

MINUTES OF RENSSELAER BOARD OF ZONING APPEALS:

Thursday, October 16, 2025 at 6:30 pm CT

I. Call to Order:

The Rensselaer Board Of Zoning Appeals met on Thursday October 16, 2025 in City Hall Council Chambers. BZA Chairman Stan Haines called the meeting to order at 6:33 PM CT. Building Commissioner Hall was asked to proceed with roll call.

II. Roll Call:

Present: Chairman Stan Haines, Vice-Chair Sean Cawby, Mike Lyons, Craig Hewitt, Chad Gutwein, City Attorney Todd Sammons (virtual), Commissioner Hall

Absent: Secretary Krystal Basset

Guests: Superintendent Bryce Black, David and Julie Malone, Eric Smith, Thomas Gutwein, JoAnn McElfresh, Scott Malone

III. Review and Approval of Past Minutes:

Chairman Haines presented the minutes from the last BZA Meeting, held on Thursday, August 21, 2025. Motion to approve was made by Hewitt, seconded by Gutwein. Motion Passed.

IV. New Business:

A. BZA-02-2025 Variance of Developmental Standards – David & Julie Malone

Mr. Malone presented a petition to build a garage on the lot he owns at 302 W Lincoln St. He explained that he has lived in the neighborhood for a long time and wants to improve it. He said he plans to store a camper and some cars in the garage along with some property. Mr. Malone stated that most of the neighbors have no issue. Chairman Haines asked if they have renderings, which he did not. He also stated that Ernie Reyes will be the builder, that it will open to Jefferson St, and that it will be a pole barn type of structure. Chairman Haines then asked Superintendent Black if he thought there would be a problem with the “Make-Em-Self” tile which runs under part of the lot. He replied that there have not been serious flooding issues in the area since the high-rate plant was constructed nearby, and therefore he saw no issue with the proposed structure. Mr. Malone also stated when asked that he had no intention of storing anything outside the building.

Chairman Haines then asked if there was anybody who wished to comment, and Eric Smith stepped up to voice his opposition. Mr. Smith said that he lived in the neighborhood for a long time and wants to keep the neighborhood nice. He said that a “barn-dominium” was denied previously on the lot, to which Chairman Haines replied that he did not remember any such business coming before the board before. He said that he did not want any other “utility buildings” in his residential neighborhood and that the Malones had many other options for storage. Mr. Smith said that he was worried that other neighborhoods were in poor condition and sat down.

Next, JoAnn McElfresh said that the Malones were longtime residents of the neighborhood who love the community and wouldn't do anything to harm it. Next, Thomas Gutwein pointed out that the substance of the requested variance was the lack of a primary structure, and that the presence of a house does not guarantee that the accessory building will be taken care of. He said that he supported the building and thought it would be an improvement to the community.

Mr. Malone then stood up to say that he believed Mr. Smith was opposed to the building because he was using the lot for his own purposes, having a wood pile on the lot. Mr. Smith then stated that he knew that there was a strip that didn't belong to him and that the owner needed to claim it. He said that Mr. Malone was hostile to him from the beginning. The two of them then engaged in a brief argument about the woodpile issue. Chairman Haines pointed out that he didn't see a reason that the structure would reduce the property value of Mr. Smith. Vice-Chair Cawby pointed out that the variance is for an accessory structure with no primary structure, and not about the building itself. Chad Gutwein asked if there were regulations about the size of accessory buildings. Commissioner Hall replied that the maximum height is 18 feet in that district. Chairman Haines asked what kind of pitch could be expected with 14 feet eaves.

Gutwein said that he would need to see a rendering and more details in order to make a decision. Chairman Haines agreed. Mike Lyons suggested that Mr. Malone get the rendering from the builder. Scott Malone then spoke up to point out that there are examples of these structures having been approved around town during his own time on the BZA, which Chairman Haines agreed with. Superintendent Black suggested that the city be allowed to enter the property in the event of a flooding issue. Mike Lyons moved to continue the business until next month, seconded by Craig Hewitt. **Motion Passed.** Mike Lyons moved to give the city access in the event of emergency, seconded by Cawby. **Motion Passed.**

V. Old Business:

None to Report.

VI. Public Comment :

None to Report.

VII. Adjournment:

With no other business before the board, Chairman Haines entertained a motion to adjourn the meeting. Motion made by Cawby, seconded by Lyons. **Motion Passed.** Meeting adjourned at 7:11 PM CT

Next Meeting: Tentative for Thursday, November 20, 2025

Minutes Prepared by: Jacob Hall, Building Commissioner