

Minutes of the City of Vandalia Board of Zoning Appeals
April 09, 2025

Agenda Items

1. Call to Order
2. Attendance
3. Old Business
4. New Business
 - a. BZA 25-0004 Rear Deck Setback – 1200 Wilhelmina Drive
5. Approval of Minutes
 - a. Board of Zoning Appeal Minutes: March 12, 2025
6. Communications
7. Adjournment

Members Present:	Mr. Mike Flannery, Mr. Mike Johnston, Mr. Kevin Larger, and Mr. Robert Wolfe
Members Absent:	Mr. Steve Stefanidis
Staff Present:	Mr. Michael Hammes, City Planner
Others Present:	Mr. Michael Mayhill, Mr. Brandon Dosch

1. Call to Order

Mr. Flannery called the meeting to order at 6:03 p.m. Mr. Flannery described the BZA as a recommending body that evaluated the BZA application and stated that the City Council made the final decision on all appeal and variance requests but will not hold a public hearing such as BZA. She noted that City Council would hear the request at the meeting on April 21, 2025, at 7:00 p.m.

2. Attendance

Four of the members were in attendance. Mr. Stefanidis was absent.

3. Old Business

Mr. Hammes confirmed that there was no old business.

4. New Business

a. BZA 25-0004 Rear Deck Setback – 1200 Wilhelmina Drive

Mr. Hammes presented the staff report for Case BZA 25-0004, a request for a Rear Yard Setback variance on a residential property in the RSF-3 district. He stated that the applicant wished to construct a 13' deck at the rear of their house located at 1200 Wilhelmina Drive. The minimum rear yard setback is 35 feet. The house is currently setback at 18 feet from the property line and is already encroaching 17 feet into the rear yard setback. The proposed deck would encroach an additional 13 feet into the rear yard setback, causing the overall setback to be 5 feet from the property line.

Mr. Hammes added that the deck must meet the rear setback because the proposed deck is wider than 25% the width of the house.

Mr. Hammes noted that the property is a corner lot, and thus the orientation of the home and its placement on the lot resulted in a smaller rear yard than usual.

Mr. Hammes presented maps included with the staff memo, including aerial photographs of the site and a rendering of the proposed deck.

Mr. Larger asked about any comments from neighbors. Mr. Hammes replied that his office had received no comments in favor of or against the variance, and added that there were no members of the public present at the meeting.

Mr. Flannery invited the Applicant to address the Board.

Mr. Brandon Dosch of 1200 Wilhelmina Drive addressed the Board. He identified himself as the property owner and explained that he and his wife would like to have a deck. The deck is intended as a "back-yard sanctuary" for his family.

Hearing no further comments from the public, Mr. Flannery closed the public portion of the meeting.

Mr. Flannery then proceeded to the variance review criteria.

- (1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;

BZA Comment: The Board agreed the property in question will yield a reasonable return and that the property has a beneficial use without granting the variance.

Variance Criteria (Cont'd)

- (2) Whether the variance is substantial;

BZA Comment: The Board agreed that the variance is somewhat substantial.

- (3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

BZA Comment: The Board agreed that granting the variance would not substantially alter the character of the neighborhood.

- (4) Whether the variance would adversely affect the delivery of government services (i.e., water, sewer, garbage);

BZA Comment: The Board agreed that the variance would not adversely affect the delivery of government services.

- (5) Whether the property owner purchased the property with knowledge of the zoning restriction;

BZA Comment: The Board agreed that the property owner did not have knowledge of the zoning restriction before purchasing the property.

- (6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance;

BZA Comment: The Board agreed that the owner's predicament cannot be obviated without a variance because the existing house is already encroaching 17 feet into the rear yard setback requirement. Any new addition or deck, regardless of size would need a variance to further encroach into the rear yard setback.

- (7) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;

BZA Comment: The Board agreed that substantial justice would be done, but that the intent behind the zoning code would not be strictly observed by granting the variance.

Variance Criteria (Cont'd)

- (8) Any other relevant factor to assist the Board of Zoning Appeals in weighing and balancing the public and private benefits and harms of the requested relief; and

BZA Comment: The Board agreed that the current house layout is legal nonconforming, with a rear yard setback of 18 feet, whereas the code requires a minimum of 35 feet.

Mr. Flannery reported that Staff recommends that the Board of Zoning Appeals recommend **approval** of the requested variance from City Code Section 1224.01(e)(17)(B)(i) for the purpose of allowing a deck to be placed 5 feet from the rear property line at 1200 Wilhelmina Drive.

Hearing no questions, Mr. Flannery called for a motion.

Mr. Wolfe made the motion to recommend **approval** of the requested variance from City Code Section 1224.01(e)(17)(B)(i) for the purpose of allowing a deck to be placed 5 feet from the rear property line at 1200 Wilhelmina Drive.

Mr. Larger seconded the motion. The motion passed 4-0.

Mr. Flannery advised the applicant that it would be in his best interest to attend the City Council Study Session on April 21, 2025, at 6:00 p.m. and the City Council Meeting on April 7, 2025, at 7:00 p.m.

Mr. Dosch thanked the Board for its recommendation.

5. Approval of Minutes

a. Board of Zoning Appeal Minutes: March 12, 2025

Mr. Johnston made a motion to approve the March 12, 2025, Meeting Minutes. Mr. Larger seconded the motion. The motion passed 4-0.

6. Communications

Mr. Hammes reported there would be a meeting on April 23rd, 2025.

Mr. Hammes noted that there had been discussion about a potential training session for the Board of Zoning Appeals. Such training may be scheduled for a summer meeting.

Mr. Hammes asked the members to notify his office if they would be unable to attend a scheduled meeting.

Mr. Hammes noted that a motion to excuse Mr. Stefanidis would be in order at this time. Mr. Larger made a motion to excuse Mr. Stefanidis. Mr. Johnston seconded the motion. The motion passed 4-0.

Mr. Flannery asked about the date for the first meeting in May. Mr. Hammes replied that the first meeting in May would take place on Wednesday, May 14th. Mr. Flannery reported that he might not be able to attend that meeting.

7. Adjournment

Mr. Wolfe made a motion for adjournment. Mr. Larger seconded the motion. The motion passed 4-0.

The meeting was adjourned at 6:21 p.m.

Mike Flannery
Chair