

**MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD AT THE
GREENFIELD CITY HALL ON THURSDAY, JUNE 24, 2021**

- 1. The meeting was called to order by Chairperson Audrey Ellison at 5:30 p.m.**

ROLL CALL:	Audrey Ellison (chair)	Present
	Donald Reid	Present
	Kevin Thomas	Excused
	David Schilz	Present
	John Rivera	Excused
	Amanda Henderson (alt)	Present
	Christopher Porterfield (alt)	Excused

ALSO PRESENT: Kristi Porter – Community Development Manager

- 2. Approval of the minutes from the February 26, 2020 meeting, the October 22, 2020 meeting and the May 27, 2021 meeting.**

Motion by Mr. Reid, seconded by Ms. Ellison, to approve the minutes from the February 26, 2020 meeting. Motion carried unanimously. Mr. Schilz and Ms. Henderson abstained.

Motion by Mr. Reid, seconded by Mr. Schilz, to approve the minutes from the October 22, 2020 meeting. Motion carried unanimously. Ms. Henderson abstained.

Motion by Mr. Reid, seconded by Mr. Schilz, to approve the minutes from the May 27, 2021 meeting. Motion carried unanimously.

- 3. Zoning Special Exception petition for a screen room to be constructed within the rear yard setback, to be located at 4595 S. 116 St., submitted by Danielle Hady, d/b/a Outdoor Living Unlimited. (Tax Key No. 610-0218-000)**

The applicant, Outdoor Living Unlimited, is representing the property owner who is requesting a variance to construct a screened-in sun room off of the back of their home, which would encroach into the rear yard setback requirement. The property is zoned R-2A Single-Family Residential District, which requires a 25-ft. rear yard setback. The single-family home was built in 1996. Going off of measurements from an aerial photo (which isn't perfect, but is quite close), it looks like the closest existing corner of the house is about 30 feet from the rear yard property line.

There is a concrete patio in the back that the owners would like to replace with the proposed screen room. The proposed screen room is 20 ft. deep x 16 ft. wide. The proposed plans also include a deck off of the sun room that is 6 ft. deep x 16 ft. wide. The combination of the sun room and deck (26 ft. deep x 16 ft. wide) would leave a 10' 6" setback from the rear lot line.

This property has one of the smallest rear yards in the neighborhood because of the way the rear lot line is angled. In addition, this is a corner lot with a fully-exposed backyard off of W. Chapman Ave. The screen room addition would be very visible from W. Chapman Ave. There

are no hardships affiliated with this application. Section 21.09.0209 of the Municipal Code states that, "No special exceptions shall be granted by the Zoning Board of Appeals unless it finds beyond a reasonable doubt that the following facts and conditions exist:

1. Preservation of Intent.
 - a. No special exception shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No special exception shall permit a use in any district that is not a stated permitted use, accessory use, or special use in that particular district.
2. Exceptional Circumstances.
 - a. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the special exception would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Special Exception.
 - a. No special exception shall be granted solely based on economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the special exception.
4. Preservation of Property Rights.
 - a. The special exception must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
5. Absence of Detriment.
 - a. No special exception shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Code or the public interest.
6. Additional Requirements in Floodland Districts."

If a variance is granted for this application, staff feels that a precedence would be set, applying Fact #2 above, that if one exception is granted, more applications are to come. At that point, the City should consider modifying the Zoning Code setback regulations. Every single-family residential zoning district in Greenfield has a minimum 25-ft. rear yard setback requirement. Staff does not recommend approval of the proposed application/variance request.

Ms. Porter stated that the department sends out notice of the Zoning Board of Appeals meeting to neighbors within 200 ft. She has not received any communication for objection or support from neighbors.

Mr. Reid expressed concern that the back deck will be very close to the neighbor's wooden fence. He mentioned that this could be dangerous when barbecuing.

John Shulenburg, representing Outdoor Living Unlimited, was present to discuss the screen room construction. Mr. Shulenburg said that they are willing to make some adjustments to the size of the structure. He said that the property owners are not looking to burden the neighborhood with anything unsightly, they just want a usable outdoor space.

Mr. Schilz said that he supports someone beautifying their home but he would not approve this because it's too close to the rear property line. He said that a future neighbor may not agree with the placement.

Ms. Porter said that the department would be willing to work with the applicant on a different layout.

Ms. Henderson said that approving something this close to the lot line would set a dangerous precedent. She hopes that a compromise can be reached. Ms. Ellison agreed that she would like to see a compromise.

The homeowner Patrick McHugh discussed the closeness of the deck to the lot line. Mr. McHugh and his wife are willing to move the deck portion somewhere else. He suggested that they can look at other dimensions for the screen room.

Mr. Reid recommended that the applicant go back to the Department of Neighborhood Services with new plans.

Motion by Mr. Reid, seconded by Mr. Schilz, to deny the Zoning Special Exception petition for a screen room to be constructed within the rear yard setback, to be located at 4595 S. 116 St., submitted by Danielle Hady, d/b/a Outdoor Living Unlimited. (Tax Key No. 610-0218-000) Motion carried unanimously.

4. Adjournment.

Motion by Mr. Schilz, seconded by Ms. Ellison, to adjourn the meeting at 5:44 p.m. Motion carried unanimously.

Respectfully Submitted,

Natalie Phillips
Administrative Assistant

Distributed July 6, 2021