



Board of Zoning Appeals Minutes December 13, 2022

Members Present: John Wells, Chair
Erik Dabrowski, Vice Chair
Andrew Karas
Tony Axsom
Jack Bellaire

Member Not Present:

Staff Members Present: Michael Berry, Zoning Administrator

I. Call to Order

Michael Berry called the meeting to order at 6:00 PM, and read the opening remarks.

II. FOIA and Roll Call by Planning & Zoning Administrator, Establishment of a Quorum

Mr. Berry read the FOIA statement, conducted roll call, and established a quorum for the record.

III. Minutes of the Planning Commission

Mr. Wells asked for a motion to approve minutes from November 22th, 2022. Mr. Dabrowski made a motion to approve the minutes. Mr. Axsom seconded the motion. All in Favor.

IV. Approval of 2023 Meeting Schedule

Mr. Wells asked for a motion to approve 2023 Meeting Schedule. Mr. Dabrowski made a motion to approve the submitted schedule. Mr. Axsom seconded the motion. All in Favor.

V. New Business

Mr. Wells opened the Business Meeting for the following item:

A. VA-2022-07

No public comments were presented.

Applicant was not present.

Mr. Berry presented staff analysis.

Mr. Axsom stated the lot appears small, and the location appears okay.

Mr. Wells also agreed, but the applicant was not present, and they are in violation of the regulations.

Mr. Dabrowski asked Mr. Berry if the neighbors voiced any concerns, Mr. Berry stated no negative comments, a few individuals reached out for more information, but no positive or negative comments.

ACTION-

Mr. Karas made a motion to deny the variance of 3 feet from side and 3 feet from the rear property lines and no building permit or approvals. Mr. Bellaire seconded the motion. 2-2 with Mr. Wells abstaining. Motion does not carry.

Mr. Axsom made a motion to approve the variance for side and rear relief. Mr. Dabrowski seconded the motion. 2-2 with Mr. Wells abstaining. Motion does not carry.

Mr. Wells abstaining due to the applicant not being present and made a motion to table the item and allow applicant to attend. Mr. Dabrowski seconded motion. 4-1. Motion carries.

Mr. Carver did arrive later in the meeting, due to car trouble and explained reasoning.

B. VA-2022-08

Mr. Tony Axsom home is within 200 ft buffer, he submitted recusal statement and stepped down.

Mr. Tim Duvall, 180 Brookdale, provided public comments that he doesn't have an issue with the building and it provides privacy and it has muted colors and the building doesn't create any problems for him and the neighbors.

Applicant presented the request for a variance, Mr. Bulnes stated he did not know of the regulations, and he doesn't live in an area with HOA, thus he didn't know he needed approval.

He believed he was able to build what he wanted too and did not know of the regulations. Mr. Bulnes stated he was sorry and he didn't know of the regulations.

Mr. Dabrowski asked applicant, what do you use this building for and what is your profession? Mr. Bulnes stated just storage for his metal working and he is in the HVAC business

Mr. Dabrowski asked do you receive deliveries or large trucks to this building, applicant said he does not.

Mr. Wells asked if Mr. Bulnes operates a business from the building, applicant said no, only storage.

Mr. Dabrowski asked if the building is on a slab, yes, it is a concrete slab.

Mr. Wells asked Mr. Berry, if permits were applied for, Mr. Berry stated no permits have been applied for.

Mr. Karas asked what the height of the structure is, applicant stated 12 feet tall.

Mr. Karas asked if any building permits were submitted, Mr. Berry stated he check with building department, and they have no files or records for this structure. No permits have been pulled.

Mr. Dabrowski asked why did you choose this location? Applicant stated due location to house and wanted to place it away from neighbors and built it in the rear.

Mr. Dabrowski asked is there any issue with topography, Mr. Berry stated it does not appear to be a topography issue with this parcel.

Mr. Axsom then provided public comments from the floor, he stated he lives next door and did not know Mr. Bulnes was building a shed and didn't see it or know about it until he received a letter and saw the sign in the yard.

He also stated the building also stores Mr. Bulnes supplies and metalworking inside a shed rather than previously, he stored his materials throughout the backyard, so he thinks the shed is better than before and is cleaner.

Mr. Berry presented staff analysis.

Mr. Karas made comments associated with the intent of the granting a variance for topography, dimensional, and owner is unable to make reasonable use of property. He believes the application does not meet the requirements for a variance.

ACTION-

Mr. Karas made a motion to deny the variance as submitted, based on exceeding allowable size, (1,200 sq feet maximum), proximity to side and rear property lines, and no application of building permits. No seconds offered

Mr. Dabrowski made a motion to approve the variance as submitted, with no commercial use, no large trucks, or deliveries. Motion was seconded by Mr. Wells. 3-1.

VI. Adjourn

There being no other business to discuss, Mr. Dabrowski made a motion to adjourn. Mr. Wells seconded the motion. All in Favor. The meeting adjourned at 6:45 p.m.