

**CITY OF GERMANTOWN BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD JUNE 12, 2023**

The City of Germantown Board of Zoning Appeals met on June 12, 2023 at 7:03 p.m. in the City Building Council Chambers.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mr. Treiber, Mr. Herner, Mrs. Izor, Mrs. Spencer, and Mr. Dalton.

ALSO PRESENT:

Also present: Mr. Jody Hauk, Applicant; Mr. and Mrs. Gary Recker, applicant; and Keith Brane, City Planner.

CONSIDER APPROVAL OF THE MINUTES OF THE NOVEMBER 14, 2022 BZA MEETING:

Mr. Treiber said on page 2, third full paragraph down, I actually made that statement instead of Mr. Herner.

On a motion by Mr. Dalton, seconded by Mr. Treiber, it was moved to approve the minutes of the November 14, 2022 meeting as corrected. On call of the roll: Mr. Dalton, yes; Mr. Treiber, yes; Mrs. Izor, yes; Mrs. Spencer, yes; and Mr. Herner, yes. Motion carried.

PUBLIC HEARINGS:

Variance Application #V23-01: Chairman Izor said this application was made by Jody Hauk, 12 Wetz Lane, to appeal Section 1129.02(b)(1) and 1129(b)(6) Accessory Structures of the Planning and zoning Code of the City of Germantown. If granted the variance would allow construction of an 1,800 square foot accessory structure to be placed in the side yard.

Mr. Jody Hauk, 12 Wetz Lane, said the property has a very tiny structure which is supposed to be a garage but is the size of a shed. We have four drivers and four vehicles. That's a lot of money that sits out. We also have a camper that sits out and I'd like to construct a building to get all this inside, out of site, and clean the place up. He explained how the house sits on the property at an angle and how the requested placement of the structure was the only place they could put it.

Mr. Dalton said he drove by the property and understood the requested placement. He also said he didn't think it would be intrusive to the surrounding properties.

Mr. Herner asked what the actual square footage being proposed. Mr. Hauk said 1,800 square feet. Mr. Herner said the other question I have is the top height. Mr. Hauk said I meet the requirements, but I can't put a number on it. It is a single story. Mr. Brane said staff reviewed it and if the height were more than 18 feet, we would have been here for that too.

Mr. Treiber asked what kind of materials this would be built out of. Mr. Hauk said it will be a steel sided building, color matched to the house.

Mrs. Izor asked if there were any utilities that would interfere. Mr. Hauk said no.

**CITY OF GERMANTOWN BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD JUNE 12, 2023**

Chairman Izor asked Mr. Brane for the staff summary. Mr. Brane said we reviewed the project, and it didn't meet the code. These folks are out in the middle of nowhere, on a private road, and they should be allowed to do what they want to do. Had the house been aligned with everything else, that would not have been a part of his backyard. It's a little bit bigger than you would normally think for a house in a residential neighborhood but that's what variances are for and staff recommends approval.

Chairman Izor opened the public hearing and with no one coming forward to speak, the public hearing was closed.

Mr. Treiber said I went by the site and if the property lines are accurate as we see them in the drawing, there is no adversity to overcrowding the lot. My only comment would be I would approve this provided that it is 1,800 square feet and 18 feet in height, keeping with the requirements.

On a motion by Mr. Treiber, seconded by Mr. Dalton, it was moved to approve Variance# V23-01 with the following conditions: the structure is limited to 1,800 square feet and 18 feet in height. On call of the roll: Mr. Treiber, yes; Mr. Dalton, yes; Mrs. Izor, yes; Mrs. Spencer, yes; and Mr. Herner, yes. Motion carried.

Variance Application #V23-02: Chairman Izor said this application was made by Gary and Mary Ann Recker, 49 South Main Street, to appeal Section 1129.02(b)(1), 1129(b)(5) and 1129.02 (b)(3) Accessory Structures of the Planning and Zoning Code of the City of Germantown. If granted the variance will allow the construction of a two-story carriage house additional accessory structure to be placed on the property in the rear yard.

Mr. Gary Recker, 49 South Main Street, said we would like to do an addition to our existing garage/carriage house and in doing so, we wanted to keep in the feel of some of the other carriage houses at the more prominent houses in town. Our house is one of the historic houses in town, built in 1870, and we just felt it was warranted. It is technically a two-story structure and there are blueprints for you to see including elevations. We want to keep in the design of a carriage house and the garage doors will be in a carriage house design like the ones we have now. We are asking to build on both the back and the side property lines. There is an existing foundation and at one time there was a carriage house there that went all along our back property line to our front corner. We spoke to our neighbor, and he didn't have any problems with us building to the property line. We designed the building with no windows on that side so as not to intrude on our neighbor. The existing garage is on the property line in the rear and I want to keep the integrity to keep the whole property looking correct. Height wise, it is two-story but the second story walls are only six feet so it looks more like a hay loft. It is over 18 feet in height, but we played with the pitches on the roof and it looked squatty.

Mrs. Izor said I have a survey of the existing lot but not what is proposed. Are we missing the drawing in our packet. Mr. Brane pointed out where it was in the packet.

Mr. Treiber said the question I have is if you are facing the garage are there going to be eaves coming out off the edge of the building and how are those in relation to the lot line. Mr. Recker said the peak will run opposite of where the peak runs on the existing garage. Mr. Treiber said so the eave will be over the neighbor's property. Mr. Recker said yes. Mr. Treiber asked if the garage doors would be

**CITY OF GERMANTOWN BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD JUNE 12, 2023**

towards the alley. Mr. Recker said yes. Mr. Treiber asked what the height of the existing garage is. Mr. Recker said probably 16 feet.

Mr. Treiber said since you will be on the property line, there will be requirements for fire rated walls, and I wonder how you do that on the garage doors. Mr. Recker said I won't be required to do that on the alley side.

Mr. Brane said we reviewed what the folks wanted to do, ran the numbers, and it was too big and too close. We've had some meetings with the Downtown Revitalization folks and historical stuff is what Germantown is all about. To restore some of the history that was here, although recreated history, would serve the purpose of the residential character of the town. No one is here to oppose it, it seems like he wants to do a nice job, and staff was impressed by the presentation. I am going to recommend approval.

Chairman Izor opened the public hearing and with no one coming forward to speak, the public hearing was closed.

On a motion by Mrs. Izor, seconded by Mr. Dalton, it was moved to approve Variance# 23-02 to expand the carriage house. On call of the roll: Mrs. Izor, yes; Mr. Dalton, yes; Mr. Treiber, no; Mr. Herner, yes; and Mrs. Spencer, yes. Motion carried.

Variance Application #V23-03: Chairman Izor said this application was made by Tyler and Rebecca Alsbaugh, 95 South Virginia Avenue, to appeal Section 1129.09(b) and 1129.09(i) Fences of the Planning and Zoning Code of the City of Germantown. If granted the variance would allow the construction of a fence to be placed on the property in the required front yard.

Chairman Izor said the applicant is not present and Mr. Brane said he would hesitate to proceed. Mr. Treiber said there is a DP&L line that runs through the property; they are allowed to build on it but they need to know the fence might have to come out.

On a motion by Mrs. Izor, seconded by Mr. Dalton, it was moved to table the case until the next meeting. On call of the roll: Mr. Treiber, yes; Mrs. Izor, yes; Mr. Herner, yes; Mrs. Spencer, yes; and Mr. Dalton, yes. Motion carried.

ORGANIZATION:

Elect Chairperson for 2023:

Mr. Dalton nominated Mrs. Izor to serve as Chair for 2023. Mrs. Spencer seconded the nomination. With no further nominations, a roll call vote was as follows: Mr. Dalton, yes; Mrs. Spencer, yes; Mr. Treiber, yes; Mr. Herner, yes; and Mrs. Izor, yes. Mrs. Izor will serve as Chair of the BZA for 2023.

Elect Vice-Chairperson for 2023:

Mrs. Spencer nominated Mr. Treiber to serve as Vice-Chair for 2023. Mrs. Izor seconded the nomination. With no further nominations, a roll call vote was as follows: Mrs. Spencer, yes; Mrs. Izor,

**CITY OF GERMANTOWN BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD JUNE 12, 2023**

yes; Mr. Treiber, yes; Mr. Dalton, yes; and Mr. Herner, yes. Mr. Treiber will serve as Vice-Chair of the BZA for 2023.

APPROVAL OF THE BZA BY-LAWS: Chairman Izor asked if everyone had a chance to review the by-laws. The members responded yes. Chairman Izor asked if anyone had any amendments to propose. No changes were proposed.

On a motion by Mrs. Izor, seconded by Mr. Treiber, it was moved to adopt the BZA By-laws as written. On call of the roll: Mrs. Izor, yes; Mr. Dalton, yes; Mr. Treiber, yes; Mrs. Spencer, yes; and Mr. Herner, yes. Motion carried.

ADJOURNMENT: With no further business, the meeting was adjourned at 7:45 p.m. All were in favor; none were opposed.

Whitney Izor
Chairman, Board of Zoning Appeals

Keith A. Brane
City Planner