

**CITY OF WHITEHALL
BOARD OF ZONING AND BUILDING APPEALS
AUGUST 9, 2021**

The City of Whitehall Board of Zoning and Building Appeals meeting of August 9, 2021, was called to order by Chairperson Bailey at 6:30 p.m.

All members were present.

Bailey - Present

Weatherby – Present

Arends – Present

Spater – Present

DeWitt – Present

Chairperson Bailey asked for a motion to approve the June 14, 2021, minutes as written. Mr. Arends motioned and Ms. Spater seconded the motion. Bailey – Yes, Weatherby – Yes, Arends - Yes, Spater – Yes, DeWitt – Yes. Voting was unanimous.

Chairperson Bailey introduced Case BA-21-06. Michael Beckett is seeking a GARAGE VARIANCE, 1126.14(b), at 268 Collingwood Avenue. Mr. Beckett was sworn in. Mr. Beckett would like to construct a garage to store collector cars and boat. This would consist of a concrete pad with a pole barn, 420 sq ft. Chairperson Bailey asked for clarification from Mr. Beckett regarding if there was another garage on the property. Mr. Beckett stated there is an existing garage. Chairperson Bailey stated the existing garage is 864 sq ft, exceeding the maximum allowable square footage of 660 sq ft. Chairperson Bailey stated the addition of a second garage would be well outside that requirement per code. Mr. Beckett stated he has two parcels but that he was informed that he cannot build onto the current garage but submitted the variance asking for a second garage. Mr. Lewis stated there is a zoning ordinance prohibiting building an accessory building on a lot that does not have a principal structure, i.e., a house. Mr. Lewis also stated that Mr. Beckett would be unable to build a garage on the second vacant parcel unless there was a house on that parcel -- adding the 420 sq ft to the 864 sq ft is double the allowable square footage of garage space. Mr. Beckett stated that he submitted documentation where he would not place hard surface, not gravel, as a driveway to access the garage. Mr. Beckett stated the property has been vacant since 2006 and looking for a home for his mother with garage space to "tinker." Chairperson Bailey asked for clarification regarding placement of the parcels. Mr. Beckett stated there are two parcels that are straight back. Mr. Lewis stated he has two deep parcels that sit side by side. Mr. Beckett stated he also has a boat that cannot be parked in the driveway due to the impervious surface code. Mr. Beckett stated Mr. DeRhodes is available to speak this evening on his behalf if necessary.

Chairperson Bailey asked if there were any further questions regarding Case BA-21-06. Mr. Lewis stated the city is opposed to the variance because Mr. Beckett already has 864 sq ft of garage space which is larger than permitted. The city has historically not permitted that large of a building to be constructed. If a building is existing, it is existing nonconforming. Mr. Beckett stated 354 Collingwood has a barn

that is larger than permitted. Chairperson Bailey stated BZBA is unable to use that without knowledge of when that structure was built and what the city code was at that time. Comparing one property to another would not be comparing apples to apples. **Mr. Beckett stated he has several 20-year-old vehicles, as well as a boat.** Mr. Beckett does not live in the home or the home across the street. Mr. Arends asked if Mr. Beckett is still seeking a driveway. Mr. Beckett stated if he needs a driveway, he would comply. He would complete the driveway in "padding."

Chairperson Bailey asked for a motion to approve Case BA-21-06. Ms. Spater motioned. Mr. Weatherby seconded the motion. Roll was called. Bailey – No, Weatherby – No, Arends – No, Spater – No, DeWitt – No. **BA-21-06 was DENIED.**

Chairperson Bailey suggested to Mr. Beckett to return to the city for further options. Mr. Lewis suggested Mr. Beckett speak with Jenna Goehring. Mr. Beckett stated his boat would not fit into the existing garage due to the boat height. Chairperson Bailey suggested a concrete pad for the boat which would also require a permit or combining both parcels. Mr. Beckett stated he understood and would contact the city.

Chairperson Bailey introduced Case BA-21-07. Mimoza Hazizaj is seeking a FENCE HEIGHT VARIANCE, 1125.06(b), at 216 Maplewood Avenue. Ms. Hazizaj was sworn in. Ms. Hazizaj would like to construct a 6-ft privacy fence. Ms. Hazizaj stated the neighbors have dogs. The previous fence was a 4-ft fence and is aging. Chairperson Bailey stated the proposed fence would be placed at the back of the house from the corner going to each of the neighbors' houses and then back. Ms. Hazizaj stated that one side of the house is currently fenced but the other side of the house (on the Broad Street side), there is a broken, 4-ft fence. Chairperson Bailey stated the current code reads that 6-ft fence is allowed up to the back corner of the neighbor's house. In order to comply with that code, the privacy fence would be 6 ft until the fence hits the back corner of the neighbor's property, then drop down to 4 ft, then come up to the front of the property at 4 ft. Mr. Arends asked for clarification that this is on the east side of the street, one-half block from Kroger. Chairperson Bailey asked if the fence would tie into the neighboring fence on the right-hand side. Ms. Hazizaj's daughter in the audience answered that was correct. Mr. Lewis stated the city's position is that the city is opposed to it as proposed. Mr. Lewis stated the way the houses are situated creates a situation where one house sits a distance back from the other house. The city would consider allowing Ms. Hazizaj to resubmit the fence plan – allowing her to go to the back of her house thereby fencing in her backyard. Chairperson Bailey restated for the applicant and her family what would be permitted, upon resubmittal application: To the north (the neighbor to the left) -- stop the fence at the back corner of the house instead of going further west on the side of the house, the city would not be opposed to allowing a 6-ft fence if the fence was terminated at the corner of the property rather than coming up past the side of the house.

Ms. Hazizaj's daughter asked for clarification if the fence would stop at the corner of the house instead of going past the AC unit. Mr. Lewis stated that the city would be in agreement with the plan as outlined -- the 6-ft fence going only to the corners of the home. Mr. Lewis stated the city did not want to set a precedent regarding fencing. Ms. Hazizaj's daughter asked for clarification. Chairperson Bailey stated the fence would basically be a square from the corners of the back of the house. Mr. Lewis stated a resubmittal application with new plans are required.

Chairperson Bailey stated that if everyone was in favor of Case BA-21-07, they would verbally commit to modification of the fence plan to going to the corners of the house instead of coming up past the side of the house on the northwest side then asking for a motion on this case with conditions. All members agreed. Chairperson Bailey asked for a motion. Mr. Arends motioned to approve Case BA-21-07. Mr. DeWitt seconded the motion. Roll was called. Bailey – Yes, Weatherby – Yes, Arends – Yes, Spater – Yes, DeWitt – Yes. **BA-21-07** was **APPROVED WITH CONDITIONS**.

Chairperson Bailey introduced Case BA-21-08. Austin Ray's, LLC, Harold Ray, is seeking a FENCE VARIANCE, 1125.17(b), at 508 – 516 South Yearling Road. Mr. Ray was sworn in. Mr. Ray stated that there is not sufficient room to provide a dumpster enclosure at the rear of his business which is located in the alley. Mr. Ray brought in an additional site plan for the BZBA members. Mr. Ray stated he has the smallest dumpster available. Mr. Ray also stated there are also overhead utility lines. Mr. Ray stated there is only one dumpster. His business is the Shrimp Hut. Mr. Ray stated the property line and utility pole is a little over 1 foot from the alley itself. Mr. Lewis stated the city supports this variance, as there is little space. If the city required a dumpster enclosure, there will be room for the trash truck to maneuver in the alley with the best option being the dumpster to remain hidden behind the building. Chairperson Bailey asked if there were any other questions.

Chairperson Bailey asked for a motion to approve Case BA-21-08. Mr. Weatherby motioned. Mr. Arends seconded the motion. Roll was called. Bailey – Yes, Weatherby – Yes, Arends – Yes, Spater – Yes, DeWitt – Yes. **BA-21-08** was **APPROVED**.

There being no further business, Chairperson Bailey asked for a motion to ADJOURN. Mr. Arends motioned and Ms. Weatherby seconded. Roll was called. Bailey – Yes, Weatherby – Yes, Arends – Yes, Spater – Yes, DeWitt – Yes. The meeting adjourned at 7:01 p.m.

APPROVED: _____, 2021

Respectfully submitted,

AUBREY BAILEY, CHAIRPERSON

Lori Morton, Clerk