

**CITY OF WHITEHALL
BOARD OF ZONING AND BUILDING APPEALS
JULY 13, 2020**

The City of Whitehall Board of Zoning and Building Appeals meeting of July 13, 2020, was called to order by Chairperson Bailey at 6:32 p.m.

Chairperson Bailey asked to call roll. All members were present with the exception of Bob Weatherby.

Bailey – Present
Weatherby – Absent
Arends – Absent – (Arrived 6:53 p.m.)
DeWitt - Present
Spater – Present

Chairperson Bailey asked for a motion to excuse the absent member. Ms. Spater made a motion to excuse Mr. Weatherby. The motion was seconded by Mr. Dewitt. Roll was called. Voting was unanimous to excuse Mr. Weatherby.

Chairperson Bailey also asked for a motion to approve the June 8, 2020, minutes. Roll was called. Ms. Spater motioned for approval. The motion was seconded by Mr. Dewitt. Bailey – Yes, Spater – Yes, DeWitt – Yes. Voting was unanimous to approve minutes.

Chairperson Bailey announced Cases BA-20-04, BA-20-05, BA-20-06, BA-20-07, BA-20-08, BA-20-09, and BA-20-10, 430 North Yearling Road. Chairperson Bailey swore in Mr. Meyer from FedOne. Mr. Meyer was asked to give an overview of the cases. Mr. Meyer stated that the first case would be to extend the curb cut at the Poth Road entrance to provide a 90-foot entrance to ease truck traffic. The second is that the client, Cerelia Bakery, is to provide an aesthetic building front and that they would like to upgrade the fencing on the Yearling and Poth Road sides. Mr. Meyer stated this would provide the aesthetic view of the front building vs. blocking the view. Side yard setback variance – to allow the north side of the building to be 90 feet instead of 232 feet, stating that on that side there is really nothing to impede as it backs up to the railroad tracks. This building will occur in three phases. The first is being built now with two planned additions. This is the reasoning for the side yard setback variance. Mr. Meyer stated he misspoke that the north side is the rear side. The east side is the side that faces Rite Rug which is industrial as well. Building height variance, Mr. Meyer stated they are requesting a maximum building height of 40 feet. It will be a single-sloped roof, and the 40-foot height will allow them to place racking. The south side is only 36 feet due to single slope. Next is the fence around the perimeter. As mentioned earlier, the fence will be an 8-foot, upgraded fence than would not normally be put in industrial zones on the Yearling Road and Poth Road sides. Mr. Meyer stated the other two sides would be the standard 8-foot chain link. Ms. Spater asked for clarification of the types of fencing. Mr. Woodruff stated it would look similar to what is at Priority Designs. Window variance -- Mr. Meyer stated they are placing windows except where

not feasible i.e., rooms that require refrigeration where it is not possible to place windows. Next is blocking or shading of the dumpster pads. Mr. Meyer stated Cerelia will be using trash compactors. The containers will not be open-topped containers. Chairperson Bailey asked for clarification that the trash compactor will be on the exterior of the building. Next is landscaping. Mr. Meyer stated that with this being a food facility, the owner is concerned about having excess vegetation close to the building to attract birds/insects. He believes they have a very good plan for the sound and east areas of the building and attractive front facade of building. Chairperson Bailey asked regarding health codes regarding vegetation close to these types of facilities. Next are the silos. Mr. Meyer stated they would like to put 60-ft silos on the southeast corner of the initial building. Ms. Spater asked for clarification on the appearance and materials of the silos. Mr. Meyer stated they would be a neutral color, smooth surface. Mr. Woodruff stated the city has had conversations regarding branding the silos, specifically the north elevation facing the airport. The city is satisfied with the appearance so far. Chairperson Bailey asked if the city has any other comments/standpoints on these items. Mr. Woodruff stated that the city has worked with the applicant and that this building proposed, 160,000 sq ft or so, is the first of what will be a three-phase building, ultimately occupying about 450,000 sq ft and employing upwards of 250 people. Mr. Woodruff stated these setback variances are appropriate, specifically the setback variances as we try to maximize site in a way that is most beneficial to the community and the economics and functionality of the company. Ms. Spater asked about the scheduled completion date. Mr. Meyer stated that it would be March 2021.

Chairperson Bailey asked if there were any further questions. With no further questions, Chairperson Bailey asked for a motion to approve cases BA-20-04, BA-20-05, BA-20-06, BA-20-07, BA-20-08, BA-20-09, and BA-20-10. Mr. Woodruff asked to highlight that for the building height variance that would include the 60-ft silos. Ms. Spater motioned. Mr. Dewitt seconded the motion. Roll was called. Bailey – Yes, Spater – Yes, DeWitt – Yes. Cases BA-20-04 through BA-20-10 were **APPROVED**.

Chairperson Bailey announced Cases BA-20-11 and BA-20-12. Chairperson Bailey swore in Mr. John Crum. He is seeking fence height variances at 865 Bernhard Road and 873 Bernhard Road. Mr. Crum stated he would like to install fencing around the back of his home and along one of the property lines. On the side property line, he stated he would like a 6-ft wood privacy fence but that he would like to bring the fence to the front corner of his home. At 865 Bernhard, he would like to install an 8-ft fence along the alley. Mr. Crum states he has had multiple people in his yard and had to file a police report due to his truck being broken into recently. Mr. Crum states the fence is not a privacy fence, is attractive, and has sliding gates. The 873 Bernhard property he would like to extend the fence. Ms. Spater asked Ms. Morton if there were any objections from neighbors. Ms. Morton confirmed there were no objections received. Chairperson Bailey asked for clarification as to the property owner's home and

neighboring property. Mr. Crum stated he also owned the adjacent property. Chairperson Bailey asked for questions or comments from the board and the City's viewpoint. Mr. Woodruff recommended against the 8-ft fence along the alley. The City has not granted 8-ft fence variances in the past. Mr. Woodruff believes this sets a precedent that would be difficult for future property owners to not be granted a variance. Residential code stops at 7 ft. Mr. Woodruff stated he spoke to Mr. Hulsey who confirmed the City's viewpoint. Mr. Crum reiterated that it is not a privacy fence. Chairperson Bailey asked for clarification regarding the 6-ft wood privacy fence the only section that would require a variance would be the portion that goes beyond the back corner of your house vs. coming all the way to the front of the house. Mr. Crum stated that when sitting on the deck he is trying to block the neighbor's view onto their deck. Ms. Spater suggested a living fence of trees or arborvitae. Chairperson Bailey confirmed no variance would then be necessary for that portion. Ms. Spater also suggested thorny shrubbery along the alley as a natural barrier.

Chairperson Bailey asked for a motion to approve Cases BA-20-11 and BA-20-12. **Mr. Dewitt motioned for approval. Ms. Spater seconded the motion. Roll was called.** Bailey – No, Arends – No, Spater – No, DeWitt – No. Cases BA-20-11 through BA-20-12 were **DENIED**. Chairperson Bailey clarified that the 7-ft fence in the back would be sufficient for the alley, and the 6-ft wood privacy fence can be taken up to the back corner of the neighbor's house, then drop to a 4-ft fence from that point.

Chairperson Bailey announced Case BA-20-13. The Cleary Company is seeking a fence height variance at 568 Westphal Avenue. Their client would like to install a 7-ft privacy fence around a patio. He states his client would like additional privacy. Chairperson Bailey asked for clarification that the fence is stopping at the back of the house, not continuing to the front which was confirmed. The distance from the neighbor's house and his client's home is about 7 feet. The Cleary Company provided additional photos.

Chairperson Bailey asked for further questions. Mr. Woodruff said the City has no objections with this variance. Chairperson Bailey asked if there were any objections received. Ms. Morton confirmed no objections were received. Mr. Arends motioned. Ms. Spater seconded the motion. Roll was called. Bailey – Yes, Arends – Yes, Spater – Yes, DeWitt – Yes. Case BA-20-13 was **APPROVED**.

Chairperson Bailey for a motion to ADJOURN. Mr. Arends motioned. Mr. Dewitt seconded the motion. Roll was called. The meeting adjourned at 7:08 p.m.

APPROVED: _____, 2020

Respectfully submitted,

AUBREY BAILEY, CHAIRPERSON

Lori Morton, Clerk