

BOARD OF ZONING APPEALS MEETING
MAY 24, 2022
7:00 P.M.

I. CALL MEETING TO ORDER

Meeting called to order by Chairman Anderson at 7:00pm

II. ROLL CALL

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

Staff Present: Carl Lamping

III. PLEDGE OF ALLEGIANCE

IV. SUMMARY MINUTES OF THE REGULAR MEETING OF APRIL 26, 2022

Voice vote taken and the minutes were approved with a 6-0 vote, and 1 abstention.

V. CORRESPONDENCE - NONE

VI. REPORTS

Report on Council – Ms. Ghantous stated council last met on May 18, 2022 and had 4 ordinances and 1 resolution. 2 ordinances and the resolution passed, and 2 ordinances had no action.

Report on Planning – Mr. Hall stated planning last met on May 10, 2022 and had 2 cases that both passed.

VII. CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

Chairman Anderson read the Chairman's Statement and swore in 2 members of the audience.

VIII. OLD BUSINESS - NONE

IX. NEW BUSINESS

1. PUBLIC HEARING (Application #20220745)

Sweeney Auto Body, at 1280 E. Kemper Rd, is requesting a variance from the following Zoning Code Sections:

1.1 Zoning Code Section 153.245 (C); to install new rooftop mechanical equipment without screening from view from adjacent public rights-of-way and private access ways.

1.2 Zoning Code Section 153.254 (G); to install new waste receptacle in the rear of the property without an enclosure.

Christian Stone, applicant with Cincinnati Commercial Contracting, started off by stating he had made a mistake and applied for an appeal. He stated he misunderstood and he now realizes he should have applied for a variance. Mr. Stone feels that staff did everything correctly and he does not need an administrative appeal for this project.

Mr. Anderson wanted to clarify what they were asking for. He stated originally submitted in the packets was an administrative appeal, but asked the applicant if they wanted to bypass that and move straight into the variance. Mr. Anderson asked if anyone on the board had concerns with making that change.

No questions or comments from the board members.

Mr. Anderson stated the appeal portion was now closed at the request of the applicant. He also stated that there will probably be 1 variance with 2 parts, and 2 separate motions.

Mr. Lamping gave an overview of the project. He stated that the Planning Commission has been working with the Sweeney Auto group and the applicant to renovate the property. He stated they were approved by the Planning Commission for their new addition, and will be doing some interior renovations also. Mr. Lamping stated a screening fence was part of the discussion by the Planning Commission. He showed the board on the provided photos where the location of the dumpster would be. He showed a picture of the proposed fence that is going to be constructed around the back portion of the parking lot for screening. He stated that Planning Commission approved the fence, and the issue they had was the screening around the dumpster. Mr. Lamping stated the original proposal was to not screen the dumpster enclosure because it was behind the proposed fence. The decision made during Planning Commission was to go ahead and propose to install the screening, in order to get the permits issued to start construction. He stated it was a business decision made so that they could start working. Mr. Lamping stated it was approved by Planning Commission as a condition, but from what he recalls (and the members of Planning Commission on BZA can confirm or deny) the intent was to issue the building permit and then they could appeal it. He stated part A is for new equipment that penetrates the roof of the building. He stated they are installing new paint booths in the old section of the building. He asked Christian Stone what the height of these vents are through the roof.

Mr. Stone responded stating from what he recalls they are, from the floor, 24 feet tall.

Mr. Lamping stated they do not know the exact height above the roof. He stated there are 8 vents that come out of 4 units. He stated they will be visible from the road and that is why they were asked to screen them. There are existing mechanical units that do not have to be screened. Mr. Lamping asked the applicant where the existing mechanical units are for this building.

Josh Sweeney, CFO Jake Sweeney Auto Group, stated the mechanical equipment is on the west side of the building on the ground.

Mr. Lamping pointed out this equipment will remain in that location with the addition, and still be visible from the street.

Mr. Stone had a video of the topography in the area, and the elevations.

Mr. Sweeney stated they have had dumpsters in the rear of the property with a chain link fence all this time. He stated it has not been an issue for anyone in the area.

Mr. Nienaber asked if the venting could be out the back wall instead of the roof. He also asked what is behind the property.

Mr. Stone stated he does not believe that is possible.

It was stated the ice cream factory is behind them.

Mr. Anderson asked what specifically they are granting a variance to in regards to the dumpster. He stated it is screened, you cannot see it. He asked what a variance would accomplish because it is screened.

Mr. Lamping stated it was Planning Commissions opinion the screening being provided does not screen the dumpster from the zoning code. Specifically from the neighboring properties which are at higher elevations.

Mr. Hall asked for the dimensions of the pipes. He stated the concern with the dumpsters being fenced with the Planning Commission was because of the scrap metal being thrown all over.

Mr. Stone stated the larger pipes have a diameter of 34 inches, and the smaller pipe is about 10 inches. He stated he did not have an exact number how far they stick out above the roof. He stated around 4 feet.

Mr. Nienaber asked if there was anything special about the lay of the land and warranting granting a variance. He stated he does not see a problem with a variance in the screening of the vents. He stated out of courtesy to the neighbors the dumpsters should be screened.

Mr. Anderson stated he was struggling with the screening of the dumpster. He asked if there was anything unique about the property.

Mr. Sweeney stated the location of the dumpsters, relative to where the public can see, is not a nuisance. He stated they adding an opaque fence and not a chain link fence is for screening. He believes they are screened from the public.

Mr. Stone pointed out the proposed locations of the dumpsters are at a lower spot on the pavement.

Mr. Anderson asked if the Building Department would still be able to act on complaints of trash all over if the variance was granted.

Mr. Lamping stated those complaints could be acted on under the existing Property Maintenance Code.

Mr. Anderson asked if the variance needed to call out the additional fencing that is blocking the dumpster.

Mr. Lamping stated the variance request is only for the screening around the dumpster. He stated the fence screening at the main street is not for the dumpster. The dumpster is a byproduct of that screening. Mr. Lamping explained the screening out at the street is for blocking the view of the damaged cars being worked on.

Mr. Anderson asked if the fence is a requirement for the site.

Mr. Lamping stated the fence is a requirement of the site based on Planning Commission approval. The dumpster screening is a Zoning Code Requirement, which they are asking for a variance.

Mr. Anderson stated that as he is assessing that part of the variance, the fact the opaque fence is a requirement of Planning Commission is material to him and the variance.

Mr. Nienaber asked if there was one before, is it grandfathered in at this location.

Mr. Sweeney stated they have had two dumpsters in the back without screening.

Mr. Lamping showed on the site plan the current location of the dumpsters. He stated because of the addition they are being relocated, and that makes them considered to be new.

Mr. Hall stated he had a concern with the new vent pipes. He commented that there will be 6 new pipes and they have no idea how high they will be. He asked if they had any engineer reports on the spray booths.

Mr. Stone stated the model on the drawings is directly from the information. He stated that from the elevation perspective it is accurate.

Mr. Anderson stated the Board of Zoning Appeals always tries to give the least variance possible to accomplish the goal. He asked if there was a maximum height that could be assigned to the variance.

Mr. Lamping stated it was mentioned that the tops of the paint booth vents are 24 feet above the finished floor.

Mr. Anderson stated he would be more comfortable with a cap, and from the finished floor makes sense. He asked if the applicant was willing to do that.

Mr. Stone stated they would, and a good number would probably be 25 feet.

Mr. Anderson stated he did not want them to have to return for 6 inches, so maybe an inch more would be doable.

Mr. Lamping stated they should probably address the number of vents also.

Mr. Stone stated there are 2 single paint booths, a double paint booth, and the mixing room.

Mr. Lamping pointed out that the new mechanical equipment will be in the existing part of the building.

Mr. Stahlgren made a motion to grant a variance from Springdale Zoning Code to Sweeney Auto Body located at 1280 E. Kemper Rd.

1.1 The applicant is requesting a variance from Springdale Zoning Code Section 153.245 (C); which requires roof mounted equipment to be screened from view. The variance allows the installation of new mechanical rooftop equipment with a maximum height of 26 feet above the current finished floor.

Mr. Gleaves seconded the motion. Roll call was taken on 1.1 and it was approved 7-0.

1.2 The applicant is requesting a variance from Springdale Zoning Code Section 153.254 (G); which requires waste receptacles to be enclosed. The variance allows for the waste receptacle to be screened by the opaque fence in the parking lot, and not need the enclosure around the waste receptacle.

Mr. Gleaves seconded the motion. Roll call was taken on 1.2 and it was approved 5-2.

X. DISCUSSION - NONE

XI. ADJOURNMENT

Mr. Nienaber made a motion to adjourn. Mr. Hall seconded the motion.

Respectfully submitted,

_____, 2022 _____
Chairman, Jeffrey Anderson

_____, 2022 _____
Secretary, Tom Hall