

BOARD OF ZONING APPEALS

DECEMBER 12, 2016

The meeting was called to order at 5:30 p.m. by Chairman Craig Pickerel. Board members present were Greg Bade, Jason Decker, Niki Decker, Craig Pickerel and Rob Vela (5). Also present was Mark Easterling, Deputy Planning and Zoning Administrator.

Approval of Minutes

Mr. Bade moved to approve the minutes of the November 14, 2016 meeting as submitted. Ms. Decker seconded and they were approved 4-0. Ayes: Bade, N. Decker, Pickerel and Vela (4). Abstain: J. Decker (1).

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

APPLICATION, 40-16 - Aaron Greene on behalf of Mercy Health is requesting two zoning variances that would allow the installation of two wall signs that are larger than what is permitted. The property is located at 12623 Eckel Junction Road and is zoned as INS (Institutional Uses).

NOTE: *Chapter 1250.32(a) Permanent Signs Allowed:*

District: Corridor Overlay
Maximum Size: 10% up 75 SF per facade
Quantity: 1 per façade up to 3

1. The applicant is requesting a variance for each sign that would allow them to place wall signs on the building larger than the maximum of 75 square feet. The signs would be approximately 160 square feet, with one sign placed on the southern and the eastern façade of the building.
2. The applicant is requesting a variance for each sign that would allow them to place wall signs on the building larger than the maximum of 75 square feet. The signs would be approximately 160 square feet, with one sign placed on the southern and the eastern façade of the building.

Recommendation:

1. The Deputy Administrator recommends approval of the variances. The signs would not show any negative impact to neighboring businesses or the Corridor Overlay, and would assist citizens in easily identifying the location of the facility as it sits behind several businesses. (Ch. 1275.02(c)(3) –A, C, D, F).
2. The Deputy Administrator recommends approval of the variances. The signs would not show any negative impact to neighboring businesses or the Corridor Overlay, and would assist citizens in easily identifying the location of the facility as it sits behind several businesses. (Ch. 1275.02(c)(3) –A, C, D, F).

Mr. Easterling reviewed Application 40-16. Aaron Greene of HPlex Solutions was present on behalf of Mercy Health. Mr. Greene stated that the larger sign would aid patients in identifying the building. He said that for distance and impact the size seems to fit and architecturally the smaller sign looks awkward. Ms. Decker asked why this was not discussed back when building plans were submitted. Mr. Greene said they did not find out until mid-October that the signs were too big and their opening was the beginning of November. He said that they have had a good working relationship with the City and they knew there was a risk that if they put up the signs and they were not approved that they would have to come down. Mr. Bade said that his concern is that they are over double the size of what is permitted, but this seems like it is a done deal.

Mr. Bade moved to approve Application 40-16. Mr. Decker seconded. Ayes: Bade, J. Decker, N. Decker, and Pickerel (4). Abstain: Vela (1).

APPLICATION, 42-16 – Kim and Lori Nilsson are requesting one zoning exception to permit rear yard setback relief. The property is a corner lot located at 338 E. Sixth 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 the exception as to allow for an addition to be placed on the rear of the primary residence. The addition is approximately 224 Sq. Ft. and would sit approximately twenty-eight (28) feet from the rear yard property line. The requested variance would permit the applicant to construct an addition to the residence within the required thirty-five (35) foot setback from the rear property line.

Recommendation:

1. The Deputy Administrator recommends approval of the exception due to the uniqueness, size, and orientation of the lot. The home is currently approximately twenty-four (24) feet from the rear property line and the addition would not add to the existing nonconforming status.

Mr. Easterling reviewed Application 42-16. Mr. Nilsson said that this property is unique because it faces Sandusky Street but has an East Sixth Street address. Mr. Bade asked if there were any comments from neighbors. Mr. Nilsson said that he spoke to his neighbor and they have no problems with it. Mr. Easterling said no comments were received by the Planning and Zoning Division.

Mr. Decker moved to approve Application 42-16. Mr. Bade seconded and it was unanimously approved.

APPLICATION, 43-16 – Stephanie Fliter is requesting one zoning variance for front yard setback relief to permit the construction of a covered porch within the front yard setback. The property is located at 825 Locust Street and is currently 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 reduce the required front yard setback. The variance would permit the front yard setback to be reduced to approximately seventeen (17) feet, rather than the required thirty-five (35) feet.

Recommendation:

1. The Deputy Administrator recommends denial of the variance. The proposed addition would add to the building’s existing non-conforming status as it is the only home on this portion of Locust that resides in the thirty-five (35) foot setback.

Mr. Easterling reviewed Application 43-16. Stephanie and Matt Fliter were present. Ms. Fliter said that they just moved here from Indiana and the realtor told them that their house has no curb appeal and it needs a front porch. Ms. Fliter said that she is hoping a front porch will add value to their home and the neighborhood. Mr. Fliter said that the actual distance from the road is 65’ so the porch won’t be near the road. He added that the house at the corner of Locust and Seventh sits closer to the road. Ms. Fliter stated that they have plans from 1999 that show a porch was planned at that time. Mr. Vela asked if the porch was constructed. Ms. Fliter said that it was planned but not constructed. There was discussion regarding the average setback for that portion of Locust Street. Mr. Bade noted that the right of way is larger on the tree streets. Mr. Decker asked about comments from neighbors. Ms. Fliter said that they spoke to two houses to the north and two houses to the south. Mr. Easterling said the only comments were those included in board members’ packets.

Mr. Bade moved to approve Application 43-16. Mr. Vela seconded and it was unanimously approved.

APPLICATION, 44-16 – Gina Foley is requesting one zoning variance to permit an existing accessory structure to remain within five (5) feet of the side property line. The

accessory structure is located at 116 Silver Maple Drive and is zoned as “R-3” (Single Family Residential).

NOTE: 1250.61(b) *Accessory Buildings and Uses:* Accessory buildings such as garages and utility buildings, may be located in a rear yard, provided that such buildings are separate 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 applicant is requesting approval to keep the existing accessory structure. The structure is approximately six (6) inches from the side property line.

Recommendation:

1. The Deputy Administrator recommends denial of the variance. Although the shed is of good quality, there were other placement options available on the property. The location also makes any potential maintenance to the rear of the structure nearly impossible without using the neighbor’s property.

Mr. Easterling reviewed Application 44-16. Gina Foley said that she has lived at this property for 26 years. She said that she got a wood burning stove and she needed somewhere to store the wood. The structure has the same siding and roof line as the garage. She asked her next door neighbor if it was okay and they approved it. She was not aware she needed to get a permit from the City. Mr. Decker asked where else it could go, and Mr. Easterling said that it could go along the garage. Ms. Foley said that she has plantings there. Mr. Vela asked Mr. Easterling if she talked to the neighbor and he said that he did and the neighbor has no problem with it. Mr. Bade said that his problem with the structure is that it is built right on the lot line and although the current neighbor has no problem with it, they won’t be there forever. Ms. Foley asked about fences, and Mr. Bade said that the Code distinguishes between fences and structures. Ms. Foley asked where she should stack her wood. Mr. Bade said that is not the Board’s concern.

Ms. Decker moved to deny Application 44-16. Mr. Bade seconded and the motion was unanimously approved.

APPLICATION, 45-16 – AAA Allied Group is requesting one zoning variance to permit the construction of a parking lot in the front yards of the property. The properties are identified as parcels Q61-400-180304011000 through Q61-400-180304018000, Q61-400-180304006000 through Q61-400-180304010000, and are all zoned as “C-4” (Highway Commercial).

NOTE: 1230.02(g) *Accessory Uses; Off Street Parking; Material Storage in Front Yard:* No accessory use or structure, off-street parking facility or material or equipment storage shall be located in the required front yard without the approval of the Board of Zoning Appeals.

1. The applicant is requesting approval to construct 37 parking spaces in the required front yards of the property.

Recommendation:

1. The Deputy Administrator recommends approval of the variance which would allow for the applicant to construct the minimum number of spaces require for the site (39 spaces). This site is also within the Corridor Overlay and is therefore required to provide a screen wall and landscaping to screen the view of the parking area. The current site plan does show a screening wall along the corridor. (Ch. 1275.02(c)(3) –A, C, E, F)

Mr. Easterling reviewed Application 45-16. Dean Frederick said that he is working with Jonathan Evans of Evans Engineering, on behalf of AAA Allied Group. Mr. Frederick said that this site is challenging because there is frontage on three sides. Mr. Easterling noted that the parking won't be in the setback, just within the front yard. Mr. Bade asked about the drainage for the site. Mr. Frederick said that the City has asked that it be moved to the rear of the property and that is part of the Planning Commission submittal. Mr. Bade asked how many total parking spaces there will be, and Mr. Frederick said that there will be 47. Mr. Decker said that he is okay with this request as long as the screen wall is there.

Mr. Decker moved to approve Application 45-16 based on finding A, C, D and F of Chapter 1275.02(c)(3) to be true. Ms. Decker seconded and it was unanimously approved.

APPLICATION, 46-16 – J&R Construction on behalf of Bryan and Amber New Raymond, is requesting one zoning exception for side yard setback relief. The property is located at 27278 Ft. Meigs Road and is zoned as "R-2" (Single Family Residential).

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards:*
R-2 Zoning:

Front Yard = 40'
Rear Yard = 40'
Side Yard Min = 10'
Side Yard Total = 25'

1. The applicant is requesting the exception as to allow for the single family home to be constructed within the side yard setback. The home would sit approximately eight (8) feet from the side yard property line.

Recommendation:

1. The Deputy Administrator recommends approval of the exception based on the fact the applicant had a massive fire forcing them to rebuild their home. The homeowner would like to rebuild the home as exactly as it was with no changes to the foundation or the footprint. (Ch. 1275.02(c)(3) – B, C, D, E)

Mr. Easterling reviewed Application 46-16. Bryan and Amber New Raymond were present along with representatives from J & R Construction. Mr. New Raymond explained that they had a house fire and they want to rebuild with the same footprint. Mr. Bade asked if there was any damage to the foundation. Mike Bostdorf of J & R said that the foundation was not damaged. Mr. Bade asked why this could not be handled administratively. Mr. Easterling explained that since more than 60% of the non-conforming structure was damaged, a variance must be obtained. Mr. Pickerel asked if any comments were received from neighbors. Mr. Easterling said that the only comments received were that they want it be rebuilt as soon as possible.

Mr. Bade moved to approve Application 46-16. Mr. Decker seconded and it was unanimously approved.

There being no further business, the meeting adjourned at 6:28 p.m.

Respectfully submitted,

Mary Jo Sutton