

APPROVED 8/11/22

REGULAR MEETING
BOARD OF ZONING APPEALS
MINUTES

MAY 12, 2022

THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS WAS CALLED TO ORDER AT 7:00 P.M., ON THURSDAY, MAY 12, 2022, BY CHAIRPERSON MISTERAVICH.

ROLL CALL

Present: Caperton, Kaminski, Misteravich, and Shade

Absent: Garber

Others: City Planner Jeschke, Nick Wurmlinger, Jon Moore, and Michael Roberts

Visitors: None

Motion by **Caperton**, seconded by **Kaminski** to excuse Garber for being out of town.

All yeas

Motion carried

APPROVAL OF MINUTES

Motion by **Kaminski**, seconded by **Caperton**, to approve the minutes of the April 14, 2022, regular meeting as amended.

All yeas

Motion carried

AUDIENCE PARTICIPATION

None

CORRESPONDENCE

Correspondence was received and filed with no motion being made.

ADOPTION OF AGENDA

Motion by **Kaminski**, seconded by **Shade**, to adopt the agenda as presented.

All yeas

Motion carried

PUBLIC HEARING

A-1. VAR-03-2022 – Nick Wurmlinger/Variance from Section 6.503, to allow a drive-through restaurant on a parcel with 80 feet of frontage where 100 feet is the minimum width allowed.

Motion by Shade, seconded by Caperton to open the public hearing at 7:02 p.m.

All yeas

Motion carried

During the public hearing Michael Roberts who owns the property to the northwest had concerns with traffic and couldn't imagine how a drive-through would work on the site. Once Mr. Roberts saw the proposed site plan, most of his concerns were addressed.

One written comment was received from Statewide Management Group asking that the variance be denied due to traffic congestion.

Motion by Kaminski, seconded by Shade to close the public hearing at 7:15 p.m.

All yeas

Motion carried

ITEMS FOR CONSIDERATION

B-1. VAR-03-2022 – Nick Wurmlinger/Variance from Section 6.503, to allow a drive-through restaurant on a parcel with 80 feet of frontage where 100 feet is the minimum width allowed.

Misteravich asked to suspend the rules to discuss the item before a motion is made.

During the discussion most appeared in favor of the proposed drive-through breakfast style restaurant.

Motion by **Kaminski**, seconded by **Misteravich** to approve the request variance from Section 6.503 (Drive-in or drive-through Lanes or Facilities) to allow a drive-through facility on a parcel with 80 feet of frontage where 100 feet is the minimum width allowed on property located at 67421 Main Street (APN: 50-07-06-03-451-013), based on the finding of fact as listed.

1. It is the opinion of the planning department that the strict compliance with the code requirements will create an unnecessary burden on the property owner in that he is proposing a drive-through that meets every requirement except one, the minimum lot width.

It is the opinion of the planning department that the minimum lot width requirement was to ensure enough lot width to accommodate a bypass lane. In

APPROVED 8/11/22

this case, the applicant has designed a drive-through with a bypass lane on a lot narrower than 100 feet.

2. It is the opinion of the planning department that the variance will do justice in that the property which has been vacant for a while could be redesigned into a more attractive re-use.
3. It is the opinion of the planning department that the property is not peculiar in shape or unique with the exception of the angle at the rear of the property. However, the lot is 80 feet wide and existed in that state prior to being annexed into the city.
4. It is the opinion of the planning department that the need for the variance is not self-created. The property has existed as an 80 foot wide property prior to being annexed into the city.
5. It is the opinion of the planning department that approval of this variance will not cause an adverse impact on the adjacent properties. The proposed redevelopment of the site will utilize the existing curb cut and will not be adding any curb cuts to Main Street.
6. It is the opinion of the planning department that the practical difficulty threshold has been met. The minimum width standard should not matter as much if the drive through is able to have all other requirements fulfilled.

MISCELLANEOUS MATTERS FROM THE CITY STAFF

The City Manager gave updates on the Seymour Street and Burke Drive road project.

CHAIRMAN AND COMMISSION MEMBERS

None

ADJOURNMENT

Motion by **Shade**, supported by **Caperton**, to adjourn the Planning Commission Regular Meeting at 7:27 p.m.

All yeas

**Motion
carried**

Respectfully submitted:

APPROVED 8/11/22

Troy S. Jeschke
City Planner