

Agenda
Board of Zoning Appeals

Date: September 2, 2022
To: Board of Zoning Appeals
From: Cody Grodi, Zoning Inspector
Re: **Items for the September 12, 2022 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of August 8, 2022 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. Applications
 - a. **APPLICATION, 46-22** – Melanie Shepard is requesting a zoning variance to install a fence. The property is located at 624 Louisiana Avenue and is zoned R-3 (Single Family Residential).

NOTE: Chapter 1250.42 Fences, Walls, Structural Screens, Hedges, and Screen Plantings:

R1-R5 Zoning: 4' Maximum in Front Yard
4' Maximum in Side Yard
6' Maximum in Rear Yard

1. The applicant is requesting a zoning variance to install a six (6) foot privacy fence in the side yard beyond the midpoint of the home. The fence will extend twenty-two (22) feet beyond the midpoint of the house.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Chapter 1275.02(c)(3). The property owner will be directly replacing an existing six (6) foot fence. They will remove the last panel of fencing, which will shorten the distance the fence extends into the side yard. The material will be changing from a wood privacy to a vinyl privacy.

- b. **APPLICATION, 47-22** – True Aerial, on behalf of Divine Brow and Lash Studio, is requesting a zoning variance in order to install a wall sign. The property is located at 26520 N. Dixie Highway and is zoned C-4 (Highway Commercial).

NOTE: Chapter 1250.32(a) Permanent Signs Allowed

Corridor Overlay Wall Sign:

Maximum Size: 10% of façade up to 75 square feet

Quantity: 1 per façade up to 3 façades

1. The applicant is requesting a variance to install a sign that is eighty-four (84) square feet. The sign will encompass text and a logo.

Recommendation:

1. No recommendation provided.

- c. **APPLICATION, 48-22** – Brittany Wynn is requesting a zoning variance to install a fence. The property is located at 143 W. Sixth Street and is zoned R-3 (Single Family Residential).

NOTE: Chapter 1250.42 Fences, Walls, Structural Screens, Hedges, and Screen Plantings:

R1-R5 Zoning:

4' Maximum in Front Yard

4' Maximum in Side Yard

6' Maximum in Rear Yard

1. The applicant is requesting a zoning variance to install a six (6) foot privacy fence in the front yard. The fence will extend (10) feet into the front yard.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the criteria needed to grant a variance. The request is significant as the applicant is asking to install a six (6) foot fence in the front yard. If the fence were to be installed in line with the house, a variance request would not be needed. The applicant will not lose much yard space if they install the fence where it is permitted by code.

- d. **APPLICATION, 49-22** – Pete Huffman is requesting a zoning variance in order to construct an addition. The property is located at 415 W. Fifth Street and

is zoned R-3 (Single Family Residential).

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards*

R-3 Zoning:

Front Yard = 35'

Rear Yard = 35'

Side Yard Min = 8'

Side Yard Total = 20'

1. The applicant is requesting a zoning variance to construct an addition to the front of the house. The addition will be set back seventeen (17) feet off of the front property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, D, E, and F of Chapter 1275.02(c)(3). The addition will not encroach into the front yard any more than the existing deck that has since been removed.
- e. **APPLICATION, 50-22** – Nicholas and Julia Randles are requesting a zoning variance in order to construct an outdoor fireplace and patio. The property is located at 430 Walnut Street and is zoned R-4 (Single Family Residential).

NOTE: *Chapter 1250.61(b) Accessory Building and Uses: Accessory buildings and uses may be located in a rear yard, provided that such uses are set back at least five (5) feet from the side and rear lot lines.*

1. The applicant is requesting a zoning variance to construct an outdoor fireplace and patio in the rear yard. The outdoor fireplace and patio will be set back zero (0) feet off of the property lines.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the criteria needed to grant a variance. The variance request is substantial as I would never recommend placing a structure right on the property line. Maintaining the structure and the area around it won't be possible without crossing onto neighboring properties. The neighbors have structures which are legal non-conforming, meaning they are built closer to the property line than what would be allowed today. The placement of the outdoor patio and fireplace in relation to the neighbor's structures raises concerns over fire safety. Although the rear yard of the property is limiting, there are other options to install a fireplace and patio that will meet the

required setback.

7. Other Business

8. Adjournment

The next Board of Zoning Appeals meeting is scheduled for Monday, October 10, 2022 at 5:30 P.M. in the Municipal Building located at 201 W. Indiana Avenue.

cc: Media