

BOARD OF ZONING APPEALS MEETING
OCTOBER 20, 2015
7:00 P.M.

I CALL MEETING TO ORDER

The meeting was called to order by Chairman Weidlich at 7:00 p.m.

II ROLL CALL

Members Present: Carolyn Ghantous, Ed Knox, Dave Nienaber, Bob Weidlich,
Jane Huber

Member Absent: Joe Ramirez

Others Present: Randy Campion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF SEPTEMBER 15, 2015

Chairman Weidlich: We have the Minutes of our September 15th, 2015 meeting; does anyone have any additions or corrections to those Minutes?

Mr. Nienaber: I move to adopt. (Mr. Knox seconded the motion and with a vote of 4 – 0 from the Board of Zoning Members present at the time, the Minutes of the September 15th, 2015 BZA meeting were approved.)

V CORRESPONDENCE

Chairman Weidlich: We have no correspondence this evening.

VI REPORT ON COUNCIL

(Mr. Knox gave a summary report of the September 16th, 2015 and October 7th, 2015 City of Springdale Council Meetings)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the October 13th, 2015 City of Springdale Planning Commission Meeting.)

VIII CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

(Chairman Weidlich performed swearing in of Applicants.)

IX OLD BUSINESS

(No Old Business presented at this meeting.)

X NEW BUSINESS

A. The owner of 11761 Lawnview Avenue has submitted an application to the Board of Zoning Appeals to appeal Section 153.097(B)(4) of the Zoning Code requiring that the shed must be set back a minimum of 5' (60") from rear property line and seeks a variance to allow the shed to remain at its current location.

Chairman Weidlich: Would the representative for 11761 Lawnview come to the podium and state your name and address and the reason for your request.

Mr. Dan Chaney: I just wanted to leave my barn in the current space because it utilizes more space in my yard and I'm only 16" off of the five feet. It's square with the house and square with the patio, so it looks good.

(Mr. Campion read the Staff comments concerning this request.)

Chairman Weidlich: Is there anyone in the audience that would like to speak on behalf of this application? (Mrs. Pam Chaney came forward at this time and was sworn in by Chairman Weidlich.)

Mrs. Chaney: I just wanted to add on to what my husband said, we have a very irregular lot and that is why it is only 3' and not 60" from the fence line. The barn is 12' wide and there is only about 3' because of the way our yard is irregularly shaped. That is all I want to say.

Chairman Weidlich: Would anyone else like to speak on behalf of this application? (No one came forward from the audience and the public portion of this application was closed.)

Mr. Nienaber: How long as the barn been there?

Mr. Chaney: I just purchased it and had it moved in at the end of June. At the time I knew that I was supposed to be at 5'. At the time I thought it was fairly close and I didn't measure it, I just went by sight at the time and that is my only fault.

Mr. Nienaber: Is it on a poured foundation or on block?

Mr. Chaney: It is on skid runners. If it has to be moved it can be moved but as it is right now everything looks beautiful this way.

Mr. Nienaber: Has there been any reactions from your neighbors?

Mr. Chaney: No. They were all supportive, so I have no complaints from the neighbors.

Chairman Weidlich: If there is no further deliberation, would anyone like to make a motion?

Mrs. Huber: I move to grant a variance to Section 153.097(B)(4) for appeal to the owner of 11761 Lawnview Avenue so as to allow a utility building to be located less than 5' from the rear lot line; the Code says that it must be set back a minimum of 5' or 60" from the rear property line.
(Mr. Knox seconded the motion.)

Chairman Weidlich: Board Members, do we have any further deliberation?
(No further deliberation brought forward at this time.)

(Mrs. Huber polled Board of Zoning Appeals Members, and with a vote of 5-0, the variance was granted.)

Chairman Weidlich: Your request has been granted and you will get your official variance in the mail after our next meeting when our Minutes are approved.

B. The owner of 11744 Van Cleve Avenue has submitted an application to the Board of Zoning Appeals to appeal Section 153.492(B)(1) of the Zoning Code requiring that there shall be no more than one detached accessory building, other than a garage in a residential zoning district and seeks a variance to allow the sheds to remain as currently located.

Mr. Mark Townsend: I am one of two owners of the property at 11744 Van Cleve. Both my wife and I own the property together. Please excuse her absence as she is tending to our parental duties as a soccer mom tonight; she is at practice with our younger daughter. We seek to have a variance to allow a second shed on the property that has been there for a little over two years now. The reason that the shed was initially put up when my wife bought the property back in 2002 is that there is no garage on the property. The previous owners had turned the garage into living space and it currently still is in that condition. The second shed was put up and installed due to the fact that with our young children we consistently have bikes and sports equipment and stuff like that throughout the backyard. Not only is it an eyesore, but it is also a safety hazard with kids running around, or when friends of ours come over and have little ones. So we wanted to create a tidier environment for our backyard. The shed is the appropriate distances from all of the fences on the property lines. Surrounding our backyard is a 6' wooden fence all the way around so there has not been any issues or concerns with any neighbors. We do currently have two small chain link gates that are between the houses that allow access to the back and our plan is in the very near future, before the ground gets frozen, to put up 6' fences there to also block vision from the street so there would be no visual concerns from the front property. The shed currently stores our bikes and also sporting equipment; I coach football in the local area here, as well as multiple sports over the years here in Springdale. I have coaching equipment in there and I have the kid's snow equipment. Unfortunately, the original shed that was on the property is full of tools and equipment from a business I ran from about 2003 through 2008 until the economy fell, so that shed is predominantly full of tools and there was no additional space to put the toys and equipment and coaching gear. So we have had that shed on the property for about two years and it serves a great purpose for our family since we do not have a garage.

(Mr. Campion read the Staff comments concerning this request.)

Chairman Weidlich: Communications from the public - would anyone else like to speak on behalf of this request? (No one came forward and the public portion for this request was closed.)
I have a couple questions for the applicant. Did you erect both sheds on the property?

Mr. Townsend: The initial shed was erected by a service that my wife had hired at the time that she bought the property when we were not married; she did not anticipate growing the family so a single shed served the purpose at that point in time. As we have grown the family though, we did need the other one so I erected the second shed.

Chairman Weidlich: I will tell you from my standpoint, but I am only one vote on the Board - we had this situation a few years back where someone had two sheds on the property and they were denied the variance. If this would be approved tonight, then that would be setting a precedent for other homeowners to request

another shed on their property. Like I said, I am one vote but from my standpoint I won't be supporting your request. I cannot speak for the other Board Members. Board Members, do you have any questions for this applicant?

Mrs. Huber: Sir, have you considered and I know it is expensive, to remove the two that you have and build a bigger one?

Mr. Townsend: It is not in the financial budget at this point in time. My son was diagnosed with seizures last year and we spent about \$14,500 in medical expenses last year that we are still digging out of – CT scans, the whole nine yards. So that has unfortunately hindered us this year as we try to dig out of that so at this current time it is not financially in the budget to buy a bigger shed.

Mr. Knox: Have you considered selling the equipment that is in the original shed, to clean it out so that you would only need one?

Mr. Townsend: I have considered that as a potential option but at time there are still site projects that I do on the side with property rehabs, so some of the equipment I still use rather frequently.

Chairman Weidlich: Does anyone else have any questions for the applicant or deliberation on the discussion? (No further questions or deliberation presented at this time.) Can we have a motion?

Mrs. Huber: I move to grant a variance to Sections 153.492(B)(1) to property located at 11744 Van Cleve Avenue, so as to allow two utility buildings to remain on property; the Code Sections says there shall be no more than one detached accessory building.
(Mrs. Ghantous seconded the motion. There was no further deliberation or amendments to the motion. With a vote of 0-5, the request for variance was denied.)

Chairman Weidlich: Your request has been denied, sir.

Mr. Townsend: May I ask a couple of questions?

Chairman Weidlich: Sure.

Mr. Townsend: Why is it exactly; what is the thought process behind denying a second shed on the property?

Chairman Weidlich: The Members of this Board didn't make the City Code up, so I don't know what it was but if you saw a lot of properties with two sheds I imagine it would be quite an eyesore in the City.

Mr. Townsend: In this particular case, we are erecting 6' fence so there is going to be no eyesore.

Chairman Weidlich: I am sorry, I can't answer that. Mr. Campion, do you have anything?

Mr. Campion: It is not in the Zoning Code; the Zoning Code only allows for one shed.

Mr. Townsend: As a veteran of this country in the U.S. Army, I fought to defend our freedoms and it sucks, quite frankly, that we are in a situation where I don't have the freedom to be able to store equipment for our children and create a safer environment on my own property that I pay taxes and a mortgage on. So thank you very much for your time but every one of you just lost my vote.

Mr. Campion: Sir, I wanted to remind you to get a permit for the fence.

Mr. Townsend: Clearly, when I go to court tomorrow because you guys filed with the Police Department, I am going to have to take it down. Thank you very much, you guys all lost my vote. Have a good evening. I will be selling my house. As a matter of fact, I might just keep it – that way I can vote no against all of you guys the rest of your tenure. Have a good evening. (Remainder is intelligible as Applicant is leaving chambers during this dialogue.)

C. The owner of 352 Cherry Street has submitted an application to the Board of Zoning appeals to appeal Section 153.097(B)(4) of the Zoning Code prohibiting accessory structures constructed in the front yard setback and seeks a variance to allow construction of the additional deck area within the front yard setback.

Mr. Clayton Pauley: I own 352 Cherry Street. It is a rental property and there was an existing front porch that there was a previous variance allowed for. When we purchased the property, we were not aware of that variance and I didn't think it was a big deal. I found out later that you can't go close to the road but there was already a variance there. I didn't go any closer to the road, all I did was add on an additional 6' x 7' addition to that front porch. It is a small cottage in the original part of Springdale which I grew up in. So, we were just trying to make the house a little bit better and give the renters a little bit more space to move around and hopefully make the place look better for the City.

(Mr. Campion read the Staff comments concerning this request.)

Chairman Weidlich: Is there any communication from the audience on this request? (No one from the audience came forward and the public portion of this request was closed.)

Mrs. Huber: I want to commend you for what you have done. I was one of the originals.

Mr. Pauley: I thought I remembered you. My family was one of the originals, too.

Mrs. Huber: And the house looks so nice; it really does. I appreciate people buying those and remodeling, it looks very nice but you have been secluded from the neighborhood, so to speak, by the commercial all around you. I find nothing the matter with what you have done.

Mr. Pauley: Thank you.

Mr. Nienaber: I wanted to remark the change looks very nice. What I'm trying to follow and I'm going to ask Mr. Campion, at what point was it outside of the limits?

Mr. Campion: The front yard setback, probably the whole house, does not meet the requirement.

Mr. Pauley: Actually I was born in 1959 and it was always on the street, there were only gravel roads back when I was a kid.

Mr. Campion: The zoning ordinance has a minimum front yard setback. So the existing house that was there before the zoning ordinance didn't meet the setback or the porch didn't.

Mr. Pauley: The house is only 22' from the road.

Mr. Campion: Which I believe the minimum setback is 35'. There is a variance for the porch. So, at some point when the porch was added in 2006, the porch was approved with a variance. He has added this 6' or 7' section to the right of the picture that you guys have.

Mr. Nienaber: Okay. Thank you.

Mr. Pauley: Yes. I actually left about 1' off of the house.

Mr. Campion: It is not any closer to the street but it is still in the front yard setback.

Mr. Nienaber: It is beyond, wider than the original variance?

Mr. Campion: Yes, that is correct.

Mr. Nienaber: Thank you.

Mr. Knox: My question has already been answered, what is the actual setback of the house?

Mr. Pauley: Something like 22'; right in that area. The house was built before the road was.

Mr. Knox: That actually answers my question; you don't have to go any further. I am in favor of it.

Mr. Pauley: Thank you, I appreciate that. All I tried to do is bring it back to the way I remember it when I was a kid, somewhat. We just made it nicer.

Chairman Weidlich: The fact that you didn't go any further forward with it than the current front porch, I don't have a problem with what you've done.

Mr. Pauley: Thank you.

Chairman Weidlich: Does anyone else have any questions for the applicant or deliberation on our discussion? (No further questions or discussion presented at this time.) Can we have a motion, please?

Mrs. Huber: I move to grant a variance to Section 153.097(B)(4) for property located at 352 Cherry Street so as to allow an existing deck to be increased in size, 8' x 7' into required front yard setback.
(Mr. Nienaber seconded the motion.)

Chairman Weidlich: Does anyone have any further deliberation or amendments to the motion? (Nothing further presented.) Mrs. Huber, would you poll the Board?
(With a 5-0 vote, the request was approved.)

Mr. Campion: Could you also contact our office to get a permit?

Mr. Pauley: I filed for the permit before I did it, so they have it already. I can resubmit it again.

Mr. Campion: I think they wanted more detail.

Mr. Pauley: Okay. Thank you.

XI DISCUSSION

A. Chairman Weidlich: Does anyone have any discussion this evening?

Mrs. Ghantous: You know last time we met, we discussed trying to get some rewording in the Zoning Code that would address the applications that we have concerning the elimination of garages or garage conversions. I was told, and we were told when we met last, Gregg Taylor confirmed that we were supposed to at the last Planning Commission meeting go over the new Zoning Code; well, that didn't happen. Mostly because of that and how time consuming that was going to be at the Planning Commission meeting, I called Chairman Don Darby on the Planning Commission and told him I had a request from the Board of Zoning Appeals about garage eliminations and conversions since we're going to have a really long meeting and I'm thinking that I don't want to bring this up at the meeting because it is going to be another long conversation. He said you're right, that is not a great idea. So I attended the Staff meeting that was on Thursday October 8th and that is when Don meets with the Staff prior to the Planning Commission meetings each month. At that meeting was Derrick Parham, the City Administrator; Jerry Thamann, the Assistant City Administrator; Anne McBride, our City Planner; Christine Russell, the Economic Development Director; Don Shvezgda, the City Engineer; Gregg Taylor, the City Building Official; and Don Darby, also me. Don wanted me to present our idea, our proposal to this group. So Ed Knox was kind enough to type something up for me that was certainly in keeping with the things that we had discussed about putting some things in place that would pretty much make it clear that eliminating a garage is not something that we want to be granting much of in the future. Then also, where the bigger question mark lies, as we know, is when people come to us when they are already converted like the ones we just had recently where they bought the house and they didn't know that it wasn't supposed to be that way. Ed typed something up that summarized what we had discussed as a group that you guys asked me to present to Planning Commission. Instead I ended up presenting this at this Staff meeting. Really it was addressed primarily by Derrick Parham. Certainly Anne McBride had some input but Derrick is not in favor of changing any language that we have currently. He believes that the language that is in the current Code, along with a little bit of tweaking that is in the new Code, not a lot of difference in that it is adequate for the Board of Zoning Appeals to use when determining outcomes of these appeals. He said that he really feels, if we will follow the letter of the law, and base our decisions purely on the City's definition of a hardship and eliminate all emotion from our decisions, then we should not be granting any of these variances; none of them. He also asked me to please provide everyone with a definition of hardship. So I have that here for everybody to look at; it is several pages. So for me, I didn't really end up doing what you asked me to do, which was to present it to Planning. I kind of got nixed before I even got to Planning. Now I need to know what we think we should do, if anything. What you would like for me to do regarding this matter?

Chairman Weidlich: Is he saying an existing conversion; that we should deny that, even like the cases we've had where people purchased it that way?

Mrs. Ghantous: That was my interpretation; yes. No exceptions to the rule unless they can prove a hardship. Once you read through this, which I did today, if we applied this as it is written, then we would be not granting any variances. He also asked me to tell you, as he told me, that every time that we grant one of these variances, all we are doing is giving people permission to break the law.

Mrs. Huber: Then we shouldn't have a Board.

Mr. Knox: Right.

Mrs. Gbantous: I am just the messenger. He had very strong feelings that the way the Code is written now, it is adequate and it does not need to be changed as we had discussed to make it easier and more fairly applied to all of the applicants. My thing is, for instance, we have been trying to enforce the overhead garage door. I am not totally hung up on exactly the overhead garage door itself but what I would really like to have is some piece of something that we could apply consistently to every application. The overhead garage door seemed like we could kind of try to apply that across the board. In my mind, I was looking for something that would allow us to be consistent and fair and put us in a better position to take a stronger stance on some of these issues; and I said that almost exactly word for word. He said what we have in the Code now allows us to do that, if we will only make our decisions based on the hardship definition.

Mr. Knox: Well, if there's already a conversion, they can convert it back into a garage.

Mrs. Gbantous: Definitely, he thinks we've been too lenient and maybe we have been. I think we have to at least think about that part of it. My question is, what now? Do we want to do anything differently, based on the conversations that we had at the last meeting? The Planning Commission hasn't heard any of this, only the Chairman of the Planning Commission and Staff. I didn't really achieve what you asked me to do, although I did try to do that.

Mr. Nienaber: Mr. Parham's answer sounds so non-negotiable.

Mrs. Gbantous: It did sound that way.

Mr. Knox: Is there anything (... not on microphone ...) establishing the rules that operate here in the Board of Zoning Appeals that people can find out about and may or may not try to convert their garages, based on what our rules are – would that be overstepping our bounds?

Mrs. Gbantous: It seems like it would be; it seems like those rules would have to be in the Code; don't you think, Randy?

Mr. Campion: I think you'd have to ask the Legal Department about that. There are two items that are in the Code that address that. There is a need for a garage and when you don't have a garage, you park on the street. That is the reason for the garage. What has kind of morphed into what has come to pass, is the Board has felt that the garage is for storing your possessions; so that if there is a shed, there is no need for a garage. The real purpose of the garage is to park your car in the garage, not in the driveway. From one standpoint, the City Manager is saying that we should be enforcing the need for a garage. The other thing is, if you allowed a conversion the appearance in neighborhood comes in play. So having something that looks like a garage door, I can see that would be something that the Board would consider, whether the door is operable or not if you are not using for a garage, doesn't really make sense to me.

Mrs. Huber: Everyone on Van Cleve must have a garage conversion.

Mr. Campion: There were actually two of them mentioned here tonight. Both places had converted garages, whether they are legal or not, I don't know.

Mrs. Gbantous: Derrick did speak to that whole thing. He talked about the intent, which was what you said about why we have garages, why we have it in the Code that we have to have garages and so on and so forth. He talked about the fact that many times people just have too many things in these little houses, particularly in my neighborhood. We have these little houses and when you have too much stuff you fill up you garage and then you get a shed and then you get a second shed.

We know how it works. So he talked about that and he said the Board of Zoning Appeals should be telling people that they need to rent a storage unit, they need to sell their items. If you need more space than you have, move.

Mrs. Huber: That's a hardship, too.

Mrs. Gbantous: Many of the things he said were valid; I am not trying to present that what he said didn't have some legitimacy because a lot of what he said did have legitimacy but then, how does that fit in to what we are trying to achieve in standardizing or regulating somehow, so that we are making fair and consistent decisions with each applicant.

Mr. Nienaber: So much of what we deal with is ones where the change has been made.

Mrs. Gbantous: Yes, probably more than half.

Mr. Knox: Can I read the first four lines of what I wrote and tell me if it's not already in the Code? Number 1 - An operable garage door, in this case, I said one that rolls up into the ceiling in the garage, must remain; it must be manually operable when electricity is not available. Number 2 - there must be at least one other unimpeded exit in the area in question. Number 3 - there must be a driveway leading to the area in question that will accommodate two vehicles without blocking the sidewalk. And Number 4 - the area, if it is to be used as sleeping quarters, there must be an operable smoke detector. I have just distilled parts of the Code that already exist into this and I don't see why he would find that objectionable.

Mr. Campion: Let me speak to one thing - the reason for this Board and the reason for granting variances; Planning Commission, I guess, is the one that changes the Zoning Code but there is a Zoning Code that is recommended and voted on and it is the law. That it does apply to everybody - it is blanket-wide and it's the whole City but if you live on a corner lot, you are entitled to the same privacy as if you live in the middle of the block. So it is the purpose of this Board is to grant variances when somebody doesn't fit into that niche. The fact that you don't have enough room for all of your stuff or your house isn't big enough doesn't really apply; that is what Derrick is getting at.

Mrs. Gbantous: Correct.

Mr. Campion: Maybe you need a bigger house. The Board, when somebody comes before it, should look at hardship. Hardship is an issue. If somebody bought a house that is worth "x" amount of dollars because that was converted before they bought it and this Board were to make them change it back, they would lose the value of that space. That is an economic hardship in itself to an existing thing. But if you take somebody who bought that house, and wants to convert it, they need to buy another house. An existing conversion, if this Board went to everybody that converted them and made them put it back, then that would be an economic hardship, I think the Board can look at it that way. You would have to ask the Legal Department, I am not a lawyer. The purpose of this Board is to grant variances, to treat all the citizens the same. So, if the law is laid out there, and they are in a situation where they are on a corner lot or something is causing them a more severe level of restriction than their neighbor, then that is a valid time to issue a variance. Does that make sense?

Mr. Knox: The two things we ruled on tonight could be construed as hardships; we just didn't use that word. Because if you moved that shed forward at an angle, it would cut off part of the yard. It would also look like hell if they moved the whole shed forward, then he would lose more of his yard.

Mr. Campion: That is true because he doesn't have a square lot, where maybe his neighbor did. So when you make a motion for a variance, you should include the reasons why you think it needs special consideration.

Mrs. Ghantous: Lawrence was really good at that; he always did that.

Mr. Campion: Yes.

Mr. Knox: We found two hardships tonight.

Mr. Nienaber: And one person that was really irritated.

Mrs. Ghantous: So he would have nothing of the idea of trying to grant asylum to the folks that already have converted, or bought and didn't know that it wasn't supposed to be converted. He just wants us to deal with each application solely based on the City's definition of a hardship, which you have now.

Mr. Campion: I don't necessarily agree with that. The second application tonight, the one on Cherry Street is another good example where I believe the Board voted correctly. You had a non-conforming building that was built before the Zoning Code existed and it didn't meet the front yard setback. That is why the Board originally in 2006 granted a variance. It didn't extend farther into that area and it still is going to be a non-conforming structure no matter what you do. He doesn't have the luxury of sitting off of the road like everybody else does, so that was a valid reason. He was different than everyone else and it was a good reason to grant a variance.

Mrs. Huber: Topography.

Mr. Knox: He could probably sue the City for putting the road too close to his house.

Chairman Weidlich: I imaging that we have dozens of conversions that the City doesn't even know about.

Mrs. Ghantous: I am sure of it.

Mrs. Huber: Heritage Hill is full of them.

Mrs. Ghantous: Our neighborhood is full of them.

Chairman Weidlich: I like the appearance, whether it is converted or not, that there is a garage door on a home. That way it keeps the look of the neighborhood; some of the conversions that you go by just scream at you that it has a converted garage.

Mrs. Ghantous: I'm just concerned that if we don't have some standard or standards that we can apply, and I used the example of the garage door and I liked that because that was at least something that we were attempting to apply to every applicant. That made me feel like this is fair because there are so many variables, lot size, house size, location and so many things that are going to be variable about each application but if there was something that standardized it. I'm waiting for the day, because I have been on the Board a little over two years, for somebody to come in and say you granted it for this guy and you didn't grant it for me because he is tall and I am short. I'm waiting for it. In my life, in my business and my jobs that I have had my entire life, that always happens. You made an unfair decision based on something, because somebody knew somebody or somebody was friends with somebody or there was some relationship, they go

to the right church or the wrong church, or something. I am just waiting for that because we don't have that thing in place that we could apply to darn near every single applicant. That is why I was on board with the garage door, because that would at least give us that thing to talk to every person about and we are hearing about it on every application. But are there other things? Derrick feels that if we just apply the hardship then we don't need any wording or rewording that would standardize things the way I wish it would be.

Chairman Weidlich: I just wonder if somebody came in with a request for a conversion, why wouldn't the Building Department say no and why would it even come before the Board

Mr. Campion: We would say no because the Zoning Code doesn't allow it and then if they appealed our decision they would come before the Board.

Chairman Weidlich: Yes, you're right.

Mrs. Ghantous: That is going to be the easier one, I think, to take a hard line on. We can start fresh with the new Code; but the old Code says we have to have a garage, too. But we could kind of start fresh and just say no.

Mr. Nienaber: A benchmark.

Mrs. Ghantous: Yes, exactly. To me that is easier to apply in a standardized way to every applicant. But the conversion, really according to the code and according to the hardship definition, we should be saying no to all of them – all of them.

Chairman Weidlich: The thing is with a garage, you drive by so many houses and so many people do not use their garage. I have driven by two-car garages that you can't put a foot in hardly because people have so much junk stored in them.

Mrs. Ghantous: Exactly. We know that is the case. When these little houses back here were built, people didn't have so much stuff and so now we all have more stuff and we use our garage for storage area.

Mrs. Huber: We have a lot more people living in a single-family house.

Mrs. Ghantous: When these houses were built, most people had one car and now people have at least two and, if they have teenagers, they have three or four and then that is creating the parking issue. It's all different places that end up with the same problem and that's parking on the street. Is there anything else you want me to do?

Chairman Weidlich: It sounds like you are between a rock and a hard place right now.

Mrs. Ghantous: I don't know what to do; what I really felt bad about is that the Planning Commission didn't even hear what we were thinking of.

Chairman Weidlich: Is it going behind Derrick's back if it would get presented to them?

Mrs. Ghantous: I don't feel good about that. I don't think that is the right way to do things.

Chairman Weidlich: I know you have already done that and got the City feedback on it.

Mrs. Gbantous: How should that happen? Do we still think the Planning Commission needs to hear it or do we want to just continue like we have been and paying more attention to the definition of hardships?

Chairman Weidlich: What was Chairman Darby's response to all this during the meeting?

Mrs. Gbantous: One reason he wanted me to come is he didn't understand the problem. He has never been on Board of Zoning Appeals so he wasn't even aware that this was a hot topic and we hear it month after month. So he had specific questions about how often, why and just basics. Other than that we just kind of listened as we got Derrick's interpretation of the way things are written and the way he things that it should be and that there is no need for any changes, the changes that we had discussed.

Mrs. Huber: He's one body, we're seven.

Mr. Nienaber: So next month if somebody comes and says that they have a house that has a garage conversion that it was done five years ago and they just now realize they need a variance, then we are going say rip it out. Isn't that a hardship, too?

Mrs. Gbantous: I'm not going to vote that way, probably. Then it comes down to the individual Board Members. I am probably not going to vote in favor of that if they bought the house and they didn't know, like the folks that we had last month that I had the feeling truly didn't know.

Mrs. Huber: That one was thirteen years ago.

Chairman Weidlich: And the one was twenty-two, the month before. It's not fair to those people.

Mrs. Gbantous: It is not.

Mr. Knox: If we're not going to have any new garage conversions under this mandate; what about the ones that are already there? It really should address that.

Mrs. Huber: Where did I read that you have to have some kind of a form signed or something through the Building Department?

Mr. Campion: You have to get a permit to do a garage conversion now. Tonight is a good example - the guy who had the two sheds, his wife who he wasn't married to then, got a permit for the first shed. Then he put up the second shed without a permit and then Gordon saw the shed and he is due in court tomorrow to take the shed down. He didn't get a permit, he didn't ask permission or go before any Boards to get a variance - he just did it. He mentioned he wants to put up a fence around it, well you need a permit for a fence too. If he puts his fence up then we will cite him to court and we will make him take his fence down or get a permit for it. I don't really feel sorry for people like that, because he's not doing what he's supposed to do. The person who buys a house and knows nothing about the conversion that happened before him is a different matter. I don't know if this Board wants to talk to Council or people on Council about it.

Mrs. Huber: Is his garage converted?

Mr. Campion: He said his garage was converted before they bought the house and the other couple that had a shed said that. I don't know if this Board wants to talk to people on Council because it is pretty prevalent in this City and it is up to Council to make the laws.

Mr. Knox: The suggestion has been made that when the new Zoning Code goes in operation, hopefully on the first of January of next year, that we give everybody with an existing conversion who doesn't have a variance a set amount of time, three or four or six months to report it. Then if they don't they will have to tear it out.

Mr. Campion: That suggestion was made amongst this Board.

Mr. Nienaber: That was my understanding.

Mrs. Ghantous: Yes.

Mr. Campion: I would say that the people on Council are the people to talk to.

Mrs. Huber: So precedent doesn't matter.

Mr. Knox: Apparently not, there is only hardship.

Mrs. Ghantous: I was hoping Gregg would be here too, since he was at that meeting, in case he would add or if I misunderstood in anyway; but I don't think that I did.

Mr. Campion: I can talk to him and ask him what he felt the direction was going.

Mrs. Ghantous: And then we just need to get this definition to Joe and Holly so they have it as well.

Mr. Knox: I'll give Holly's hers tomorrow night.

Mr. Campion: Do you guys still have this Findings of the Board of Zoning Appeals?

Mr. Nienaber: I can't say I have it.

Mr. Campion: I will get that. It lists four items that you should be asking yourself.

Mrs. Ghantous: Is that in our packet? We get that in each packet.

Mr. Campion: It should be in your booklet.

Mr. Nienaber: I never got a booklet.

Mrs. Ghantous: I am looking at the Conditions and Findings; we get this with each application.

Mr. Campion: It is kind of a guide to reasons for granting a variance.

Mrs. Ghantous: That's on the first page of this definition thing, as well. "If the variance is not of a general or recurring nature so as to revise the Code to provide for such situations. If the answer to these are yes, please summarize your reasons for the motion as part of your motion." So, yes I think we do need a copy of this.

Mr. Campion: Okay, I will get everybody a copy by the next meeting.

Chairman Weidlich: Any other discussion this evening. (No further discussion presented.) I would like to invite everyone from the Board and Staff Members out next month after our meeting; it will be my last meeting.

XII ADJOURNMENT

Mr. Knox moved to adjourn, Mr. Nienaber seconded the motion and the Board of Zoning Appeals meeting adjourned at 8:10 p.m.

Respectfully submitted,

_____, 2015

Chairman Robert Weidlich

_____, 2015

Secretary Jane Huber