



**BOARD OF ADJUSTMENT  
THURSDAY, MAY 25, 2023  
7:00 PM**

**Call to Order**

Vice-Chair, Adam Sommer, called the meeting to order at 7:00PM.

**Roll Call**

Adam Sommer  
Kristen McDaniels  
Ryan Marshall  
Sue Kaiser  
Don Keeling

**Agenda Approval**

**Mr. Marshall made a motion to approve. Ms. McDaniels seconded. All in favor.**

**Citizen Comments**

None

**New Business**

*A. Variance from Section 400.1390(E)(3)(c) of the "LI" Light Industrial District to allow for the mechanical equipment and enclosure to project up to 10 feet into the rear-yard setback, where the minimum rear yard setback is twenty-five (25) feet for the property addressed as 241 Hanley Industrial Court. As part of this variance, the applicant also requests a variance from Section 400.1830(A) Building Use Limitations which states that no building shall be erected, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the district regulations established by this Chapter for the district in which the building or land is located.*

Those speaking to the request were sworn in.

Mr. Joseph Lucido, co-owner of the property, said this would be their 3rd business in Brentwood. He said as soon as they were aware of the need for a variance they reached out to neighbors and their alderman to get their support. He said they did not intend to seek a variance. He said the construction process has been stressful.

Mr. Ryan Ferrar said the project is over budget. He said hopefully the Board will agree their request is reasonable.

Mr. Mike Ballmen, of Ballmen Architects, said the building was designed without the specific MEP (mechanical, electrical & plumbing). He said approvals were granted prior to the correct sizing of the equipment being determined. They later learned of the HVAC issue after the fact. He said they have studied multiple scenarios and have been unable to find one that was feasible. He went through some photos that were provided in the packet. He said their request is 10ft into the 25ft required setback. He said the mechanical equipment would be screened from neighboring properties.

Mr. Tim Marcel said they looked at a variety of options that were not really feasible. He said the building was not designed to hold rooftop equipment. He talked about moving the equipment into the setback lines which would require moving ductwork, causing other problems. He said they also considered moving the equipment to the garage, but that removed parking and caused heat accumulation.

Ms. Kelly was sworn in.

Ms. Kelly gave a history of the building approval and permitting process. She read through the code requirements regarding the setbacks. Ms. Kelly said the mechanical equipment is typically considered at the time the building is designed. She reviewed the parameters of granting a variance. She said this request is due to the applicant, not the property. Ms. Kelly said the board should consider whether the request meets the parameters of granting a variance. She said setbacks are there for a variety of reasons.

Ms. Kaiser asked what the business would be in the space.

Mr. Ferrar said it would be a variety of businesses, mostly start up and incubator types of businesses.

Mr. Marshall asked if the building permit application showed further review of the MEP's was needed.

Mr. Fairgrieve, Chief Building Official, said it was not a simple answer because separate permits are required for each part of the construction.

Mr. Marshall asked if the masonry and steel was in place for the garage.

Mr. Marcel said things were in place but not started.

Mr. Marshall asked how much parking they would lose in the footprint of the garage.

Mr. Marcel said about 1/2 the spaces would be lost.

Mr. Marshall said he was thinking the garage could be shifted.

Mr. Marcel said there were grading issues to consider.

Mr. Ballmen said the equipment needs to be adjacent to the building. He said it would make the garage less functional for tenants and clients.

Mr. Marshall asked how much excess parking they had.

Ms. Kelly said they were in excess of 2-4 spaces with this current design.

Mr. Sommer asked if there were any other comments from other neighbors.

Ms. Kelly said there were not any comments, but there was an inquiry.

Ms. Kaiser made a motion to approve. Mr. Keeling seconded. A roll call vote was taken and all were in favor.

Staff was directed to prepare the Finding of Facts and Conclusion of Law.

Meeting was adjourned at 7:40 pm.