

**MINUTES**  
**Board of Zoning Appeals Meeting**  
**November 2, 2020**

The public meeting was called to order at 6:00 p.m. at the EMS Building located at 320 Baker Rd.

Members present were: Chairman David Subler, Lester Kueterman, John Wagaman, and Billie Platfoot. Mike Darnell was absent. Also, in attendance was Village Administrator Michael Busse. Guests present included Matt Barton and Craig Vogel representing Village Contractors, Jill Brewer representing Mash Investments, Tom Jokerst, and Darlene Meyer.

A motion to approve the agenda was made by John Wagaman, seconded by Lester Kueterman. Vote: All yeas.

A motion to approve the minutes from the October 26, 2020 meeting was made by Billie Platfoot, seconded by John Wagaman. Vote: all yeas.

The Board was presented with BZA Case No. 20-09, Mr. Busse reviewed the following statement of facts for the Board and explained the zoning standards that are affecting the property.

Mr. Busse stated BZA Case No. 20-09 is a variance application filed by Roger and Carol Frey, 234 Euclid St., for the reduction in the required front setback to extend a front porch and railings to within 3 ft of the front property line where Versailles zoning regulations require a 25 ft front yard setback in R-2.

Mr. Busse stated that it should be noted that the construction is already completed. Mr. Busse observed the construction already in progress and notified the contractor of the need for the zoning permit and variance. Mr. Busse stated that he did not however stop the construction that was already underway. Several pictures of the already completed project were included in the Board's packets.

Mr. Busse stated that he had not been contacted by any neighbors concerned about the project or the proposed variance request.

No guests were present to state the case for the approval of the variance.

Tom Jokerst inquired if the requester had a permit to complete the porch project before it was started. Mr. Busse said they did not. Mr. Busse stated he discovered the project while it was already under construction.

Mr. Jokerst stated that he was opposed to the variance request and that he felt the BZA Board was too quick in granting requests for variances. Mr. Subler asked Mr. Jokerst if he was a neighbor to the property in question. Mr. Jokerst stated that he was not, but was opposed to all variance requests.

In discussion the Board members suggested that when the zoning regulations are updated that we add a penalty for beginning a construction project without a permit.

At the conclusion of the discussion a motion was made by Mr. Kuterman and seconded by Mr. Wagaman to approve the variance as requested.

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Mr. Busse presented BZA Case No. 20-10 to the Board. This request for a variance was filed by Matt Barton/Village Contractors, 620 Hickey Ave., for a request to construct a 34 ft x 27 ft addition to his commercial building which is located in an R-1 residential district.

Section 709 B. allows the BZA to approve a 25% increase in the gross floor area of a non-conforming use as long as it meets the criteria listed in that section. In this case the proposed addition is 918 square feet. (Existing building 3672 square feet X 25% = 918 square feet.)

Village Contractor's existing building was constructed prior to the existing zoning. It is grandfathered in as a non-conforming use in an R-1 residential district.

Mr. Busse stated that he has not been contacted by any neighbors concerned about the project or the variance request.

Matt Barton addressed the Board and stated that he really wanted to build an additional free-standing building but Mr. Busse told him that the regulations prohibited it. Mr. Subler reiterated that we are here to review the request as presented and that the discussion about options for additional buildings would need to be addressed at a later date.

Mr. Jokerst spoke against granting the variance and inquired why the Board would consider an addition to the commercial building which is located in a residential district.

Mr. Busse reviewed the regulations again and informed Mr. Jokerst that when the regulations were originally written someone decided that this specific variance could be granted by the BZA Board.

Mr. Jokerst continued to voice his concerns against granting the variance.

Mr. Subler again asked Mr. Jokerst if he was a neighbor to the property.

Mr. Jokerst stated he was not a neighbor.

Mr. Subler directed Mr. Busse to note in the minutes that Mr. Jokerst was not a neighbor to the property in question.

At the conclusion of the discussion a motion was made by Ms. Platfoot and seconded by Mr. Wagaman to approve the variance as requested.

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Mr. Busse presented BZA Case No. 20-11 to the Board. This request for a variance is an application filed by David and Darlene Meyer, 806 S. Center St., for a reduction in the rear yard setback to install a 10 ft x 12 ft accessory building 1 ft from the rear property line where Versailles Zoning regulations require a 6 ft rear yard setback.

Mr. Busse stated that he had not been contacted by any neighbors concerned about the project or the variance request.

It was noted by Mrs. Meyer that the request was actually for a 5 ft rear yard setback instead of a 1 ft setback as previously stated.

Mr. Busse informed the Board that this back yard backs up to a utility easement on the Versailles School's property so there is nothing close to the back of this property.

After some discussion a motion was made by Mr. Wagaman and seconded by Ms. Platfoot to approve the 5 ft rear yard variance as requested.

Mr. Busse presented BZA Case No. 20-12 to the Board. This request for a variance is filed by Mash Investments LLC, 380 Marker Rd., for the reduction in the required front setback to construct a 3,190 sf addition within 20 ft of the front property line where Versailles zoning regulations require a 25 ft front yard setback.

Mr. Busse stated that this is a unique situation because the original building was constructed on a flag lot. The original building does not extend behind the Store and Lock property. The proposed new construction extends to the east behind the Store and Lock property within 20 feet of the southwest corner of that property causing the need for the variance application.

Mr. Busse stated that he has not been contacted by any neighbors concerned about the project, or the variance request. Mr. Busse said he has reviewed the site plan as well as the storm water detention requirements and has no problem with the proposed site plan. Mr. Busse stated that once the proposed construction is completed the owner will need to provide a letter from the engineer stating that the detention area was constructed per the approved plan. Jill Brewer was in attendance representing Mash Investments.

After some discussion a motion was made by Mr. Kueterman and seconded by Ms. Platfoot to approve the variance as requested.

With no further business to conduct, a motion to adjourn the meeting was made by John Wagaman, seconded by David Subler. Vote: all yeas.

Meeting was adjourned at 6:59 p.m.

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BZA Chairman

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Michael Busse, Secretary