

**CITY OF GERMANTOWN BOARD OF ZONING APPEALS  
MINUTES OF MEETING HELD OCTOBER 14, 2024**

The City of Germantown Board of Zoning Appeals met on October 14, 2024 at 7:00 p.m. in the City Building Council Chambers.

**MEMBERS PRESENT:**

The following members were present at the Call to Order: Mrs. Izor, Mrs. Spencer, Mr. Herner, Mr. Treiber, and Mr. Dalton.

**ALSO PRESENT:**

Also present: Michael Schmidt, Applicant; Jeff Jones, Council Liaison; and Keith Brane, City Planner.

**CONSIDER APPROVAL OF THE MINUTES OF THE FEBRUARY 12, 2024 BZA MEETING:**

On a motion by Mr. Dalton, seconded by Mr. Treiber, it was moved to approve the minutes of the February 12, 2024 meeting as written. On call of the roll: Mr. Dalton, yes; Mr. Treiber, yes; Mrs. Spencer, yes; Mrs. Izor, yes; and Mr. Herner, yes. Motion carried.

**PUBLIC HEARINGS:**

**Variance Application #V24-01:** Chairman Izor said we have Mr. Michael Schmidt requesting a variance from the Accessory Structures placement restrictions of the Supplemental District Regulations specifically GCO Chapter 1129-02 (b) subject to the remaining requirements of Chapter 1127.70 to allow the continued use of two accessory structures closer than three feet to the side and rear property lines at 221 East Market Street. If granted the variance will allow two existing accessory structures to remain in the rear yard of the property without the required three-foot setback on each structure.

Chairman Izor opened the public hearing at 7:01 p.m. and asked Mr. Schmidt to come forward and give the board an overview of his application.

Mr. Michael Schmidt, 221 East Market Street said his family has owned the property since 1970. My sisters and I inherited the property, and I bought my two sisters out. We moved here because my children wanted to go to Valleyview. Even though I've lived there we've had a major problem of people hitting the house all the time and only two people have stopped. I'm only asking for one structure, and I took the other one down except for the awning. The barn is six inches within their property, but I put it there because I ran into people cutting through his property or parking in his yard and when it snows, they push all the snow up against my garage. I put this up for storage because I can't get a vehicle into the garage, and I thought that you didn't need a permit for a structure under 200 square feet. The person who surveyed the property said the post office is two and a half feet onto my property. My Dad settled that in 1969-1970 but I couldn't find anything when I was doing some due diligence. The surveyor also said that everybody in this town is two and a half feet on everybody's property; that's just the way it is. So, all I'm asking is to leave the shed there and the other structure I've already taken down.

Mr. Schmidt said the garage behind him has cats, raccoons, everything and I worry about my small dogs. The post office does nothing to protect my house, and I've put up everything to protect my house. I also wanted to change the look before I moved in and have won beautification awards twice but now I'm in a jam.

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Chairman Izor said we have some photos and asked Mr. Schmidt to show the board which structure was taken down and where the issues are. Mr. Schmidt explained the photos.

Mr. Herner asked if the structures have been around for a while, why is this just coming up now? Mr. Schmidt said he thought it was triggered when he started putting the other building up. Mr. Herner said so an inspector came through. Mr. Schmidt said yes.

Chairman Izor said this is hard to figure out; how many accessory structures are there on this lot? Mr. Schmidt said two unless you count the garage then it would be three.

Mr. Herner said if you had the survey that showed these things it would be an easier decision to make. I think we have insufficient details: floor area, scale, and locations from the property line.

Mr. Brane asked if it is the red building sitting right on the property line you want to keep? Mr. Schmidt said it is six foot four inches back from the alleyway. It's the awing overhanging.

Mr. Brane said let's look at the conditions: if granting the variance, all remaining provisions of Chapter 1127.70 and 1129 shall remain in full force and effect. In the interest of public safety, the illegally erected structure extending into the alley shall be removed within 20 days of the approval of the variance. Denial of the variance does not affect the owner's responsibility to remove the obstruction. The city has asked this be removed for several months and it has not been addressed.

Chairman Izor asked which structure. Mr. Brane said the "she" shed would appear to be more than three feet off the line, so we don't need a variance for that. The board discussed the placement of the buildings, and which one needed a variance.

Mr. Treiber said I don't have an issue with where the shed is at; the overhang needs to be taken down.

Chairman Izor said this is not about the shed that is angled in the back yard; it's not about the garage; the overhang is out of our scope; so we're really talking about this shed staying where it is.

Mr. Brane said the board is aware of the facts and we figured out which building it would be. I feel the conditions are sufficient and whether this variance is granted or not, the overhang has to come out of the right of way. I will communicate with the Public Safety Operations Manager and come out to see what's in the right of way to get everything squared away.

With no further comments, Chairman Izor closed the public hearing at 7:31 p.m.

Chairman Izor moved to approve the variance application V24-01 for Mr. Michael Schmidt, at 221 East Market Street appealing the accessory structure regulations. This is regarding the shed only in the corner of the rear yard. We are voting for that structure to remain with the recommendations staff proposes. Structures in the right of way shall be removed within 20 days of the approval or denial of the variance.

On a motion by Mrs. Izor, seconded by Mrs. Spencer, it was moved to approve the variance requested in Case# V24-01 to allow a shed in the rear, southwest corner of the yard to remain, subject to the

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recommendation of staff to remove obstructions in the right of way. On call of the roll: Mrs. Izor, yes; Mrs. Spencer, yes; Mr. Herner, no; Mr. Treiber, no; and Mr. Dalton, yes. Motion carried.

**ADJOURNMENT:**

With no further business, the meeting was adjourned at 7:35 p.m.

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Whitney Izor  
Chairman, Board of Zoning Appeals

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Keith A. Brane  
City Planner