

Oakwood, Ohio
September 7, 2022

The Planning Commission of the city of Oakwood met in a regular session at 4:30 p.m. in the council chambers of the city of Oakwood, 30 Park Avenue, Oakwood, Ohio 45419.

The Chair, Mr. Andy Aidt, presided and the Clerk, Ms. Lori Stacel, recorded.

Upon call of the roll, the following members responded to their names:

MR. ANDREW AIDT	PRESENT
MRS. HARRISON GOWDY	PRESENT
MRS. E. HEALY JACKSON.....	ABSENT
MR. GREG LAUTERBACH	PRESENT
MR. STEVE BYINGTON.....	PRESENT

Officers of the city present were the following:

Mr. Norbert S. Klopsch, City Manager
Mr. Robert F. Jacques, City Attorney
Mrs. Jennifer S. Wilder, Personnel and Properties Director
Mr. Ethan M. Kroger, Code Enforcement Officer
Mr. Chris Kuzma, P.E., Staff Engineer

The following in-person visitors registered:

Mr. Kevin Bensman, Project Architect for 1111 Oakwood Avenue
Mr. and Mrs. John and MJ Gray, 1911 Ridgeway Road
Mr. Steve Schlater, Contractor for 1911 Ridgeway Road
Mr. Chris Cook, 409 Rubicon Road
Mr. Shawn Duncan, Contractor for 409 Rubicon Road
Mr. Don Eiler, 907 Oakwood Avenue

There were no Zoom visitors in attendance.

Mr. Aidt called the meeting to order at 4:30 p.m. He shared that Mrs. Jackson was unable to attend the meeting and asked to be excused. It was moved by Mr. Byington and seconded by Mr. Lauterbach that the absence of Mrs. Jackson be excused; the motion was approved by viva voce vote.

Mr. Aidt asked if there were any questions or concerns with the minutes from the August 3, 2022 meeting. There being none, it was moved by Mrs. Gowdy and seconded by Mr. Lauterbach that the minutes be approved as submitted and the reading thereof be dispensed with at this session. Upon a viva voce vote on the question of the motion, the same passed unanimously and it was so ordered.

Mr. Aidt provided an overview of the meeting agenda and reviewed the meeting procedure with all in attendance.

Mr. Aidt opened the public hearing for Application #22-4, and asked city staff to provide a report.

Mr. Kroger referenced a PowerPoint presentation and presented an application that was filed by Kevin Bensman with Springhouse Architects on behalf of Brian and Christine Hemmelgarn for a special use permit to build a secondary detached garage, and a related variance request, located at 1111 Oakwood Avenue.

1111 Oakwood Avenue is located in the R-1 Single Family Residence Zoning District. The R-1 District is intended to preserve those residential areas which are best suited for large-sized lot development and to maintain the character of existing low-density single-family developments.

Subject to the requirements of Title 10, Section 1004, special use permits are required for secondary detached garages, when proposed on a zoning lot (as a separate structure) where an existing attached or detached garage to a principal dwelling already exists.

1111 Oakwood Avenue has an existing attached garage of approximately 1,000 square feet. The applicants are proposing to retain that existing garage and add a secondary detached garage off to the side of their home. This would create 900 additional square feet of garage space, which is typical for a two-car garage. The location is steeply graded down, away from the home, which would be addressed by including a crawlspace storage area. From the front, the garage would have a typical single-story appearance, with the crawlspace built into the hillside below finished grade.

The height of the garage will be 18 feet as measured from the finished lot grade to the highest point of the structure. The rear elevation will appear 30 feet in height due to the grading of the site. It is also important to note that the rear of the garage is heavily screened with vegetation that will remain in place and shield the surrounding properties.

Staff Engineer Chris Kuzma has reviewed the proposed garage plans due to the fact that there exists a city storm sewer pipe crossing the Hemmelgarn's property. Plans have been revised to account for the existing storm sewer pipe in a manner that satisfies the city's engineering staff, and staff will request appropriate conditions in the event that the Planning Commission is inclined to approve this application.

In order to properly accommodate the city storm sewer pipe, the applicant revised the location of the proposed detached garage and service walk to just eight feet away from the side yard lot line where 20 feet is required, a difference of 12 feet. The applicant is seeking a side yard setback variance.

Should the Planning Commission be inclined to approve all or any part of this application, Staff requests the following conditions:

1. All materials and finishes for the proposed garage should match or complement the existing home;
2. Applicant must obtain all applicable building permits (e.g. structural, electrical) through the city of Kettering;
3. Applicant must obtain a written stormwater drainage study/plan, prepared by a licensed engineer and satisfactory to the City Engineer, prior to application for zoning approval;
4. Applicant must grant a recordable easement for access to and maintenance of the storm sewer, in a form satisfactory to the City Attorney and in compliance with Codified Ordinances of Oakwood, Part Twelve (Stormwater Management Code), Sec. 1206.02.F.2 a-c., prior to application for zoning approval;
5. Materials, fittings, structures, and final layout of storm pipe(s) must be done satisfactory to city engineering staff; and
6. Erosion control measures must be taken satisfactory to city engineering staff.

The Planning Commission did not have any questions for city staff at this time, so Mr. Aidt opened the public hearing.

Mr. Bensman, project architect for 1111 Oakwood Avenue, shared that he has been working with the property owners on the garage design. The property has created some challenges, including the storm sewer. Special steps have been taken to maintain an 18' roof height and gable to

complement the style of the house.

There being no further public testimony offered, the public hearing was closed and the Planning Commission began their deliberations.

The Planning Commission did not have any further questions for city staff or the applicant.

It was then moved by Mrs. Gowdy and seconded by Mr. Lauterbach that the preliminary staff findings be adopted, and Application #22-4 for a Special Use permit to build a secondary detached garage, and a related variance request, at 1111 Oakwood Avenue be approved, with the following conditions:

1. All materials and finishes for the proposed garage should match or complement the existing home;
2. Applicant must obtain all applicable building permits (e.g. structural, electrical) through the city of Kettering;
3. Applicant must obtain a written stormwater drainage study/plan, prepared by a licensed engineer and satisfactory to the City Engineer, prior to application for zoning approval;
4. Applicant must grant a recordable easement for access to and maintenance of the storm sewer, in a form satisfactory to the City Attorney and in compliance with Codified Ordinances of Oakwood, Part Twelve (Stormwater Management Code), Sec. 1206.02.F.2 a-c., prior to application for zoning approval;
5. Materials, fittings, structures, and final layout of storm pipe(s) must be done satisfactory to city engineering staff; and
6. Erosion control measures must be taken satisfactory to city engineering staff.

SPECIAL USE STANDARDS

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.
 PRELIMINARY STAFF FINDINGS:
 ➤ The Comprehensive Plan states that development should be compatible with the surrounding area. The scale and building materials complement the existing home and surrounding area.
- B. The proposed building or use will not adversely affect or change the character of the area in which it is located.
 PRELIMINARY STAFF FINDINGS:
 ➤ As previously mentioned, what is being proposed is compatible with both the character of this particular lot and what exists in the surrounding neighborhoods.
- C. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare.
 PRELIMINARY STAFF FINDINGS:
 ➤ There is nothing to suggest that public health, safety, morals, comfort, convenience or general welfare will be at risk since the proposed use of the land is consistent with surrounding homes in the immediate area.
- D. That the proposed use will not be injurious to the reasonable use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
 PRELIMINARY STAFF FINDINGS:
 ➤ There is nothing to suggest that the proposed use will be injurious to the reasonable use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values within the neighborhood.

- E. The proposed use at the specified location will not significantly adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size and height of proposed buildings and other structures, and the operation of the use will not significantly adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.

PRELIMINARY STAFF FINDINGS:

- Because this use will be solely located within the Hemmelgarn property, and is well screened from neighboring properties, the secondary detached garage will have no impact on future development or improvements to other residential lots in this immediate area.

- F. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.

PRELIMINARY STAFF FINDINGS:

- What is being proposed is not unprecedented for larger homes and lots located within this area, and appears to fit the existing character of this zoning district.

- G. That adequate utilities, access roads, off-street parking and loading facilities, drainage and/or other necessary facilities, have been or are being provided at the applicant's cost.

PRELIMINARY STAFF FINDINGS:

- All costs associated with this special use request will be borne solely by the applicants. The applicants have agreed to take steps to protect a city-owned sewer pipe located near the site of the proposed garage, and staff will request appropriate conditions of approval to ensure the same.

- H. That adequate measures have been or will be taken at applicant's cost to provide ingress and egress so designed as to minimize traffic congestion in the public streets and avoid hazards to pedestrian traffic.

PRELIMINARY STAFF FINDINGS:

- The city is comfortable that the proposed ingress and egress to the lot will have no negative impact on the safe movement of vehicles and pedestrians.

- I. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulation may, in each instance, be modified by Council pursuant to the recommendations of the Planning Commission.

PRELIMINARY STAFF FINDINGS:

- This is a conforming lot located within the R-1 Zoning District, with the exception of a side yard setback issue created by the location of an existing city-owned sewer pipe. The applicants have requested a setback variance to address this issue, which is separately analyzed in this memo.

Variance Factors

- A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;

PRELIMINARY STAFF FINDINGS:

- The property can be used as a single family residence with or without the variance. However, the variance is necessary to position the garage in the optimal location to accommodate an existing city-owned sewer pipe.

- B. Whether the variance is substantial;
 PRELIMINARY STAFF FINDINGS:
 ➤ As previously mentioned, in order to properly accommodate the city storm sewer pipe, the applicant revised the location of the proposed detached garage and service walk to just 8 feet away from the side yard lot line where 20 feet is required, a difference of 12 feet. While a 12 foot variance is somewhat substantial, it is the minimum necessary to facilitate the applicants' plans while accommodating the sewer pipe.
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 PRELIMINARY STAFF FINDINGS:
 ➤ There is nothing to suggest that public health, safety, morals, comfort, convenience or general welfare will be at risk as a result of this variance.
- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, refuse, police/fire);
 PRELIMINARY STAFF FINDINGS:
 ➤ There is no reason to believe governmental services would be adversely affected due to the granting of this variance. In fact, the purpose of the variance is to ensure that sewer services are *not* adversely affected.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
 PRELIMINARY STAFF FINDINGS:
 ➤ Staff has no information as to the owner's knowledge at the time of purchase, but does not consider this to be a material/relevant factor.
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
 PRELIMINARY STAFF FINDINGS:
 ➤ In order to properly accommodate the city storm sewer pipe, the applicant revised the location of the proposed detached garage and service walk to just 8 feet away from the side yard lot line where 20 feet is required, a difference of 12 feet.
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;
 PRELIMINARY STAFF FINDINGS:
 ➤ The spirit and intent of the setback requirement is to ensure a reasonable distance between structures on neighboring properties. Staff believes the natural screening of this area serves that spirit and intent.
- H. Any other relevant factors.
 PRELIMINARY STAFF FINDINGS:
 ➤ None.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. ANDREW AIDT	YEA
MRS. HARRISON GOWDY	YEA
MR. GREG LAUTERBACH	YEA
MR. STEVE BYINGTON.....	YEA

There being four (4) YEA votes, thereon, said motion carried.

Mr. Aidt opened the public hearing for Application #22-6, and asked city staff to provide a report.

Mr. Kroger referenced a PowerPoint presentation and presented an application filed by Steve Schlater with Brackett Builders on behalf of John and MJ Gray for a special use permit for two (2) secondary detached garages at 1911 Ridgeway Road.

1911 Ridgeway Road is located in the R-1 Single Family Residence Zoning District. The R-1 District is intended to preserve those residential areas which are best suited for large-sized lot development and to maintain the character of existing low-density single-family developments.

Subject to the requirements of Title 10, Section 1004, special use permits are required for secondary detached garages when proposed on a zoning lot (as a separate structure) where an existing attached or detached garage to a principal dwelling already exists.

The lot at 1911 Ridgeway Road is approximately ten acres and has an existing attached garage. The applicants are proposing to retain that existing garage and add two secondary detached garage structures on the property to the south of their home. This would create 1,316 additional square feet of garage space.

The height of each garage will be 18 feet as measured from the finished lot grade to the highest point of the structure. This is the measurement method specified by the Oakwood Zoning Code and the height is code-compliant. Both detached garages are behind a heavily screened frontage with vegetation that will remain in place and shield the garages from passersby and surrounding properties.

One of the garages is a three-car structure that will allow the applicants to store vehicles and eliminate some of the temporary storage structures near the rear of their lot (currently visible from Deep Hollow). The other is a dual-use structure that will serve primarily as a garage for a Gator-type utility vehicle, but can also be used seasonally as a "sugar shack" for making maple syrup.

This is an unusually large lot and the applicant has satisfied all setback requirements for the R-1 Single Family Zoning District. Also, the Planning Commission should be aware that a third "bottega" structure is also planned for construction on the property, although it has already received the necessary approvals and permits and is not part of this application. The applicants intend to build all three structures together.

Should the Planning Commission be inclined to approve all or any part of this application, Staff requests the following conditions:

1. All materials and finishes for the proposed garage should match or complement the existing home;
2. Applicant must obtain all applicable building permits (e.g. structural, electrical) through the city of Kettering;
3. Applicant must obtain a written stormwater drainage study/plan, prepared by a licensed engineer and satisfactory to the City Engineer, prior to application for zoning approval.

Mr. Byington asked if a stormwater study was done on the bottega.

Mr. Schalter shared that a study was earlier in the project and the calculations were updated based on the application that was presented. The study met all requirements.

The Planning Commission did not have any further questions for city staff at this time, so Mr. Aidt opened the public hearing.

Mr. John Gray, 1911 Ridgeway Road, shared that he moved to Oakwood in 1947 and he loves it here. He thanked the Planning Commission for their consideration in this application.

There being no public testimony offered, the public hearing was closed.

The Planning Commission did not have any further questions for city staff or the applicant.

It was then moved by Mrs. Gowdy and seconded by Mr. Lauterbach that the preliminary staff findings be adopted, and Application #22-6 for a special use permit for two (2) secondary detached garages at 1911 Ridgeway Road be approved, with the following conditions:

1. All materials and finishes for the proposed garage should match or complement the existing home;
2. Applicant must obtain all applicable building permits (e.g. structural, electrical) through the city of Kettering;
3. Applicant must obtain a written stormwater drainage study/plan, prepared by a licensed engineer and satisfactory to the City Engineer, prior to application for zoning approval.

SPECIAL USE STANDARDS

- A. The proposed use at the specified location is consistent with the Comprehensive Plan.
PRELIMINARY STAFF FINDINGS:
 - The Comprehensive Plan states that development should be compatible with the surrounding area. The scale and building materials complement the existing home and surrounding area.
- B. The proposed building or use will not adversely affect or change the character of the area in which it is located.
PRELIMINARY STAFF FINDINGS:
 - As previously mentioned, what is being proposed is compatible with the character of this particular lot. While the number of outbuildings is somewhat unique in the surrounding neighborhood, they are readily accommodated by the applicant's large lot and there is ample mature screening. It is not anticipated that these structures will change the character of the surrounding neighborhood.
- C. That the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, convenience or general welfare.
PRELIMINARY STAFF FINDINGS:
 - There is nothing to suggest that public health, safety, morals, comfort, convenience or general welfare will be at risk since the proposed use of the land is consistent with surrounding homes in the immediate area.
- D. That the proposed use will not be injurious to the reasonable use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
PRELIMINARY STAFF FINDINGS:
 - There is nothing to suggest that the proposed use will be injurious to the reasonable use and enjoyment of other properties in the immediate vicinity or substantially diminish or impair property values within the neighborhood. The construction of attractive, permanent storage structures and elimination of existing temporary storage structures is a benefit to the surrounding neighborhood.

- E. The proposed use at the specified location will not significantly adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size and height of proposed buildings and other structures, and the operation of the use will not significantly adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.

PRELIMINARY STAFF FINDINGS:

- Because this use will be solely located within the applicants' property, with conforming setbacks and ample screening, the two secondary detached garages will have no negative impact on future development or improvements to other residential lots in this immediate area.

- F. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood, or the character of the applicable district as to cause a substantial depreciation in the property values within the neighborhood.

PRELIMINARY STAFF FINDINGS:

- Again, while the number of outbuildings is somewhat unique in the surrounding neighborhood, they are readily accommodated by the applicant's large lot and there is ample mature screening. They have also been designed so as to complement the existing architecture on the property. It is not anticipated that these structures will negatively impact property values within the neighborhood.

- G. That adequate utilities, access roads, off-street parking and loading facilities, drainage and/or other necessary facilities, have been or are being provided at the applicant's cost.

PRELIMINARY STAFF FINDINGS:

- All costs associated with this special use request will be borne solely by the applicants.

- H. That adequate measures have been or will be taken at applicant's cost to provide ingress and egress so designed as to minimize traffic congestion in the public streets and avoid hazards to pedestrian traffic.

PRELIMINARY STAFF FINDINGS:

- The city is comfortable that the proposed ingress and egress to the lot will have no negative impact on the safe movement of vehicles and pedestrians.

- II. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulation may, in each instance, be modified by Council pursuant to the recommendations of the Planning Commission.

PRELIMINARY STAFF FINDINGS:

- This is a conforming lot located within the R-1 Zoning District.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. ANDREW AIDT	YEA
MRS. HARRISON GOWDY	YEA
MR. GREG LAUTERBACH	YEA
MR. STEVE BYINGTON.....	YEA

There being four (4) YEA votes, thereon, said motion carried.

Mr. Aidt opened the public hearing for Application #22-7, and asked city staff to provide a report.

Mr. Kroger referenced a PowerPoint presentation and presented an application filed by Shawn Duncan on behalf of Chris Cook for a rear yard setback variance for an existing garage; a zoning map amendment to consolidate two (2) residentially-zoned lots into the same residential zoning district; and a related request for a subdivision/replat (lot consolidation) at 409 Rubicon Road.

Mr. Kroger shared that he will start by presenting the variance request.

The applicant is requesting to vary the rear yard setback requirement for an existing detached garage to approximately two feet where ten feet is required. The detached garage has existed on the property for decades and a variance is only now required as part of the process to consolidate both lots.

Mr. Byington asked if there were any records of a variance that was granted for the existing garage structure.

Mr. Jacques noted that the garage predates the setback requirements.

Mr. Kroger agreed and commented that the house is non-conforming as well.

Mr. Byington inquired about whether a variance would be required on the house since it appears to be non-conforming. There was a brief discussion and it was determined that the existing house requires variances of 3' on the front setback and 2' on the corner side yard setback, in addition to the 8' variance requested for the interior side yard setback.

Mr. Jacques stated that all of these existing non-conformities would need to be included in the variance.

Mr. Lauterbach asked if the variance is for the new garage or the existing garage.

Mr. Jacques explained that the variance is for the existing garage on the interior side yard. The proposed expansion will not be any closer to the side yard than the existing garage already is.

Mr. Cook thanked the Planning Commission and Mr. Kroger for considering this application.

Mr. Byington commented on how well the house has been maintained.

Mr. Cook shared that he moved in two years ago and he has been restoring the house from the ground up.

Mr. Kroger then reviewed the lot consolidation request.

The applicant plans to build an addition to their existing detached garage. Due to the proposed addition crossing into a second lot owned by the applicants, the two lots must be combined into one prior to approval of a zoning permit. The two lots are currently zoned differently, with the north lot containing the home being R-1 and the south vacant lot being R-3. The lots must be consolidated within one zoning district or the other. Lot consolidation requires the mitigation of non-conformities through the granting of a variance.

409 Rubicon has an existing detached garage of approximately 511 square feet. The applicants are proposing to expand it by building an L-shaped connector wing and an additional garage space.

The addition itself does not require Planning Commission approval, but the Commission must approve the lot consolidation and rezoning.

This is a simple consolidation of an existing, developed, residential double lot, and does not involve any elements that are evaluated in more substantial subdivision/consolidations. The Planning Commission's approval is requested as an administrative formality.

Mr. Kroger then presented information on the map amendment request.

The applicant is seeking to change the zoning classification of the lot south of the existing home from R-1 to R-3. Staff review of existing buildings on the lot indicate that by rezoning the new combined lot to the R-3 zoning district, the home and accessory structures will be more conforming.

The map amendments will follow a two-step process. The Planning Commission will make a recommendation to City Council to approve or deny the request for a zoning map amendment to consolidate two (2) residentially-zoned lots into the same residential zoning district. City Council will then hold a public hearing, and by a majority vote approve, deny, or approve with conditions the request for a zoning map amendment.

There being no public testimony offered, the public hearing was closed.

The Planning Commission did not have any further questions for city staff or the applicant.

The Planning Commission voted separately on each request in this application.

It was moved by Mrs. Gowdy and seconded by Mr. Byington that the preliminary staff findings be adopted, and Application #22-6 for a rear yard setback variance for an existing garage, and variances to the corner side yard and front yard for an existing house at 409 Rubicon Road be approved.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. ANDREW AIDT	YEA
MRS. HARRISON GOWDY	YEA
MR. GREG LAUTERBACH	YEA
MR. STEVE BYINGTON.....	YEA

There being four (4) YEA votes, thereon, said motion carried.

It was moved by Mrs. Gowdy and seconded by Mr. Lauterbach that Application #22-6 for a subdivision/replat (lot consolidation) at 409 Rubicon Road be approved.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. ANDREW AIDT	YEA
MRS. HARRISON GOWDY	YEA
MR. GREG LAUTERBACH	YEA
MR. STEVE BYINGTON.....	YEA

There being four (4) YEA votes, thereon, said motion carried.

It was moved by Mr. Aidt and seconded by Mr. Byington to recommend Council approval of Application #22-6 for a zoning map amendment to consolidate two (2) residentially-zoned lots into the same residential zoning district at 409 Rubicon Road, specifically, to consolidate both lots into the R-3 Zoning District.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. ANDREW AIDT YEA
 MRS. HARRISON GOWDY YEA
 MR. GREG LAUTERBACH YEA
 MR. STEVE BYINGTON..... YEA

There being four (4) YEA votes, thereon, said motion carried.

Variance Factors

- A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;
 PRELIMINARY STAFF FINDINGS:
 ➤ The property can be used as a single family residence with or without the variance. However, the lots cannot be consolidated without the variance, and consolidation is a necessary step for many types of improvement.
- B. Whether the variance is substantial;
 PRELIMINARY STAFF FINDINGS:
 ➤ As previously mentioned, the existing garage has existed on the property for decades and a variance is only now required due to the request to consolidate both lots.
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
 PRELIMINARY STAFF FINDINGS:
 ➤ There is nothing to suggest that public health, safety, morals, comfort, convenience or general welfare will be at risk since the proposed use of the land is consistent with surrounding homes in the immediate area and was lawfully established long ago.
- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, refuse, police/fire);
 PRELIMINARY STAFF FINDINGS:
 ➤ There is no reason to believe governmental services would be adversely affected due to the granting of this variance.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;
 PRELIMINARY STAFF FINDINGS:
 ➤ Staff has no information as to the owner's knowledge at the time of purchase, but does not consider this to be a material/relevant factor.
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;
 PRELIMINARY STAFF FINDINGS:
 ➤ As previously mentioned, the existing garage has existed on the property for decades and a variance is only now required due to the request to consolidate both lots.

- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

PRELIMINARY STAFF FINDINGS:

- Because this detached garage has been in place for many years it is merely a formality when consolidating the two lots together.

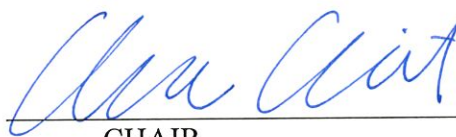
- H. Any other relevant factors.

PRELIMINARY STAFF FINDINGS:

- None.

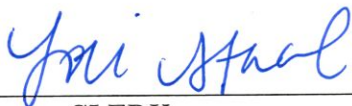
Mr. Klopsch shared that the Comprehensive Plan and updated accomplishments towards the Goals and Objectives will be presented at the October 5 meeting. The Planning Commission will be asked to vote on acceptance of the information and to acknowledge that the plan is still appropriate as a guiding document, which will take the form of a recommendation to City Council. The Board of Zoning Appeals members were invited to the meeting for informational purposes.

There being no further business, the Planning Commission adjourned. The public meeting concluded at 5:13 p.m.



CHAIR

ATTEST:



CLERK