

**MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD AT THE
GREENFIELD CITY HALL ON THURSDAY, MAY 23, 2024**

1. The meeting was called to order by Chairperson Mike Braswell at 5:31 p.m.

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

ALSO PRESENT: Gina Vlach – City Planner
Donald Berlin – 4000 S. 92nd St.
Greg Trempala – Trempala Home Improvements, 3325 Newman Road

2. Approval of the minutes from the April 25, 2024 meeting.

Motion by Mr. Porterfield, seconded by Chairperson Braswell, to approve the minutes from the April 25, 2024 meeting. Mr. Haggas abstained. Motion carried unanimously.

3. Zoning Special Exception petition for construction of an additional garage at 4000 S. 92nd St., submitted by Donald and Sharon Berlin, owners. (Tax Key No. 569-1057-005).

The applicants, Donald and Sharon Berlin, are requesting a variance to construct an additional garage on their property located at 4000 S. 92nd St. The additional garage will be constructed to the east of their existing garage and would be approximately 1,024 sq. ft., bringing the total square footage of garage space on the property to 1,434 sq. ft. (1,024 + 410).

The property is zoned R-3 Single-Family Residential Conservation District. The proposed location of the additional garage is in compliance with all setback standards for the R-3 District. Section 21.04.0801(B)3 of the Municipal Code, which details the location and maximum area of garages, states that only one (1) accessory structure may be a garage and that garages within the R-3 zoning district may be up to 800 sq. ft.

The requested waiver is regarding both the total number of garages on the property as well as the total allowable square footage of garage space for within the R-3 District.

Mr. and Mrs. Berlin have submitted the following narrative explanation for the variance request:

The reason we are requesting a larger garage is so we can store our Pontoon boat in it during the winter. The trailer is 31 feet long so we need the extra length to store it. The new addition to our property is 109.7 feet by 75.8 feet, 8,315.26 sq. feet. Our original lot was 55.8 feet by 91.3

feet, 5,094.54 sq. feet. with a house and garage built on it, so the size of the new lot addition should easily support the size of the requested garage.

The positioning of the new garage, being at the south west corner of the property near the existing garage with the same type and color materials, will fit right in with the existing construction and will not stick out like a sore thumb.

My wife and I have been residents of Greenfield 54 years and would like to thank you for considering our request. We hope you will come to the same conclusion we did, that this will become a great addition to the neighborhood.

Section 21.04.0801 – General Standards for Accessory Uses of the Municipal Code regulates sizes and setbacks of accessory uses. Table 1 summarizes the allowable maximum area for garages and the minimum lot area for the R-1, R-2, and R-3 Districts.

The allowable area of a detached garage varies, depending on the zoning district. In no district are two (2) detached garages permitted. The largest detached garage allowed in the City is 1,000 sq. ft. and is allowed in the R-1 and R-2 Districts. The applicants are requesting an additional detached garage that is 1,024 sq. ft. in area.

The applicants recently went through the Certified Survey Map (CSM) process to combine their lot with the neighboring lot, resulting in a lot larger than what is typical for the R-3 District.

Staff recommends denial of the variance request for a second detached garage at the property located at 4000 S. 92nd St.

In no area of the City may two (2) detached garages be located on the same parcel. Staff found evidence of a similar request in the minutes from a Common Council meeting held on July 19, 1988. During the public hearing portion of the meeting, there was a request to build a second detached garage at 4024 S. 84th Street. The minutes indicate that “Mel Teska stated this request has been before the Board of Appeals on two occasions and has been denied both times” and the motion to approve the request for a second detached garage lost on a roll call vote. Approval of the current variance request would set a new precedent.

Staff recommends approval of the variance request for a garage that exceeds the maximum garage area outlined within the Municipal Code.

Following the combination with the neighboring lot, the applicants’ lot now more closely resembles lots within the R-1 or R-2 District. Permitting a single garage, which exceeds the maximum allowable area given the lot size, is in line with recent decisions made by the Zoning Board of Appeals allowing larger garage sizes in cases where the lot size exceeds what is typically found in a given zoning district.

Staff recommends that the applicants be permitted to keep their existing garage during the construction of the new garage. However, Staff also recommends the Zoning Board of Appeals consider requiring the existing garage be removed within a certain amount of time, to be determined by the Zoning Board of Appeals.

The applicant, Donald Berlin and the contractor, Greg Trempala, were present to answer any questions.

Chairperson Braswell asked the applicant if any consideration had been made about removing the existing garage. The applicant explained that the parcel that he had purchased, and later combined with his existing parcel, used to contain a single-family home and a garage. When the applicant purchased the vacant lot, he explained, he did not consider that rebuilding a detached garage, in a location that had previously had a detached garage, would be a problem.

Mr. Trempala explained several of the factors that impede construction of an attached garage at the property. Specifically, he explained that the location of power lines prohibited a garage from being located closer to the existing garage because the roof would touch the lines. Mr. Trempala also explained that the existing garage could not be tied into the house because the existing garage is on a floating slab and the home is on footings. The difference makes it impossible for the existing, detached garage to become an attached garage.

Mr. Haggas voiced concern over setting a precedence for allowing two, detached garages on a single parcel.

Mr. Porterfield asked for clarification on the structural integrity of the existing garage. The applicant clarified that the garage has settled but believes that it could easily be addressed.

Discussion about various alternatives between members of the Zoning Board of Appeals, the applicant, and the contractor. None of the alternatives were determined to be feasible.

Motion by Chairperson Braswell, seconded by Ms. Kosmeder, to approve the Zoning Special Exception petition for construction of an additional garage, with the size as presented, contingent on the existing garage being removed when there is a change of owner, at 4000 S. 92nd St., submitted by Donald and Sharon Berlin, owners. (Tax Key No. 569-1057-005). Motion carried unanimously.

4. **Zoning Special Exception petition for construction of an 8ft. tall fence, to be located at 4199 S. 121st St., submitted by Jim and Dawn O'Boyle, owners. (Tax Key No. 565-0028-000)**

Placed on next agenda per the applicant.

5. **Adjournment**

Motion by Chairperson Braswell, seconded by Mr. Porterfield, to adjourn the meeting at 6:36 p.m. Motion carried unanimously.

Respectfully Submitted,

Gina Vlach
City Planner

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