

**A motion was made by Commissioner McDaniel, seconded by Commissioner Van Someren to adopt the findings of fact as presented by the petitioner and approve PZC 22-1-121, a conditional use per Section 6-8C-3:34 of the Industrial District regulations to permit a public assembly use (Align Ministries) at the property located at 1701 Quincy Avenue Suite 17-19.**

**Aye:** 6 - Athanikar, Castagnoli, King, McDaniel, Van Someren, and Wright

**Absent:** 3 - Losurdo, Richelia, and Robbins

**3. Conduct the public hearing to consider a variance to allow a detached garage at 2517 Lindenwood Lane - PZC 22-1-123**

Gabrielle Mattingly, Planning Services Team, provided an overview of the request.

Pat Magner, Architect, and Peg Simos, Property Owner, provided details on the request.

Public Testimony: none

Commissioner Wright asked if the area between the home and road is heavily landscaped. Magner responded yes and described the slope of the property which limits available locations.

The Commission discussed if the space would be used as an accessory dwelling unit and confirmed it would be used as a garage.

Commissioner Van Someren expressed support for the request.

The PZC closed the public hearing.

**A motion was made by Commissioner King, seconded by Commissioner Van Someren to adopt the findings of fact as presented by the petitioner and approve PZC 22-1-123, a variance to Section 6-2-10:1 to permit a detached garage to be located closer to the street than the principal structure at 2517 Lindenwood Lane.**

**Aye:** 6 - Athanikar, Castagnoli, King, McDaniel, Van Someren, and Wright

**Absent:** 3 - Losurdo, Richelia, and Robbins

**4. Conduct the public hearing to consider a variance to Section 6-6B-7 (R1B: Yard Requirements) and a deviation to Section 7-1-13 (Platted Setbacks & Building Lines) to permit a new single-family home at 525 E. Hillside Road - PZC 22-1-124**

Gabrielle Mattingly, Planning Services Team, provided an overview of the request.

Caitlin Csuk, Attorney at Rosanova and Whitaker, Ltd., spoke on behalf of

the petitioner and provided details on the request.

**Public Testimony:**

Ernest Chamot, lives across the street from the subject property and spoke in opposition to the request finding the four foot error to be a huge error. Chamot appreciates that this would be costly to fix but found that it should be fixed since the house will remain in place for a long time. Chamot also noted that builders always construct up to the minimum setback viewing it as a target instead of a limit.

Commissioner Castagnoli inquired who made the mistake. Csuk noted the petitioner, Civil & Environmental Consultants, Inc. had made the error. Dave Kamano, Civil Engineer, noted this is a rare occurrence that he has not seen happened before and described what had occurred.

Commissioner King asked for more details about what where the original house was located versus the proposed house. Csuk showed a site plan which identified the location of the home which was demolished and the location of the proposed home.

Commissioner McDaniel noted this was another instance where poor guidance was provided by a professional and asked if the City should track this. Mattingly noted staff can look into this request and follow up with the Commission.

Commissioner Van Someren expressed support for the request stating that mistakes happen and noted the existing structure was already nonconforming with the required setback so the request is not out of character with what had previously been there.

Chairman Athanikar expressed support for the request.

Commissioner Castagnoli asked if this case was denied, what are the options moving forward and asked if approving this case is setting a precedent.

Csuk stated that if the request was denied, the foundation would need to be demolished. Mattingly responded that each case stands on its own and any future similar request would need to seek approval of a variance which would be reviewed by the Commission.

The PZC closed the public hearing

**A motion was made by Commissioner Castagnoli, seconded by Commissioner**

King to adopt the findings of fact as presented by the petitioner and approve PZC 22-1-124, a variance to reduce the front yard setback per Section 6-6B-7 and a deviation to reduce the platted setback per Section 7-1-13 from the required 30' to 26.12' for a portion of the new single-family home at 525 E. Hillside Road.

**Aye:** 6 - Athanikar, Castagnoli, King, McDaniel, Van Someren, and Wright

**Absent:** 3 - Losurdo, Richelia, and Robbins

**E. REPORTS AND RECOMMENDATIONS:**

1. Approve the minutes of the December 21, 2022 Planning and Zoning Commission meeting

This Report was approved.

**F. OLD BUSINESS:**

**G. NEW BUSINESS:**

**H. ADJOURNMENT:**

7:47 PM