

ZONING BOARD OF APPEALS
ADMINISTRATIVE MEMO
November 13, 2025

OFFICE OF THE CITY ADMINISTRATOR

Subject: **Recommendations for ZBA Meeting of November 17, 2025**

Item 1 **CALL TO ORDER**

Item 2 **ROLL CALL**

Prerogative of the Chair to request the City Clerk to take attendance.

Item 3 **ACCEPTANCE OF THE AGENDA** Prerogative of the Zoning Board of Appeals that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Item 4 **PUBLIC HEARING(S)**

Open the Public Hearing. Receive and place on file all communications pertaining to each request. Hear any comments, first in support of, second in opposition to, the requests. Make a motion to close the Public Hearing.

Item 4A **VARIANCES REQUEST: 780 MOORLAND DRIVE**

The Applicant, Jeffrey Hartmeyer, is requesting a variance for the residential lot at 780 Moorland Drive in order to construct a rear patio addition to an existing single-family home. As proposed, the patio addition would encroach into the minimum required rear yard setback. The subject site is zoned R-1C, One Family Residential District and is an interior lot, located south of Briarcliff Drive and east of Wedgewood Drive.

The following variance is requested:

- Per Section 50-3.1.C(4) (Minimum rear yard setback) – 6'8.75" variance

Per *Section 50-7.15.I.1* of the Zoning Ordinance, the Zoning Board of Appeals may grant a dimensional variance only upon a finding that compliance with the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical difficulty. Additional information brought forward by the Board, the applicant, and/ or during the public hearing should be incorporated into the record prior to the Board making any determination.

The City Planners recommend that the Zoning Board of Appeals **approve** the requested rear yard setback variance of 6'8.75 to Section 50-3.1.C(4), based on the following findings of fact:

1. Strictly following the current R-1C zoning requirements for rear yard setbacks would prevent the applicant from substantially expanding the single-unit home.

2. The proposed addition is consistent with the intent of the R-1C One-Family Residential District, which encourages single-unit, detached residential development and is a permitted, by right use.
3. The property exceeds the required front-yard setback by 15 feet; however, construction of an addition is not feasible in the front yard due to the location of the driveway and walkway. Location of the addition in the rear yard is most appropriate.
4. The need for relief is not self-created. The existing side setbacks prevent an addition to be constructed on either side of the home. The existing patio in the rear yard was constructed without an overarching structure, and did not initially require a rear yard setback variance without a proposed structure or cover.
5. All other applicable zoning requirements of the R-1C district are met, including lot coverage, lot size and width, building height, and front and side yard setbacks.
6. Approval of the variances upholds the spirit and intent of the Zoning Ordinance, maintains neighborhood character, and maintains public health and safety.

I concur with the City Planners' recommendation.

Prerogative of the Zoning Board of Appeals as to action taken.

Item 4B

VARIANCE REQUEST: 1191 S. RENAUD ROAD

The applicants, Jeffrey and Megan Burns request a variance for the residential lot at 1191 S. Renaud Road in order to construct an addition to an existing single-family home which would encroach into the minimum required side yard setback. The subject site is zoned R-1A, One-Family Residential District and is an interior lot, located south of Lochmoor Boulevard and west of Fairway Drive.

The following variance is requested:

- Per Section 50-3.1.A(4) (Minimum side yard setback) – 2'2" variance on the west side yard setback and 5'1.8" variance on the total side yard setback.

Per Section 50-7.15.I.1 of the Zoning Ordinance, the Zoning Board of Appeals may grant a dimensional variance only upon a finding that compliance with the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create a practical difficulty. Additional information brought forward by the Board, the applicant, and/ or during the public hearing should be incorporated into the record prior to the Board making any determination.

The City Planners recommend that the Zoning Board of Appeals **approve** the requested minimum side yard (west: 2'2") and total yard setback (5'11.8") variances to Section 50-3.1.A(4) based on the following findings of fact:

1. The subject property is an established, nonconforming lot; with the primary dwelling unit located approximately 8 feet from the western property line. Strictly following the current R-1A zoning requirements for side yard setbacks would prevent the applicant from substantially expanding the single-unit home.
2. The proposed addition is consistent with the intent of the R-1A One-Family Residential District, which encourages single-unit, detached residential development and is a permitted, by right use.
3. The proposed addition will follow the existing western building line of the home, which results in a more uniform building design.
4. The need for relief is not self-created, as the home was constructed to comply with a previous Zoning Ordinance requiring 8-foot side setbacks. The existing concrete patio in the rear yard was also constructed by the previous owner and due to its location, impedes potential building expansion into the rear yard.
5. All other applicable zoning requirements of the R-1A district are met, including lot coverage, building height, and front and rear setbacks.
6. Approval of the variances upholds the spirit and intent of the Zoning Ordinance, maintains neighborhood character, and maintains public health and safety.

I concur with the City Planners' recommendation.

Prerogative of the Zoning Board of Appeals as to action taken.

Item 4C

VARIANCE REQUEST: 21155 MACK AVENUE

The applicant, Mark Tapper, on behalf of Tapper's Gold Rush, LLC, requests a use variance for the commercial establishment at 21155 Mack Avenue. The subject site is a 11,761.20 square foot corner lot, is zoned the C, Commercial Business District and is located south of Brys Drive and east of Helen Avenue. The applicant proposes to operate a precious metals evaluation and purchasing service business, where in the C District, pawnshops and similar resale services are not permitted.

The applicant states that their business will serve customers on a private, primarily appointment-based basis, to facilitate the evaluation and potential sale of coins, bullion, and other precious-metal items. With the exception of coins, items purchased by Tapper's Gold Rush are not to be resold to the public and are sold exclusively to

institutional counterparts. While Tapper's Gold Rush does plan to buy and sell coins to and from the public, Tapper's does not consider coins to be "used" or "pre-owned" merchandise. Tapper's Gold Rush will not engage in consignment, lending, or retail resale of non-currency, pre-owned merchandise.

The following variance is requested:

- Per Section 50-4.9.C (Retail Businesses) – Permittance of a secondhand exchange adjacent retail use.

Per Section 50-7.15.I.2, the Zoning Board of Appeals may grant a use variance only upon finding that there is an unnecessary hardship in the way of carrying out the requirements of the chapter.

The City Planners recommend that the Zoning Board of Appeals **deny** the requested use variance at 21155 Mack Avenue to Section 50-4.9.C.

Of the five required criteria for a use variance, only three (Criteria #3, #4, and #5) are met. Criteria #1 and #2 are not satisfied, as the applicant has not demonstrated an unnecessary hardship unique to the property. This is based on the following findings:

1. The subject parcel is a standard commercial lot with no demonstrated physical or regulatory limitations preventing its development under current C, Commercial Business District standards.
2. Numerous permitted and special uses exist within the C, Commercial Business District that would allow viable commercial development consistent with the zoning intent.
3. The site is similar in size, topography, zoning, and configuration to other nearby commercial parcels along Mack Avenue.
4. No evidence has been provided that unique physical or locational circumstances affect the property's ability to be developed under the existing zoning.

I concur with the City Planners' recommendation.

Prerogative of the Zoning Board of Appeals as to action taken.

Item 5 NEW BUSINESS/PUBLIC COMMENT

Item 6 IMMEDIATE CERTIFICATION OF MINUTES Prerogative of the Zoning Board of Appeals to immediately certify tonight's meeting minutes.

Respectfully submitted,



Frank Schulte
City Administrator