

BOARD OF ZONING APPEALS

September 12, 2022

The meeting was called to order at 5:31 p.m. by Chairman Nathan Duricek. Board members present were Scott Anderson, Nathan Duricek, Brian Elmer, and Matthew Sutter (4). Also present was Cody Grodi, Zoning Inspector.

APPROVAL OF MINUTES

Mr. Elmer moved to approve the minutes of the August 8, 2022 meeting as written. Seconded by Mr. Sutter. Ayes: Duricek, Elmer, and Sutter (3). Nays: (0). Abstain: Anderson (1).

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

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.

Mr. Grodi reviewed Application 46-22. Melanie Shepard was present, and confirmed the location of the vinyl fence. Neighboring property owner at 627 Louisiana Avenue said that they have no issue with the variance request. There were no further questions or concerns from the Board, nor the public.

Mr. Sutter moved to approve Application 46-22 as submitted, and finding B, C, D, and E of Chapter 1275.02(c)(3). Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

APPLICATION 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.

Mr. Grodi reviewed Application 47-22. Breann Dandar was present on behalf of the application, and confirmed that the client and landlord prefer to have the logo installed on the brick façade as noted in their application. There was a brief discussion about the size of the sign, and Mr. Grodi noted that Balance received a variance for their logo on the opposite façade of this building. He added that neighboring comments were not received. There were no further questions or concerns from the Board, nor the public.

Mr. Duricek moved to approve Application 47-22 as submitted, and finding B, C, D, and G of Chapter 1275.02(c)(3). Seconded by Mr. Anderson. Ayes: (4). Nays: (0).

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 ten (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.

Mr. Grodi reviewed Application 48-22. Brittany Wynn was present, and added that the old fence was rotted at the posts and that she viewed it as a replacement with the vinyl. She said that if she opted for Mr. Grodi's recommendation that it would decrease the usable space of her fenced in yard by twenty-nine (29) percent. Mr. Duricek confirmed that the footprint of the fence has not changed and that neighboring comments had not been received. Ms. Wynn said that the fence is 10.5 feet off the front property line, and Mr. Anderson said that

it doesn't seem that far off of the house as he drove by the property. There were no further questions or concerns from the Board, nor the public.

Mr. Anderson moved to approve Application 48-22 as submitted, and finding B, C, D, and G of Chapter 1275.02(c)(3). Seconded by Mr. Sutter. Ayes: (4). Nays: (0).

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 on 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.

Mr. Grodi reviewed Application 49-22. The applicant was not present, and the Board had further questions for this variance request.

Mr. Sutter moved to table Application 49-22 due to the applicant not being present for the Board to ask further questions for this variance request. Seconded by Mr. Anderson. Ayes: (4). Nays: (0).

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 setback 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 neighbors' 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.

Mr. Grodi reviewed Application 50-22. Nicholas Randles was present, and added that both neighbors on either side are in support of the variance request, and that they are in attendance tonight (Helen & James Haas at 420 Walnut Street and Keith & Mary Beth Delaney at 209 W. Fifth Street). Mr. Randles said that the existing fence has been replaced with a masonry wall, and that if it were five (5) feet off of his property lines that it would be closer to his house. He added that the project is about ninety (90) percent complete and that Wood County did not require a permit for the project. The Board noted that the structure is very close to his neighbors, and that the fire pit is nearby vinyl siding, which could potentially be an issue. Mr. Randles confirmed that the fire pit is constructed with "full fire brick" and that it's legitimately designed with a fully constructed fireplace. Mr. Duricek said that he appreciates the confirmation of the fire-graded materials, as safety of the structure and nearby homes were his concerns. There were no further questions or concerns from the Board, nor the public.

Mr. Anderson moved to approve Application 50-22 as submitted, and finding C, D, F, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

OTHER BUSINESS

There being no further business, the meeting adjourned at 6:06 p.m.

Respectfully submitted,

Heather Alfaro