

**MINUTES  
LOUISVILLE ZONING BOARD OF APPEALS  
JUNE 13, 2023**

Louisville Zoning Board of Appeals met in regular session with Chairman Casar presiding.

The Pledge of Allegiance was led by Chairman Casar.

**MEMBERS PRESENT**

John Phillippi  
Mark Sigler  
Bruce Barth  
Daniel Casar  
Dan Harrison

**CITY PERSONNEL PRESENT**

Tom Pukys, City Manager  
Pat Fallot, Mayor-Council Member  
Richard Slackford, Council Member  
Tiffany Justice, City Clerk  
Magan Denzer, Deputy City Clerk  
Kaitlyn Carpenter, Administrative Assistant

The Certificate of Open Meeting was presented.

**MINUTES OF THE MAY 9, 2023 MEETING**

Chairman Casar declared the minutes of the May 9, 2023 meeting could not be approved. Member Barth brought to the board's attention that while there was enough in attendance for a quorum, the variance did not have enough members voting yes to pass, per section 1102.04 of the ordinance, therefore the variance did not pass.

Chairman Casar swore in those in attendance planning to speak before the board.

**NEW BUSINESS**

**AB 23-04 HETTLER LARGENT ENGINEERING, APPLICANT, FOR VARIANCES OF THE FOLLOWING SECTIONS FOR PROPOSED BORGIO ALLOTMENT: SECTION 1162.04(B) INTERSECTION CENTERLINE OFFSET LESS THAN REQUIRED 200 FEET (161 FEET PROPOSED). SECTION 1154.01 (A)(4), LOT TO WIDTH RATIO NOT TO EXCEED 3.5 X AVERAGE WIDTH, AVERAGE DEPTH OF LOTS 20-24 EXCEED REQUIREMENT. EXISTING CONDITION & BACKGROUND INFORMATION EXISTING CONDITION & BACKGROUND**

- The property is currently vacant and located off W Reno Dr.
- The property is zoned R-2 and consists of 16+ acres.

- The property owner is proposing to construct a housing development consisting of 27 lots.
- The Louisville Planning Commission will be reviewing the preliminary plat for the development following the BZA meeting.

### ZONING

Parcel	R-2
North:	R-2 (Township)
South:	R-2
East:	R-2
West:	R-1

### DISCUSSION

- Variances are intended to alleviate a situation in which, for no public reason, zoning for an area more stringently burdens one parcel of land than others. *Zoning does not burden this lot more than other similarly situated lots. The applicant is proposing an off centered intersection less than the required 200 ft and a lot to width ratio that exceeds the average width on 4 lots.*
- Conditions justifying a variance arise from the characteristics of the property itself, not the personal situation of the owner. *The applicant is proposing a housing allotment on lots of various sizes.*
- The standard to use in determining the merits of an area variance is whether the denial of the variance would result in “practical difficulties” for the property owner.
- The following questions need to be examined in considering an area variance:
  1. Can there be a beneficial use of the property without the variance? *Yes, the property can still accommodate residential uses.*
  2. Is the variance substantial? *There are two variances being requested:*
    - a. *1162.04 (b) Intersection centerline offset less than required 200 ft. The request is for a 161 ft proposed offset, which constitutes a 19.5% variance request.*
    - b. *1154.01 (a)(4) for a lot to width ratio not to exceed 3.5 x average width. The request includes 4 lots exceeding this requirement. Portions of these lots would not be developable land and include a potential detention basin and existing creek.*
  3. Will the essential character of the neighborhood be substantially altered, or adjoining properties suffer a substantial detriment? *The adjoining properties are residential, and the proposed use of the property will be residential.*

4. Did the property owner purchase the property with knowledge of the zoning restriction? *Unknown.*

5. Can the problem be solved by some other manner other than the granting of a variance? *The allotment could be reconfigured.*

Rich Largent, applicant, 1225 N Main St North Canton was present for the meeting.

The centerline offset is being requested to be able to have the road in the center of the property, therefore having equal sized lots within the development, which set the placement of the road.

Member Sigler asked that if they had not requested this variance either lots 1, 2, or 3 or lots 25-27 would have been shortened. Mr. Largent confirmed this.

Member Harrison commented that the road would have then required a curve having not asked for the first variance and Mr. Largent confirmed this as well, stating that it was a cleaner layout in doing it this way.

Member Sigler also commented on it being a straight shot for the sanitary sewer and utility tie ins as well.

Member Casar asked if they had looked at doing away with lot 27 completely to avoid the need for the variance to which Mr. Largent replied they did not consider this as they would have lost a lot and wanted to keep it equal while also trying to maximize the space.

Mr. Largent then moved on to the justification of the second variance, which was requested because the useable space on lots 20-24 would not be feasible to meet the ordinance requirement.

Member Harrison asked if the basin shown was just a potential basin and Mr. Largent confirmed, stating that there will be some type of storm water basin there but they have not yet made final determinations on this. Member Harrison questioned who would maintain the basin if installed? Mr. Largent stated he has seen it done both ways, where the property owner maintains it and where it is given over to the city to maintain. They would prefer to hand the long-term maintenance aspect of the basin over to the city but are happy to work with the city to make sure it is taken care of.

Member Sigler asked if he was referring to the maintenance of the basin specifically or the land beyond the basin on lots 23-24, what would happen to that land? Mr. Largent replied that it would be the responsibility of the homeowner, they would not have any access to it for development but would own that land and would be responsible for maintaining it.

Member Phillippi commented that he has some concerns, the biggest one being the temporary turnaround. With it being over 1300 feet, it doesn't seem like there is much potential for that to be extended in the future. He is very concerned that the turnaround is

located partly on lot 12. Member Phillippi asked who would be responsible for the turnround and who would maintain that? Mr. Largent stated that it would be handled like an easement, the city would still maintain it with snow plowing as if it were permanent, but until the roadway was extended to the north, it would be handled just like any other easement. Member Phillippi stated he was also concerned with the access school buses, emergency vehicles, etc. would have. Mr. Largent stated that they will ensure that there was ample space for emergency vehicles to turn around.

Law Director Rob Duffrin stated that the city would be responsible for the temporary turnaround as it would be a dedicated roadway.

MEMBER HARRISON MOVED, MEMBER SIGLER SECONDED, and the Motion to approve the intersection centerline offset less than required 200 feet, 161 feet proposed as submitted passed. The vote: all yea.

MEMBER HARRISON MOVED, MEMBER CASAR SECONDED, and the Motion to approve the lot to width ratio to exceed the requirement on lots 20-24 passes. The vote: all yea.

When the audience was disgruntled about not getting to speak on the variances, Member Casar asked why no one raised their hand to speak when asked what members of the audience wanted to be sworn in and speak to on this issue.

Member Casar asked the audience who wanted to speak on this matter to stand and be sworn in.

Shasta Treadway, 420 Reno Dr, feels that it is unfair as she has spent her life savings to purchase a house in this area and was under the impression that she was buying a house across from farmland. She wanted to voice her opinion on how she does not want the land to be developed. Member Casar stated that property was never guaranteed to stay as it was. Ms. Treadway asked what restrictions were in place for what could be built, would it be single family or duplexes? Deputy Clerk Denzer stated that it could be duplexes or single family, as the property is zoned R-2.

Robert Lee, 305 Reno Dr, stated that his main concern is about the flood zone. He has lived in his home since 1975 and has seen the property flood more than 200 feet wide. Mr. Lee asked why the board would allow a property in the flood zone to be developed when it is known that the flood zone in this area floods tremendously. His second question was about the retention basin. He wanted to know how deep it would be and the effects of it on wells.

Member Phillippi commented on what was voted on at this meeting was only the variances and nothing was decided on the subdivision. Because the variance was approved, it does not approve the overall plan.

Travis Marks, 1436 Glenbrook Dr, questioned why the proposed street was allowed to be only 161 feet rather than the required 200 feet. A street in his neighborhood is curved specifically to meet that 200 foot requirement.

Member Harrison stated that is just how the developer presented the site plan.

Mr. Marks asked how it is any different than the Kauth development, who has a lot in front that is unbuildable due to meeting this requirement.

Member Harrison asked Mr. Marks if he felt the remaining 39 feet is significant? Mr. Marks replied that there are zoning rules in place for a reason and why veer away from the stated rules? Yes, the lots would be significantly would be smaller, but it would be no smaller than his lot today is. Mr. Marks asked if the variance was already approved, were they just wasting their breath on speaking against it?

Member Phillippi stated again that there was some confusion about what the audience was speaking on, and the meeting following Board of Zoning Appeals would be better to speak at.

Law Director Duffrin stated that when the board members asked who would like to speak, the engineer was the only person who stood and raised his hand. No one else in the audience raised their hand at that time. There are protocols in place for a reason during the meeting.

With no other complaints or people wanting to speak, the meeting was adjourned.

*Section 1102.02 (e)(3) Voting\_ A concurring vote of three (3) members shall be necessary to take action, make decisions, or act on any motion.*

Respectfully submitted,

Magan Denzer  
Deputy City Clerk