

BOARD OF ZONING APPEALS

December 14, 2020

The meeting was called to order at 5:30 p.m. by Chairman Rob Vela. Board members present were Niki Decker, Nathan Duricek, Rob Vela, and Becky Williams (4). Brian Elmer was absent (1). Also present was Mark Easterling, Deputy Planning and Zoning Administrator.

APPROVAL OF MINUTES

Mr. Vela moved to approve the minutes of the November 9, 2020 meeting as written. Seconded by Ms. Williams. Ayes: Duricek, Vela, and Williams (3). Abstain: Decker (1).

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

APPLICATION 49-20 – Valerie Liebert, on behalf of Val Real Trust, is requesting a zoning exception that would reduce the front yard setback. The property is located at 728 Cherry 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 requested variance would permit the applicant to reduce the required thirty-five (35) foot setback to twenty-three (23) feet to allow for the construction of a new attached garage.

Recommendation:

1. The Deputy Administrator recommends approval of the exception. The exception is fairly minor and does not pose any visibility or safety concerns. The average setback for this portion of Cherry Street is approximately twenty-five (25) feet and this exception would not be visibly noticeable in comparison to the rest of this portion on the street.

Mr. Easterling reviewed Application 49-20. Valerie Liebert was present on behalf of the application, and Mr. Vela confirmed that comments were not received from any neighboring properties. Ms. Liebert said that she believes that the structure was originally built to accommodate a buggy, and that she wants to bump the structure out a few feet to allow for a car to be parked inside. She added that the addition will have the same peak over the door, and look natural. Mr. Vela recommended that Ms. Liebert call the Planning and Zoning Office first before updating the driveway in the future. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve the zoning exception for Application 49-20. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

APPLICATION 50-20 – Barbara Vykopal is requesting a zoning variance that would allow a driveway addition to remain within five (5) feet of the property line. The property is located at 213 Margaret Place and is zoned R-3 (Single Family Residential).

NOTE: *Chapter 1250.51(b)(7) Driveways & Curb Cuts: No portion of a driveway shall be closer than 5' to a side or rear property line unless an authorized waiver (on file in the Planning and Zoning office) is provided indicating the permission from the adjoining property owner or if a waiver cannot be obtained a variance from the Board of Zoning Appeals can be sought.*

1. The requested variance would permit the applicant to keep the installed driveway addition at approximately two (2) feet from the property line.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, F of Chapter 1275.02(c)(3). Allowing the addition would encroach upon the property line, and there would still be enough space between the driveway and the property line to maintain the applicant's property and driveway without going on to the neighbor's property.

Mr. Easterling reviewed Application 50-20. The applicant was not present, and Mr. Vela confirmed that the driveway has already been installed. Mr. Easterling said that the driveway was installed for ADA compliance. Mr. Vela asked if any comments had been received from the neighbors, and Mr. Easterling noted that the affected neighbor did not sign the waiver, and that the neighbors at 217 Margaret Place called in approval of the request. Ms. Williams noted that there is only parking available on the curve on Margaret Place and so the additional driveway will accommodate safety concerns too. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve Application 50-20, and finding B, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 51-20 – Brandon Wolf is requesting a zoning exception to allow for an existing concrete porch to remain in its current location. The property is located at 250 Southwood Drive 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 requested variance would permit the applicant to reduce the required thirty-five (35) foot front yard setback to twenty-seven (27) feet to allow for the newly constructed porch to remain.

Recommendation:

1. The Deputy Administrator recommends approval of the exception. The request is not substantial and does match the character of the neighborhood and does not pose any safety concerns.

Mr. Easterling reviewed Application 51-20. Brandon Wolf was present and added that they ripped out the existing front porch due to the replacement of a sewer line. Ms. Williams asked about the damaged sewer line and when the porch was installed, and Mr. Wolf said that the sewer line was fixed right before COVID hit and that the porch was replaced in October 2020. Mr. Vela asked if any comments had been received from neighboring properties, and Mr. Easterling added that Jacqueline Kyle, 235 Southwood, and Ronald Artz, 245 Southwood, both called in favor of the application. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve the zoning exception for Application 51-20. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

APPLICATION 52-20 – Gerald Glanville is requesting a zoning variance to reduce the rear yard setback for a future home addition. The property is located at 617 Louisiana Avenue 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 requested variance would permit the applicant to reduce the required thirty-five (35) foot rear yard setback to six (6) feet for a home addition.

Recommendation:

1. The Deputy Administrator recommends denial of the variance request. The application does not meet enough of the factors required for a variance. The addition would cause for the property to lose green space in which the home would occupy more than seventy (70) percent of the lot size. In addition, this garage may also require an additional variance for a wider driveway.

Mr. Easterling reviewed Application 52-20. Gerald Glanville was present, and added that he is not able to park in front of his house on Louisiana Avenue. Mr. Vela noted that the Board has reviewed this property twice over the last few years for various requests.

He added that the problem with the rear yard setback is because the proposed garage is attached to the house which leaves a six (6) foot setback in the rear. Ms. Decker confirmed that Mr. Glanville would like a 4 car garage, and Mr. Glanville added that the additional garage space will hold a truck and a trailer inside. Mr. Vela asked if any comments were received from the neighbors, and Mr. Easterling confirmed that none had been received. Ms. Williams asked Mr. Glanville if he was aware of the setbacks before he purchased the property, and he said that he was not, and that he had just purchased it in October 2020. Mr. Easterling clarified that there is a required ten (10) foot setback from the rear, and neighboring property owner Rick Ruffner added that it's a small lot and that the structure still fits on the property. Ms. Williams referenced the four conditions that need to be met out of the seven in order to grant a variance. Mr. Easterling confirmed that Application 49-20 that was previously heard at 728 Cherry Street was a zoning exception, so the two applications are different. There was a brief discussion about the size of the addition and the removal of green space. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve Application 52-20, and finding C, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: Decker, Duricek, and Williams (3). Nays: Vela (1).

APPLICATION 53-20 – Shelbie Darah is requesting a zoning variance to allow a fence with a height of six (6) feet to be installed in the front and side yard. The property is located at 12726 Eckel Junction Road and is zoned I-2 (General Industrial).

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

Zoning District	Location & Maximum								
	Front Yard			Side Yard			Rear Yard		
	4'	6'	8'	4'	6'	8'	4'	6'	8'
I-2	P	Z	*	P	P	Z	P	P	Z

1. The applicant is requesting a zoning variance for a six (6) foot fence to be placed in the front and side yard past the midpoint of the structure.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances A, C, D, F of Chapter 1275.02(c)(3). The business has removed a prohibited chain-link fence and replaced it with an approved material. The fencing is in the same location as the previous fencing and it does not pose any visibility or safety concerns.

Mr. Easterling reviewed Application 53-20. The applicant was not present, and Mr. Vela confirmed that this new fence is a replacement. Mr. Easterling added that the dogs are bothered by the passing traffic when they are outside, and that this is a change in material that is allowed as opposed to the existing chain-link fence. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve Application 53-20, and finding A, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: Decker, Duricek, and Vela (3). Nays: (0). Abstain: Williams (1).

There being no further business, the meeting adjourned at 6:12 p.m.

Respectfully submitted,

Heather Alfaro