

**MINUTES OF THE REGULAR MEETING  
OF THE ZONING BOARD OF APPEALS  
November 27, 2017**

**1. CALL TO ORDER**

Chairman Lengemann called the meeting to order at 7:30 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chairman Lengemann led the Pledge of Allegiance.

**3. ROLL CALL**

Present: Chairman John Lengemann, Vice Chairman Richelle Martin, Tom Blount, Earl Gass, Teresa Richey and Barb Yockey

Absent: Dennis Jackson

Also Present: City Manager Tom Youatt; Mayor Walt Bargaen; City Commissioner Frank Demske; Clerk/Treasurer Nicole Frost; Scott Bell of Lapham Associates; and four members of the community.

**4. APPROVAL OF AGENDA**

**Moved** by Gass, seconded by Richey, to approve the agenda with the amendment of moving 9. A. Election of Officers to after the Approval of the Minutes – November 25, 2015. **Motion Carried 6 – yeas; 0 – nays**

**5. APPROVAL OF MINUTES**

**Moved** by Yockey, seconded by Gass, to approve the minutes of the November 25, 2015 Regular Meeting as presented.

**Motion Carried 6 – yeas; 0 – nays**

**A. ELECTION OF OFFICERS**

- a. Chairman
- b. Vice Chairman

Chairman Lengemann opened the floor for nominations to fill the office of Chairman and Vice Chairman.

Moved by Gass, seconded by Blount to nominate John Lengemann to fill the position of Chairman and closed nominations and cast a unanimous ballot for John Lengemann as Chairman.

**Motion Carried 6 – yeas; 0 – nays**

Moved by Yockey, seconded by Gass to nominate Richelle Martin to fill the position of Vice Chairman and closed nominations and cast a unanimous ballot for Richelle Martin as Vice Chairman.

**Motion Carried 6 – yeas; 0 – nays**

**6. CITIZENS FROM THE FLOOR**

Chairman Lengemann offered time for Citizens from the Floor and there was no participation.

**7. PUBLIC HEARING**

**A. VARIANCE REQUEST – DeShano Development Corporation (1839 Almont Avenue)**

**Parcel ID# I19-85-244-040-00**

**Variance from Section 15.2 (U) 4 to allow a building to exceed 180 feet in length**

Chairman Lengemann Opened the Public Hearing at 7:33 p.m.

Scott Bell of Lapham Associates addressed the Board on behalf of DeShano Development Corporation to request a variance from Section 15.2(U) 4 for the purpose to allow a building to exceed 180 feet in length. Mr. Bell will be meeting with the Planning Commission on Tuesday, November 28<sup>th</sup>, 2017 to have the site plan approved. The proposed building is two – 20 unit buildings that are attached by a community gathering area. The total length of the building is 362 feet.

Board Member Gass inquired as to what the total square footage would be. Vice Chairman Martin noted 11,267 square feet was the foot measurement on the site plan review.

Board Member Lengemann inquired if the side yard would need a variance. Mr. Bell informed the Board that they would not be needing a variance on the side yard but they will be back next month to request a variance on the front of the building. The ordinance states there should be 20 feet between the building and parking lot edge. This project only has 15 feet due to a powerline issue. City Manager Tom Youatt stated they would be re-advertising and will have another meeting to address that variance.

Board Member Yockey requested confirmation that they are asking for a variance that would be two times as long as what the variance allows for. Mr. Bell replied yes but explained that the proposed building would not be like a row of townhouses or apartments. It has a lot of variations in depths.

Board Member Lengemann inquired as to whether the parcel accommodates a building of this size, should the building be split into two buildings. Mr. Bell replied if they had two separate buildings the State would require them to run them as two separate businesses and there is a Phase II that they are proposing in the future that would be identical to the proposed building. Mr. Bell noted that the Phase II building will have to be run as a separate business, and the middle area that connects the two buildings will provide a gathering area for meals, movies, socializing, hair salon, etc.

Board Member Lengemann asked about the rooms, and if they are suites. Mr. Bell replied that the majority of the rooms would be single rooms but there will be a few suites.

Board Member Blount inquired as to what the biggest hardship would be if this variance was not approved. Mr. Bell stated the developer probably would not be able to proceed with the project, and without the variance, they would have to double everything. They would be running two separate businesses which is twice the staff and twice the cost. There is a demand for this type of facility, at the current price point. If they had to split into two buildings, there may not be a demand at the new price point based on the new operating costs. This type of facility is a great buffer to residential areas. It is not a typical multifamily building. It is low impact, with not a lot of traffic going in and out, and the residents require little to no assistance.

City Commissioner Frank Demske wanted to clarify this facility is not a nursing home just assistance if needed, and once the resident needed more care, they would move to a different facility for that kind of care. Mr. Bell confirmed this.

Board Member Blount questioned what some of the concerns are of surrounding neighbors in some of the other communities they have facilities in. Mr. Bell stated they are usually concerned about elderly residents wandering. He stated these are the best neighbors to have. There is minimal traffic from visitors and staff and an occasional delivery for food and supplies. Police and ambulance calls are usually not a problem in this type of facility, and typically DeShano facilities do not have many of these calls.

Board Member Blount inquired as to how many of these facilities DeShano has like this facility. Mr. Bell did not know how many DeShano himself owned. DeShano usually gets them set up and has someone else run them. DeShano's daughter runs four or five of them. City Manager Tom Youatt added they are well built facilities. They have one in West Branch which Youatt is familiar with.

Chairman Lengemann Closed the Public Hearing at 7:53 p.m.

Board Member Lengemann inquired about a second driveway. City Manager Tom Youatt stated there will have to be a second Zoning Board of Appeals meeting for parking lot variance due to a powerline issue, but no variance would be needed for the second driveway.

Board Member Yockey inquired as to what the length of the request is. In the public notice it states to exceed 180 feet. Mr. Bell stated the plans state 362 feet.

**Moved** by Gass, seconded by Yockey, to approve the variance from Section 15.2 (U) 4 to increase maximum building length to 365 feet for the proposed assisted living building presented by DeShano Development Corporation for 1839 Almont Avenue, Parcel ID # 119-85-244-040-00.

Chairman Lengemann explained they are to look at whether a practical difficulty exists. Will strict compliance make it unnecessarily burdensome? Is the variance due to unique circumstances? Will it unreasonably keep developer from using property for said use?

#### **Roll Call Vote**

Ayes: Gass, Martin, Richey, Yockey, Blount, Lengemann

Nays: None

**Motion Carried 6 – Yeas, 0 - Nays**

8. **OLD BUSINESS – none**

9. **NEW BUSINESS - none**

10. **ADJOURNMENT**

**Moved** by Gass, supported by Martin, to adjourn at 8:01 p.m. **Motion Carried 6 – yeas; 0 – nays**

Respectfully Submitted by:

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Anne McAvoy  
Deputy Clerk/Utility Billing Clerk

**Approved: December 28, 2017**