

**BOARD OF ZONING APPEALS MINUTES**  
**Tuesday, May 15, 2018 @ 6:00 p.m.**

**Members Present:** Jason Krone, Merle Parks, Lloyd Mesmer, Sherri Neff, and Craig Stephan

**Staff Present:** Don E. Slone, AICP, CFM, City Planner

The Chairman Mesmer called the meeting to order at 6:00 p.m. and asked for a roll call. Roll call listed above.

Chairman Mesmer introduced **Item No. 1: Election of Officers** and asked for nominations. Merle Parks nominated Lloyd Mesmer for Chairman seconded by Sherri Neff. Chairman Mesmer asked if we need a vote. Merle Parks made a second motion that all Board positions remain the same with a second from Craig Stephan. Chairman Mesmer asked for a vote. The motion was approved on a 5-0 vote.

Chairman Mesmer introduced **ITEM No. 2: Variance: BZA-112: "Nettleton Manor Apartments"**, a request by Justin Unger, Steele Nettleton, LLC, property owners of record for a the following variances:

1. Article XV, C-1 Central Business District, Section 4, Height Regulations from the maximum height of structure, three (3) stories, or forty-five (45) feet to the existing six (6) story building that measures fifty-eight (58) feet to the top of the roof parapet;
2. Article XIV, MX, Mixed Use District, Section 5, Yard Regulations, Paragraph 2, Side Yard from the minimum ten (10) feet to the existing nine (9) feet; and
3. Article XXIII Off-Street Parking and Loading Regulations Section 5, which requires two (2) spaces per unit. This request grants the existing parking to be sufficient for the seventy-six (76) unit residential building.

Chairman Mesmer opened the public hearing at 6:04 p.m. and asked for Staff presentation. The City Planner presented the Staff Report that supports the three requested variances subject to the listed conditions including the background on the case.

Chairman Mesmer asked if the applicant would like to make a statement. **Justin Unger, Steele Nettleton, LLC**, stated that he would be glad to answer any questions the Board might have and asked for approval of the (3) variances in order to allow the property and existing structure to be a "legal conforming" use.

Chairman Mesmer asked if anyone in the audience had any questions or comments. **Betty Spalding, 111 E. Kump Avenue** stated that she was a current resident of Nettleton Manor and has been for the past 14 years. She stated that she was very pleased that the new owners were actually doing what they promised which had not been the case for the past two owners who promised upgrades but none were ever done.

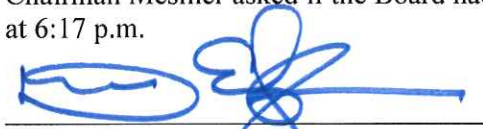
Chairman Mesmer closed the public hearing at 6:11 p.m. and asked for a motion. Merle Parks made a motion to approve the (3) variance with the listed conditions in the Staff Report with a second from Craig Stephan.

Chairman Mesmer the Board of they had any questions. Craig Stephan asked if the property is still age restricted. Justin Unger stated that it is restricted to those with disabilities and is also income restricted.

Merle Parks asked about the Architect's letter that stated "it is my position that it is not feasible to reconstruct a seventy-six (76) unit residential building on the existing lot, in the instance of a catastrophic event and full reconstruction be required". The architect, Adam Pickett stated that without approval of the requested variances, 76 units could not be reconstructed with the three stories limitation as allowed under the current zoning without the variances.

Chairman Mesmer asked for the vote. Motion was approved 5-0.

Chairman Mesmer asked if the Board had any additional business, seeing none, he adjourned the meeting at 6:17 p.m.

  
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Don E. Slone, AICP, CFM, Secretary