

**MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD AT THE
GREENFIELD CITY HALL ON THURSDAY, JULY 27, 2023**

- 1. The meeting was called to order by Chairperson Mike Braswell at 5:40 p.m.**

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

ALSO PRESENT: Gina Vlach - Planner
Donald Hess – 6531 W. Forest Home Ave.
Harold Jasicki – 6531 W. Forest Home Ave.

- 2. Approval of the minutes from the December 22, 2022 and June 22, 2023 meetings.**

Motion by Mr. Porterfield, seconded by Mr. Reid, to approve the minutes from the December 22, 2022 and June 22, 2023 meetings. Motion carried.

- 3. Zoning Special Exception petition for construction of an addition to an existing garage located at 6531 W. Forest Home Ave., Submitted by Donald Hess, owner. (Tax Key No. 572-8985-000)**

The property owner, Donald Hess, is requesting a variance to construct an addition to his existing 860 sq. ft. detached garage. The addition will be constructed at the location of an existing lean-to structure. The lean-to is approximately 260 sq. ft. and the addition will be 520 sq. ft., an increase of 260 sq. ft., for a total of 1,380 sq. ft. for the renovated garage. The property is zoned C-1 Neighborhood Commercial District, but houses a residential duplex, which is an existing non-conforming use. The proposed location of the addition is in compliance with all setback standards for the C-1 District. Section 21.04.0801(B)3 of the Municipal Code, which details the area of garages, is silent on garage area in the C-1 Neighborhood Commercial District, because residential uses are not permitted in commercially-zoned parcels (hence, the non-conforming status). The requested waiver is regarding the total square footage of the detached garage.

Mr. Hess has submitted the following narrative explanation for the variance request:

I am requesting a building variance (Section 21.04.0801 (B) 3) to add an addition to the existing, detached garage located at 6531 W Forest Home Avenue, Apt. 1 and 2. The property is a duplex and the addition to the garage would add additional indoor parking spaces for occupied residents.

Due to ongoing issues with trespassing and damage to property, and to better the appearance of the property, the variance is being requested. I have been in contact with the Greenfield Police

Department and have installed no trespassing signs and security cameras, unfortunately, those steps have not helped and the trespassing and damage has continued. The additional indoor parking will provide further security for the property of occupied residents while also bettering the appearing of my property and the greater community.

Zoning Code Section 21.09.0209-

B. Exceptional Circumstances: The property at 6531 W. Forest Home Ave. is zoned commercial and is being used as residential. The unusual circumstances or conditions are that this property is not comparable to a normal residential zoned area in the City of Greenfield.

C. Economic Hardship: Due to the ongoing trespassing and damage to property from the residents of the apartment complex, located south of property in discussion. Due to ongoing out of pocket repairs and implementation of suggestions by Greenfield Police Department (the expense of no trespassing signs and surveillance system).

The existing detached garage dimensions are (26'x30' 780 Sq. Ft.) and the attached lean-to dimensions are (26'x10' 260 Sq. Ft.). The lean-to will be removed and replaced with garage addition (26'x20' 520 Sq. Ft.). This would provide two indoor parking spaces for Apartment #1, two indoor parking spaces for Apartment #2, and one indoor space for property maintenance equipment and storage.

Section 21.04.0801 – General Standards for Accessory Uses of the Municipal Code is the section of the Code that regulates sizes and setbacks of accessory uses. The allowable area of a detached garage varies, depending on the zoning district. The largest detached garage allowed in the City is 1,000 sq. ft. However, duplex-zoned residential districts (R-4, R-4A and R-4B) allow two (2) detached garages, up to 600 sq. ft. each (a total of 1,200 sq. ft. of cumulative space for detached garages). The applicant is requesting a final renovated product of a detached garage that is 1,380 sq. ft. in area.

Staff is recommending a compromise of a final renovated product of a 1,200 sq. ft. detached garage. This size stays within the parameters of what a duplex-zoned parcel would be allowed, and therefore is most similar to the residential zoning districts.

The property owners, Mr. Hess and Mr. Jasicki, were present to answer any questions.

Chairperson Braswell questioned why this proposal was appearing before the Zoning Board of Appeals stating that he believed the property should appear before the Plan Commission to appeal for a change in zoning instead to better match the use on the property. Mr. Porterfield asked if other properties along W. Forest Home Ave. were similar in use to the property in question. Chairperson Braswell stated that the properties were similar in use and reiterated his concern that the use does not match the zoning designation.

Ms. Henderson asked if neighbors had similarly sized garages and if they had been given permission from the City. Mr. Hess stated that the lean-to on his property was approved by the City and that his neighbors, who have large detached garages, must have gotten permission from the City for larger garages. Mr. Thomas asked the property owners if they had spoken to the building inspectors at any point in this process. Mr. Hess stated that speaking to an inspector was his first step and that was how he had gotten into contact with Kristi Porter,

Community Development Manager, which initiated the process of appearing before the Zoning Board of Appeals.

Ms. Henderson stated that her main concern was about setting a precedent, but also conceded that a precedent already existed by the presence of the neighbor's large garages, regardless of how the properties were zoned. Ms. Henderson stated that, the applicants having gone through the appropriate channels, should be allowed to have a larger garage as well. Mr. Porterfield noted that the Board would be putting parameters on something that the code is silent on.

Mr. Hess and Mr. Jasicki both stated that there is a time consideration to their petition. Mr. Hess stated that there had been recent issues with trespassing and that his biggest concern is with the timing. The owners stated that they would want to construct the addition before winter.

Chairperson Braswell asked what maintenance equipment would be stored within the garage. Mr. Hess clarified that he had a tractor he utilizes for snow plowing and confirmed that it would fit in the proposed space.

Motion by Mr. Porterfield, seconded by Ms. Henderson, to approve the construction of an addition to an existing garage, to the dimensions requested of 1,380 sq. ft., located at 6531 W. Forest Home Ave., submitted by Donald Hess, owner. (Tax Key No. 572-8985-000). The motion passed 4-1, with Mr. Reid, Mr. Thomas, Ms. Henderson, and Mr. Porterfield voting yes, and Chairperson Braswell voting no.

5. Adjournment

Motion by Ms. Henderson, seconded by Chairperson Braswell, to adjourn the meeting at 6:07p.m. Motion carried unanimously.

Respectfully Submitted,

Gina Vlach
Planner

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