

**MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD AT THE
GREENFIELD CITY HALL ON THURSDAY, DECEMBER 22, 2022**

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

ROLL CALL:	Mike Braswell (chair)	Present
	Donald Reid	Present
	Kevin Thomas	Excused
	John Rivera	Excused
	Stephanie Kosmeder	Excused
	Amanda Henderson (alt)	Excused
	Christopher Porterfield (alt)	Present

ALSO PRESENT: Kristi Porter – Community Development Manager
Judy Luczak – 5070 S. 69 St.

- 2. Approval of the minutes from the May 25, 2022 meeting.**

Motion by Mr. Reid, seconded by Mr. Porterfield, to approve the minutes from the May 25, 2022 meeting. Motion carried unanimously.

- 3. Zoning Special Exception petition for construction of a home addition within the rear yard setback at 5070 S. 69 St., submitted by Raymond & Judith Luczak. (Tax Key No. 617-0027-002)**

Approximately 15 years the homeowners, Mr. and Mrs. Luczak, constructed an addition to their single-family home that included an attached one-car garage in the front/side and a sun room/spa room addition in the rear. In October 2022, Mr. and Mrs. Luczak were about to sell the home to a new owner, but it was brought to the City's attention that years past, an addition was constructed without permits. The City reached out to the homeowners and notified them of the recent discovery and indicated that permits were required. In order to rectify the situation and provide a clean-titled property to the buyer, the homeowners are in the process of demolishing the one-car garage that was constructed 4.9 ft. off of the side yard setback. The property is zoned R-2 Single-Family Residential Conservation District, which requires a 10-ft. side yard setback and 25-ft. rear yard setback. The maximum lot coverage ratio is 0.20. The homeowners would like to keep the sun room/spa room in the back of the home. That portion of the addition encroaches into the rear yard setback by 1.6 ft. (that portion of the addition is 23.4 ft. off of the rear yard lot line). Nearly every home in the immediate vicinity has some sort of setback encroachment (the neighbor to the south has a detached garage that is about 11 ft. off of the rear yard lot line and a few neighbors to the north have homes that encroach into the side yard setback by a few feet). If the sun room/spa room addition is approved, the lot coverage ratio would be only 0.11.

The homeowner has supplied a Plat of Survey showing the demolition of the one-car garage and the rear portion of the home that they are proposing to keep that slightly encroaches into the rear setback. The homeowners have started the permitting process to demolish the garage.

They are also fully aware that permits for the remaining sun room/spa room that they are requesting to keep, are required, and that the inspectors will need holes perforated into the walls so they can see the electrical and plumbing work that was done without permit approximately 15 years ago, so the addition can be properly permitted.

The homeowner is requesting the setback waiver based on the exceptional circumstance that many surrounding neighborhood homes have setback encroachments that are even larger than their request.

Staff recommends approval based on the existing setback conditions of neighboring properties.

Mr. Braswell asked if the ZBOA could consider providing a waiver for the garage setback encroachment as well. Ms. Porter further explained that the owners had constructed a one-car garage at the same time as the spa/sun room addition, approximately 15 years ago, and that the garage was constructed 4.9 ft. off of the north side yard lot line. The Zoning Code requires a 10-ft. side yard setback. She added that if the ZBOA wished to provide a setback waiver for the garage addition as well, which meant that the homeowner would not need to demolish the garage, that was certainly within the parameters of the ZBOA's authority. Mr. Reid stated that given that several other homes or garages were within the setback restrictions, he didn't see that they would set a precedent if they also granted a waiver for the garage. Mr. Reid asked how far the garage was from the home to the north and Ms. Porter stated that while she didn't have the measuring tools at that moment, she could tell from the survey that it was at least 25+ feet away. Mr. Braswell stated that he is aware of homes that are much closer in the City and didn't see that this would be a huge issue to grant a waiver for the garage as well. Ms. Porter stated that the garage has been encroaching for approximately 15 years and didn't anticipate that neighbors would object. The homeowner, Ms. Luczak stated that she has spoken with her neighbors and no one objected to the way that that home was currently constructed. Mr. Porterfield stated that he agreed with the statements made by Mr. Braswell and Mr. Reid.

Motion by Mr. Porterfield, seconded by Mr. Braswell, to approve the Zoning Special Exception petition for construction of a home addition within the rear yard setback at 5070 S. 69 St., submitted by Raymond & Judith Luczak (Tax Key No. 617-0027-002), as amended to include the garage addition within the side yard setback. Motion carried unanimously.

4. Adjournment

Motion by Mr. Braswell, seconded by Mr. Porterfield, to adjourn the meeting at 5:44 p.m. Motion carried unanimously.

Respectfully Submitted,

Natalie Phillips
Administrative Assistant

Distributed January 3, 2022