgenson

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the September 3, 2012 ZBA meeting minutes. Tom LeCuyer seconded the motion. All were in favor and minutes were approved.

PETITIONS
#13-24 Ron Jorgenson- Variance
Planner Zubko stated the property is located at 16980 Frazier Road in the Sugar Brook Estates Subdivision that was platted in 1969. The petitioner would like to construct at 25’ tall accessory building. Section 4.05.E of the Zoning Ordinances states the height of an accessory structure in the R-3 district can be a maximum of 20’. This regulation was created on November 18, 2003. This is important as two adjacent neighbors built their 23’ tall accessory structures in August of 2003 right before the regulations were approved. In the packet is a map showing the heights of the accessory structures of the petitioner’s neighbors. The petitioner is requesting to be similar to surrounding structures and would meet all other regulations including lot coverage and setbacks. Also the zoning across Frazier Road is zoned R-1 allowing accessory buildings to be 25’ tall. Staff recommends approval of the height variance.

Chairman Mohr opened the meeting for public testimony.

With no testimony made, Chairman Mohr closed the testimony. Mr. Mohr asked why a 25’ tall structure, Mr. Jorgenson stated to possibly store a motor-home in the future and a wood-shop on a partial 2nd floor.

Mr. Mohr 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. Other properties have taller accessory structures and the petition would like to be similar in size to the surrounding properties.
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 owner did not know there was a height requirement due to the heights of the neighbors.

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 in height.

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 Donna McKay made a motion, seconded by Dick Thompson to approve the variance with staff’s findings of fact. With a roll call vote all were in favor and the variance passed.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES-
13-16 Small Poultry & Small animal Processing Plant- Text Amendment approved at the 9.17.13 County Board Meeting

NEW BUSINESS
None

OLD BUSINESS
Planner Zubko wanted to update the committee that next month we will review the by-laws with regards to notification as she received back the SAO opinion on notification and that it should be from the parent parcel.

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 October 28, 2013
Dick Thompson made a motion to adjourn the ZBA meeting, Donna McKay seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:11 p.m.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary