

BOARD OF ZONING APPEALS MEETING
OCTOBER 26, 2021
7:00 P.M.

I. CALL MEETING TO ORDER

Meeting called to order by Chairman Anderson at 7:03pm

II. ROLL CALL

Members Present: Jeff Anderson, Dave Nienaber, Tom Hall, Michelle Miller, David Gleaves, Carolyn Ghantous, Doug Stahlgren

Staff Present: Carl Lamping

III. PLEDGE OF ALLEGIANCE

IV. SUMMARY MINUTES OF THE REGULAR MEETING OF SEPTEMBER 28, 2021

Voice vote taken and the minutes were approved with a 6-0 vote. Abstention by Ms. Ghantous.

V. CORRESPONDENCE - NONE

VI. REPORTS

Report on Council – Ms. Ghantous stated council met on October 20, 2021 and had 3 ordinances that were approved 7-0, and 1 resolution that was approved 7-0.

Report on Planning – Mr. Hall stated planning met on October 12, 2021 and had 5 cases that were all approved 7-0.

VII. CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

Chairman Anderson read the Chairman's Statement and swore in 5 members of the audience.

VIII. OLD BUSINESS - NONE

IX. NEW BUSINESS

1. PUBLIC HEARING (Application #20211401)

New Maintenance/Office Building at Oak Hill Cemetery located at 11200 Princeton Pike, is requesting a variance from the following Zoning Code Sections:

- 1.1 Section 153.253 (E) (20) to allow for three accessory structures on the site where one is permitted;
- 1.2 Section 153.253 (E) (20) (b) to allow the storage structure/accessory building to be located in the front yard where they are only permitted in the rear yard;

- 1.3 Section 153.253 (C) to allow an accessory or storage structure to exceed 10% of the main building, or 750 square feet in area, whichever is less;
- 1.4 Section 153.302 (J) to allow for a gravel parking lot where parking areas and drives are required to be asphalt or concrete;
- 1.5 Section 153.253 (10) (A) to allow outdoor storage in a front yard where it is only permitted in a side or rear yard;
- 1.6 Section 153.253 (10) (d) to allow for outdoor storage of vaults and soil storage area, fuel tanks, and propane tanks, without screening; and,
- 1.7 Section 153.253 (E) (10) (b) to allow outdoor storage to exceed 20% of the gross floor area of the principal building.

Mr. Lamping gave a general overview of the request from Oak Hill Cemetery. He pointed out on a submittal the location of the proposed building. He stated the property sits lower than Tri County Parkway and you cannot see some of the property due to grade change. He noted a lot of these variances are needed due to the property having a front yard on Tri County Parkway. The building will be located in the back of the property with no access road off of Tri County Parkway. Mr. Lamping stated the building can only be accessed from within the property.

Ms. Miller questioned access from Tri County Parkway and wanted to verify there is not going to be a driveway.

Mr. Lamping stated there would not be a driveway to Tri County Parkway. The entrance to the cemetery would remain and this building would only be accessible from the interior drive. Mr. Lamping stated this property is tough to develop and he believes they have selected the best area on site to place this building. He stated the Planning Commission heard this project two weeks prior to this meeting, and approved it with some minor conditions. He stated they could not address the variances.

Mr. Stahlgren asked for the existing building that will be demolished to be pointed out on the photo exhibit.

Mr. Lamping pointed out the building that is on the south end of the property near the front entrance. Mr. Lamping went through the variance requests.

Emily Lubbers, applicant, with McGill, Smith, Punshon reiterated this is an 80 acre site and a lot of zoning codes do not accommodate for cemeteries. Ms. Lubbers stated the maintenance building is critical to the function, and the location is just a greenspace. She stated they tried to keep it off the street as much as possible and provide natural screening, but they also need to be able to connect to utilities. She stated they had to locate it in a front yard and they also wanted to use an area that did not hinder the growth of the cemetery.

Mr. Anderson stated they would go through each variance and give an opportunity for questions on each request.

1.1, Mr. Anderson asked what the three structures were on site and the purpose of each building.

Ms. Lubbers stated there is a main structure at the main entrance that has public restrooms, the second structure is the one that will be demolished after the new structure is built. She stated there are two existing buildings on site.

Mr. Anderson questioned if there would be two or three buildings when the project is completed.

Ms. Lubbers stated there will technically be three until this new building is done and then the existing maintenance building will be demolished.

Mr. Lamping asked what the timeframe was for demolition of the existing maintenance building. He stated a year, after someone in the public area spoke out. Mr. Lamping stated there will be a one year timeframe where there will be three buildings, and after that the existing maintenance building will need to have been removed.

Mr. Anderson stated that at completion there will be two structures and Mr. Lamping concurred.

Mr. Nienaber stated he was confused by the building count, because he is counting three buildings on the property now and temporarily four. He questioned if the mausoleum was the primary building and then there are two accessory buildings.

It was confirmed that his assumption was correct.

Mr. Anderson asked if there was a reason the new maintenance building being the largest would not be considered the primary building on the site.

Mr. Lamping stated that the way the zoning code applies it is by primary purpose, and the primary purpose is not for maintenance.

1.2, Mr. Anderson asked what type of mechanical equipment was in being placed.

Ms. Lubbers stated there was a small condenser that is being screened, but because it is a front yard there is a variance required. She stated the condenser is 30"x30"x30" with landscaping around it.

Paul O'Brien, representative for Oak Hill Cemetery, stated they would not be storing any equipment outside. They chose this size building to store the equipment inside.

1.3, no comments or questions.

1.4, Mr. Anderson stated from reading the application it seems that an economic factor seems to be an issue with this. He stated that paving is asked for especially if city services need to access the drive.

Ms. Lubbers stated that the amount of equipment driven regularly will cause asphalt to be torn up. She stated part of the reasoning is cost, and they have equipment onsite to maintain a gravel parking area. She stated that the public will not use this access drive or parking lot. Ms. Lubbers said it will be compacted gravel.

Mr. Anderson asked if there would be signage or notices to keep people out.

Ms. Lubbers stated a sign is something they would consider and there is no problem in doing this. She stated the only thing back this drive will be the maintenance building.

Mr. Nienaber asked if all the equipment used was on tires or if some was tracked equipment.

Someone from Oak Hills Cemetery stated it was all on tires.

Mr. Anderson stated he was still struggling with this request. He questioned if the use of compacted gravel was only for this new area and not throughout the entire site.

Ms. Lubbers stated the existing drives would remain asphalt and be maintained as asphalt. The only request is the new access drive and associated lot for this maintenance building.

Mr. Anderson asked if they would be ok with a condition on the variance stating the compacted area be limited to a certain distance within the new accessory structure.

Mr. Lamping stated they would need to provide a dimension. He asked what the distance was from the building to the existing drive.

Ms. Lubbers stated that is was roughly 360 feet, the access drive total length. She stated that if the access drive needed to have some asphalt off of the main drive that should not be an issue.

Mr. Nienaber asked if there would be fenced area around the parking.

Ms. Lubbers stated they are not proposing a fence. They have done landscaping and she stated that the building will be visible from a small open space along Tri County Parkway. They propose to screen that side of the building with landscaping.

Mr. Nienaber believes everything that is considered the parking lot could be gravel, but the drive should be paved.

Mr. Anderson restated that the variance would only be for the non-public parking area adjacent to the accessory structure.

Ms. Lubbers explained to the representatives of Oak Hill Cemetery that Mr. Nienaber is proposing the drive be asphalt, and the parking lot could be gravel.

Kurt, representative Oak Hill Cemetery, stated the current pavement within the site is tar-and-chip design. He stated it is durable, able to be plowed, and they can drive the equipment over it and it doesn't break down. He also stated it could be striped if that would be required, and it is just as durable as asphalt but not asphalt.

Mr. Gleaves asked if the road was one-way or two-way traffic.

Kurt stated there was 25 feet in width, and it is about 360 feet in length.

Mr. Lamping stated it is a driveway not a road. He stated all submitted plans state this will be a gravel drive. He questioned if they are now planning to make it chip and seal with a gravel parking lot.

Ms. Lubbers stated that the intent was to be all gravel, but chip and seal would be a compromise.

Mr. Anderson stated the driveway would be chip and seal and the lot would be compacted gravel. The Oak Hill representatives confirmed that his statement was correct.

Ms. Miller asked if the "L" shaped area on the plans was the lot that would be gravel.

Ms. Lubbers confirmed it is.

1.5, Mr. Anderson asked what specifically was being stored.

Ms. Lubbers stated it would be soil, vaults, and propane tanks.

1.6, Mr. Hall asked what kind of vaults would be stored outside.

Mr. O'Brien stated all full body burials require an outer burial container that they call vaults. He stated they do store some on site.

Mr. Hall questioned if they warehouse them on site, and do not bring in at time of burial.

Mr. O'Brien stated they do both. If the vault is sold through the cemetery, those are the ones they will have an inventory of. If it is sold from another company, it will be delivered for the burial.

Mr. Hall stated he agrees with Mr. Lamping and staff that these items should be screened from the public.

Ms. Lubbers responded stating the closest corner of the building is 160 feet from Tri County Parkway, and the building is depressed with a lot of vegetation around the site. She stated from the cemetery this building is not visible from any public area. She stated they are open to screening around the outside, but with large equipment needing to access and move the stored items it makes screening difficult.

Ms. Miller questioned how high the storage of the vaults would be. She also asked what they were referring to when they mentioned soil storage.

Mr. O'Brien stated they try to keep an inventory of 8 total vaults, which are stored in one single row along the ground. The dirt is excess from digging the grave and what they will need to close the grave with.

Mr. Lamping stated in addition to the ground storage and screening, he noticed what looks to be two exhaust fans on the top of the building. He asked if those would be visible to the public from anywhere.

Ms. Lubbers stated in the wintertime it's possible, but the fan is less than 8 inches in diameter and 200+ feet from the street.

Mr. Lamping stated it would be better if those were removed from the roof and put on the sidewall. He stated the main reason for this discussion is the use of landscape around the parking lot is a good idea as long as the landscaping is maintained.

Mr. Anderson stated he is sensitive to not having screening from the public right of ways. He believes as a board they have been consistent with other applicants on screening. He stated unless there is a significant reason the variance is usually not granted.

Ms. Lubbers asked if landscape screening counts.

Mr. Anderson stated landscape screening is sufficient.

Ms. Lubbers stated there is landscaping around the north and west side. They can look at this further and add more if it will screen things better. She asked if she was only screening around the public right of way would a variance be necessary.

Mr. Lamping stated the zoning code requires screening to obstruct it from the public.

Mr. Anderson stated the variance would need to give them a variance from screening, but still require screening using landscape or other mechanisms from the public right of way.

Mr. O'Brien stated he would talk to the mechanical contractor in regards to relocating the fans currently shown on the roof plans.

1.7, Mr. Anderson stated he did not want to give an open ended variance, and asked if there was an amount of storage that they could bound.

Ms. Lubbers stated the proposed storage areas in square feet are; soil 1,500 sf, vault 2,000 sf, propane and fuel tanks 126 sf, and bulk (miscellaneous) 525 sf.

Mr. Anderson questioned the vault storage.

Ms. Lubbers stated when the calculations were done they included the access of the equipment necessary to move that storage. She stated the number could be reduced.

Mr. Hall asked if the fuel storage area was above or below ground.

Ms. Lubbers responded stating it is above ground.

Mr. Anderson asked Mr. Lamping what the variance would need to cover. He questioned if it was just the space to store and not the material.

Mr. Lamping stated that was correct. He asked if Ms. Lubbers knew the area of the gravel parking lot. He asked if they could limit the variance to outdoor storage to the gravel parking lot as shown on the plans.

Mr. Anderson believes that is the best way to state it and add the date submitted.

Mr. Gleaves had a question in regards to 1.1, asking if there would be four structures on the site until one is demolished and then have three.

Ms. Lubbers stated there will be three structures, and when the one is demolished there will be two.

Mr. Gleaves questioned if he was understanding correctly that they had a year.

Ms. Lubbers stated that for a year they could technically have three accessory structures on site. She stated the mausoleum is not considered an accessory structure it is considered the primary building.

Mr. Gleaves asked who was responsible to make sure this was communicated to the city.

Mr. Lamping stated it would be the responsibility of the building department to make sure it is down within one year.

Mr. Anderson wanted to make sure it was still ok with the board to present this as one variance with multiple sections. He then opened up the floor for anyone in the audience to make comments or ask questions.

Mr. Stahlgren made a motion to grant variance(s) from Springdale Zoning Code to Oak Hill Cemetery located at 11200 Princeton Pike.

1. Applicant is requesting a variance from Springdale Zoning Code Section 153.253 (E) (20) to allow three accessory structures on site. The new maintenance building replaces the current maintenance building. The existing maintenance building will be demolished within one year of completion of the new maintenance building.

2. Applicant is requesting a variance from Springdale Zoning Code Section 153.253 (E) (20) (b) to allow the new accessory building to be located in a front yard, and 153.254 (C) (1) to allow mechanical equipment to be located in a front yard.
3. Applicant is requesting a variance from Springdale Zoning Code Section 153.253 (C) to allow the new accessory building to exceed the 750 square foot limit, but not larger than 8,555 square feet.
4. Applicant is requesting a variance from Springdale Zoning Code Section 153.302 (J) to allow the 360 foot access drive to the new accessory building parking area be chip and seal technology. The variance also includes a new gravel parking area. Signage stating "No Public Access" is required. This variance does not apply to any other public drives or parking within the site.
5. Applicant is requesting a variance from Springdale Zoning Code Section 153.253 (10) (A) to allow outdoor storage of vaults, soil, propane tanks, and diesel tanks in the front yard in close proximity to the building.
6. Applicant is requesting a variance from Springdale Zoning Code Section 153.253 (10) (d) to allow outdoor storage of vaults, soil, and bulk materials to be stored without screening. The requirement is for year round landscape screening around the north and west side of the new accessory building and area.
7. Applicant is requesting a variance from Springdale Zoning Code Section 153.253 (E) (10) (b) to allow the outdoor storage area to exceed the 20% gross floor area of the principal building. The 20% is not to exceed the outside storage area and parking lot submitted October 26, 2021. The variance only applies to the area in the application submitted.

Ms. Ghantous seconded the motion.

Mr. Nienaber made a motion to amend item 3, stating the allowed building be a maximum of 8,555 square feet. Ms. Ghantous seconded the motion.

Roll call was taken on the amended item and approved 7-0.

Roll call was taken and the variance was approved 7-0.

X. DISCUSSION - NONE

XI. ADJOURNMENT

Mr. Nienaber made a motion to adjourn.

Respectfully submitted,

_____, 2021 _____
 Chairman, Jeffrey Anderson

_____, 2021 _____
 Secretary, Tom Hall