

BOARD OF ZONING APPEALS

August 8, 2022

The meeting was called to order at 5:30 p.m. by Vice Chairperson Nathan Duricek. Board members present were Nathan Duricek, Brian Elmer, Matthew Sutter, and Megan Wolfinger (4). Scott Anderson was absent (1). Also present was Mark Easterling, Deputy Planning & Zoning Administrator.

APPROVAL OF MINUTES

Mr. Duricek moved to approve the minutes of the July 11, 2022 meeting as written. Seconded by Ms. Wolfinger. Ayes: Duricek, Sutter, and Wolfinger (3). Nays: (0). Abstain: Elmer (1).

Mr. Duricek administered an oath to those that would be speaking at the meeting.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Mr. Elmer nominated Mr. Duricek to be Chairperson. Seconded by Ms. Wolfinger. Ayes: (4). Nays: (0).

Mr. Duricek nominated Mr. Anderson to be Vice-Chairperson. Seconded by Ms. Wolfinger. Ayes: (4). Nays: (0).

APPLICATION 41-22 – Tiffany Edens is requesting a zoning variance to install a fence. The property is located at 1091 Westbrook Drive 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.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances A, B, C, and D of Chapter 1275.02(c)(3). This property will be mirroring the neighboring fence and placing it at the half way point could damage exterior of the structure.

Mr. Easterling reviewed Application 41-22. The applicant was not present. Mr. Duricek asked how far the fence is past the midpoint of the home, and Mr. Easterling said that it's about six to seven feet forward and that it aligns with the neighbor's fence and gate at 1085 Westbrook Drive. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 41-22 as submitted, and finding B, C, D, and E of Chapter 1275.02(c)(3). Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

APPLICATION 42-22 – Lori Violet is requesting a zoning variance to keep a six (6) foot fence. The property is located at 1031 Maple 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 side yard two feet beyond the midpoint of the home.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and F of Chapter 1275.02(c)(3). The request is not substantial and existing fence screen is currently two feet beyond the midpoint to give privacy from rear yard deck from neighbor.

Mr. Easterling reviewed Application 42-22. Lori Violet was present, and added that her request allows for privacy between herself and her next door neighbor at 1035 Maple Street, as their driveways are directly next to one another. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve Application 42-22 as submitted, and finding B, C, D, and E of Chapter 1275.02(c)(3). Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

APPLICATION 43-22 – Matt Shortridge is requesting a zoning variance to install a fence. The property is located at 26630 Eckel Road and is zoned I-2 (General Industrial).

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

I-2 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 property is a legal nonconforming residential structure with two front yards due to having frontage on Eckel Road and W. South Boundary Street.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Chapter 1275.02(c)(3). This

property has two front yards, and the area that the property owner wants to install the six (6) foot fence is the area that is utilized as a rear yard. This would also give the residence added privacy and security in this industrial area. There are no concerns of visibility issues with the proposed location of the fence.

Mr. Easterling reviewed Application 43-22. Lora Shortridge, 1833 Kettle Run Court, and Matt Shortridge, 26630 Eckel Road, were present on behalf of the application. Mr. Shortridge presented a drawing to the Board, and added that there was a fence on the property about fifteen to twenty years ago. Mr. Easterling confirmed that neighboring calls were not received, that the property was annexed into the City in 2006. He added that it is surrounded by Industrial zoning. Ms. Wolfinger asked how far the fence is setback from the road, and Ms. Shortridge confirmed that it is at least two hundred feet. There were no further questions or concerns from the Board, nor the public.

Mr. Sutter moved to approve Application 43-22 as submitted, and finding B, C, D, and E of Chapter 1275.02(c)(3). Seconded by Ms. Wolfinger. Ayes: (4). Nays: (0).

APPLICATION 44-22 – Nathan Smith is requesting a zoning variance to build a shed. The property is located at 522 W. Seventh Street and is zoned R-3 (Single Family Residential).

NOTE: 1250.61(b) Accessory buildings, such as garages and utility buildings, may be located in a rear yard, provided that such buildings are separated from the main structure by at least ten (10) feet and are set back at least five (5) feet from the side and rear lot lines.

1. The applicants are requesting a variance that would allow them to place a shed in the side yard.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and F of Chapter 1275.02(c)(3). The property is further setback and only has ten feet of rear yard space which would leave no room for a shed.

Mr. Easterling reviewed Application 44-22. Robert Smith, 522 W. Seventh Street, was present on behalf of the application, and said that the house is small, that there is no garage and no basement. Mr. Elmer asked if there were any neighboring concerns, and Michelle Paine, 520 W. Seventh Street, was present, and said that she is in favor of the request. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 44-22 as submitted, and finding B, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Wolfinger. Ayes: (4). Nays: (0).

APPLICATION 45-22 – Jay Oberhauser is requesting a zoning variance to detach the garage from the principal structure. The property is located at 436 W. Second Street and is zoned R-3 (Single Family Residential).

NOTE: 1250.61(f) The combined footprints of all accessory buildings on a lot shall not exceed the lesser of 5% of the lot size or 4,000 SF. However, the

Board of Zoning Appeals may consider an exception to the maximum size requirement providing that the requested size does not exceed 8% of the lot size.

1. The applicant is removing a portion of the house that was connected to the garage. In doing this the garage will now be viewed as a detached structure. The garage will be six hundred (600) square feet, which is in addition to a shed that is one hundred and ninety-two (192) square feet. The lot size is 11,880 square feet, which by code would allow five hundred and ninety-four (594) square feet. The applicant is seeking a variance for 8% of the lot size in accessory structures.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Chapter 1275.02(c)(3). Due to building code requirements, the applicant cannot attach a proposed addition to the garage as he intended. The owner will eliminate a portion of the garage; however, the remaining portion will still be larger than 5% of the lot size. The garage will not grow in size.

Mr. Easterling reviewed Application 45-22. Jay Oberhauser was present, and said that Wood County required an alteration to his previously approved 2021 zoning permit from the City. He added that he is removing a portion of the house that was connected to the garage and in doing so the garage will now be viewed as a detached structure therefore the size of the lot is taken into account with accessory structures. Mr. Oberhauser said that his detached garage is 20' by 30' and that his shed is twenty (20) feet from the garage and behind their privacy fence. There were no further questions or concerns from the Board, nor the public.

Mr. Sutter moved to approve Application 45-22 as submitted, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

OTHER BUSINESS

There being no further business, the meeting adjourned at 5:55 p.m.

Respectfully submitted,

Heather Alfaro