



exposed rooftop equipment on site. Mr. Hill discussed the location of the site and the surrounding zoning. Previous variance applications were approved for this site regarding the encroachment into the front yard setbacks on both State Route 63 and Senate Drive.

Mr. Hill explained the site plan approval process for this site that occurred in early December. At this meeting the mechanical rooftop equipment was specifically discussed. Mr. Katz at that time indicated that the proposed parapet would screen any equipment installed. After construction of the building Staff found exposed rooftop equipment. The applicant informed Mr. Hill that due to the difficulty of moving or raising the current parapet they moved forward with requesting a variance for the screening.

Mr. Hill explained the C-2 (General Commercial) regulations and showed the Board images of the property, explaining the proposed custom screening system. Mr. Hill reviewed his findings of fact with the Board.

1. *The Zoning Code allows no reasonable use to be made of the property in question for reasons peculiar to the property and not applicable to the area as a whole.*

Mr. Hill stated the zoning code allows for the property and structure to be reasonable and viable when meeting the current standards, the request to utilize the mechanical rooftop screening is peculiar to the site.

2. *The use proposed is the minimum variance necessary in order to allow a reasonable use of the property without producing unreasonable hardship.*

Mr. Hill stated that the applicant has informed Staff of the unintended challenges they have come across. If the variance is granted the property would be screened, however it still would not meet current screening requirements of the Monroe Planning & Zoning Code.

3. *This use will not impair the essential character of the area or the objectives for the Monroe Comprehensive Plan.*

Mr. Hill stated that the comprehensive plan calls for an overlay zone to control aesthetics in this area. This deviation from the code requirements would minimally be in compliance with the goals of the comprehensive plan as the proposed screening matches the color and material of the parapet.

4. *The surrounding properties will be properly protected.*

Mr. Hill stated that the surrounding property owners do not appear to be harmed.

Mr. Hill explained the Fire Departments comments, stating that they do not want the current parapet to be raised to screen the roof top air conditioning units due to fire hazards.

Mr. Hill stated that Staff believes that the rooftop unit needs to be effectively screened. Staff believes the BZA should consider the proposed custom screening or deny the variance request altogether.

Scott Katz, Midland Retail, stated that their company built the shell of the building and Chipotle utilized another architect to construct the interior. The contractor for Chipotle placed the HVAC units in the wrong location and at this time they cannot be moved. Mr. Katz reviewed with the Board the alternative solution they proposed to Staff.

Mr. Stillman expressed his concern regarding the proposed screening standing up to severe weather conditions.

Mr. Katz further described the product and how it will screen the existing mechanical unit.

Mr. Stillman made a motion to accept the documents; Mr. Caron seconded the motion. Mr. Stillman made a motion to close the public hearing; Mr. Caron seconded the motion.

Mr. Nerenberg reviewed the details of the variance application and the City requirements. Mr. Nerenberg asked if there are better options in which the City could handle this situation in the future.

Mr. Hill stated that this was a unique situation; any new development in the area would require the proper size parapet and screening.

Mr. Caron asked when these regulations were updated in the code.

Mr. Chesar explained the timing of when these regulations were updated in the code and described to the Board the importance of screening the mechanical equipment.

Mr. Caron moved to approve the variance request from Midland Retail for Chipotle, 175 Senate Drive, to allow the use of a custom mechanical rooftop screening system to meet the screening requirements per Chapter 1252.12 of the Monroe Planning & Zoning Code. Mr. Stillman seconded the motion.

Mr. Caron: Aye  
Mr. Robbins: Aye  
Mr. Nerenberg: Aye  
Mr. Stillman: Aye  
Motion Carried

### **Adjournment**

Mr. Stillman moved adjourn the meeting. Mr. Caron seconded the motion. The meeting was adjourned at 6:30PM.