

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT  
Tuesday, May 24, 2022 - 4:00 p.m.  
1100 Frederick, 3rd Floor Council Chambers  
Regular Meeting

Pursuant to notice, the Zoning Board of Adjustment of the City of St. Joseph met, on Tuesday, May 24, 2022 at 4:00 p.m. in the Council Chambers, City Hall.

	<u>Name</u>	<u>Members' Term</u>	<u>Attendance</u>	<u>End of Term</u>
<b>MEMBERS PRESENT:</b>	Seth Slayden		(08-00)	02/23/24
	G. Brent Powers		(05-01)	08/09/26
	Terry Hall		(06-02)	06/14/26
	Joe Morrey		(01-00)	05/12/24

**MEMBERS ABSENT:**

**STAFF PRESENT:** Jason Soper, Assistant City Attorney  
Zack Martin, City Planner  
Rebecca Shipp, Executive Administrative Assistant

Four members constitute a quorum.

Hall called the meeting to order at 4:00 pm.

*(Verbatim transcript starts)*

Hall: We have certified copies of chapters 11, 26, and 31 available. Rebecca, would you do a roll call please?

Shipp: Brent Powers

Powers: Here.

Shipp: Joe Morrey

Morrey: Here.

Shipp: Terry Hall

Hall: Present.

Shipp: Seth Slayden

Slayden: Present.

Hall: Okay. Let's take a look at the minutes and I'll accept a motion to approve the minutes from the April 26th meeting.

2022 MAY 25 5:11:33  
CITY CLERK

Powers: So moved.

Hall: We have a motion. Is there a second?

Morrey: I'll second it.

Hall: There's a second. All those in favor signify by saying Aye.

\*All members present respond aye in unison\*

Hall: All opposed same sign.

\*silence\*

Hall: The motion passes. The minutes are accepted. Is there any deviations from the proposed agenda?

Martin: Uh, there are no deviations.

Hall: So, we have one case before us today. Um, where is it? It is – case # 2494 a request for a variance from Section 31-022(e)(2) and all other applicable sections of Chapter 31 necessary to reduce the front setback requirement by seven feet from 55 feet to 48 feet due to constraints of existing terrain on property located at 4810, 4812, 4814, and 4816 Crystal Drive as requested by Clint Burkdoll on behalf of the Thousand Oaks Development, LLC. Does the City have a report?

Martin: Uh, just due to my current status of not feeling so well, I won't dive too deep into the report unless there are specific questions. Ultimately, when reviewing this case staff did find uh, that the requested variance would not be detrimental to the public health, safety, or welfare and that it would be in keeping with the City's zoning code and also allow for the maximum use of those four parcels uh, for development by the applicant and maintain the character of the property and neighborhood. And I do recommend approval.

Hall: We have no one here to speak for or against. There was one reply that was against but if you read the reason they give, they don't really understand the variance. They thought they were giving up property and that's not the case. So, is there any questions for the City? Is there a motion on this variance?

Powers: I move we grant the variance.

Hall: We have a motion. Is there a second?

Slayden: I'll second.

Hall: Take a roll call vote please?

Shipp: Brent Powers

Powers: Yes.

Shipp: Joe Morrey

Morrey: Yes.

Shipp: Terry Hall

Hall: Approve.

Shipp: Seth Slayden

Slayden: Approve.

Hall: Motion is approved. So, we have two findings of facts. The first one is on vari(sic) case #2492 the request for an exception from the section 31-131(g) and all other applicable sections of Chapter 31 to allow a sign displaying an electronic variable message for a period of 8 second intervals on the western portion of the property. This variance was denied at that meeting. Is there a motion to accept the Facts of Finding?

Morrey: I don't quite understand what we're doing here at this point.

Hall: All we're doing is validating that we denied the variance.

Powers: The official denial.

Morrey: Okay. I thought that was last time.

Hall: We denied it during the meeting but we have to sign this Facts of Finding so that if there's any question-

Morrey: So that's what you're signing?

Hall: Yes.

Morrey: Okay.

Powers: I move we approve.

Hall: Okay. Second?

Slayden: Second.

Hall: Vote please, Rebecca.

Shipp: Brent Powers

Powers: Approve.

Shipp: Joe Morrey

Morrey: Approved.

Shipp: Terry Hall

Hall: Approve.

Shipp: Seth Slayden

Slayden: Approve.

Hall: Okay. Second one is for case # 2493 the request for an exception from Section 31-050(c) and 31-051 (c)(10)(12) and all other applicable sections of Chapter 31 to allow the parking of equipment/vehicles associated with a home occupation on the property. The Board's decision at that meeting was a denial of the variance. Have a motion to qualify that?

Powers: I'll move to approve that finding of fact.

Hall: Okay. Is there a second?

Slayden: Second.

Hall: Rebecca.

Shipp: Brent Powers

Powers: Approve.

Shipp: Joe Morrey

Morrey: Approve.

Shipp: Terry Hall

Hall: Approve.

Shipp: Seth Slayden

Slayden: Approve.

Hall: Okay. That has been approved. The only other business before us is to welcome Joe as a full member of the ZBA. He was moved up. Uh, Agent Jo is no longer with us. She no longer lives in the City and that is one of the requirements to serve on this. And then Grace is sitting out here viewing but she is a new alternate. So, if there's no other business before us, I'll entertain a motion to dismiss.

Powers: So moved.

(Verbatim ends)

Meeting adjourned 4:06 pm

Minutes respectfully submitted, Rebecca Shipp