

BOARD OF ZONING APPEALS

NOVEMBER 25, 2013

The meeting was called to order at 5:30 p.m. by Chairperson Becky Williams. Board members present were: John Brown, Jason Decker, Jonathan Smith, and Becky Williams (4). Eric Nicely was absent. Also present was Planning and Zoning Administrator Brody Walters.

Mr. Smith moved to approve the minutes of the October 14, 2013 meeting as written. Mr. Decker seconded, and they were unanimously approved.

ZONING VARIANCE, 30-13 – Adam and Cindy Daudelin request one (1) zoning variance to permit the construction of a 6' privacy fence in a required front yard. The subject property is located at 403 E. Second Street and is zoned R3 (Single Family Residential). The requested variance would permit the applicant to construct a fence that is taller than permitted.

NOTE: *1250.42 Fences, walls, structural screens, hedges and screen plantings*

6' fences, walls and structural screens are permitted in residential front yards with the approval of the Board of Zoning Appeals.

The applicant is requesting a zoning variance to allow the installation of a 6' fence in a front yard to provide privacy to the rear yard and a future swimming pool. This variance would allow for an additional 2' in height than what is permitted without a variance.

Recommendation:

The Planning and Zoning administrator does not recommend approval of the zoning variance request as submitted. The proposed fence location is in a highly visible front yard area and would significantly block views including the view of pedestrians along Maple Street from cars in the alley to the north of the property. The two objections are based on aesthetics and pedestrian safety. (Ch. 1275.02(c)(3) – B and D were found to be true). Any approval shall be conditional, pending approval by the Historic Landmarks Commission for appropriateness.

Mr. Walters reviewed the variance request and his recommendation. Mr. Daudelin said that the fence they would like to put in would stop at the driveway and would be 27' from the alley. He showed the Board this location on an aerial printout of the property. Mr. Walters said that this would eliminate the safety issues. Mr. Daudelin said that the bottom 4½' would be solid fence and the top 1½' would be decorative. The fence would be placed 4' in from the sidewalk and would run through the existing flower bed. Mr. Walters noted that the property line is 3½' in from the sidewalk. Mr. Brown said that he is okay with it based on the style of fence they are using. The Board reviewed Section 1275.02 (c)(3) finding B, C, D and G to be true. Mr. Smith moved to approve Zoning Variance 30-13. Mr. Decker seconded, and it was unanimously approved.

ZONING VARIANCE, 31-13 – Dan Lieske requests a zoning variance to permit the installation of a 6' fence in a residential side yard. The subject property is located at 190 Queensland Boulevard and is zoned R-3 (Single-Family Residential).

NOTE: *1250.42 Fences, Walls and Structural Screens*

6' Fences, walls and structural screens are permitted in residential side yards with the approval of the Board of Zoning Appeals.

1. The applicant is requesting permission to install a 6' tall fence between the side of his residence and an existing shared fence along the property line. The proposed fencing includes eleven feet of 6' tall fencing in the eastern side yard.

Recommendation:

1. It is recommended to approve the applicant's request. Based on the variance criteria of Chapter 1275.02(c)(3) it is believed that criteria B, C, F and G would be satisfied.

Mr. Walters reviewed the variance request and his recommendation. Mr. Lieske said that he has a dog that can jump a 4' fence. He said the fence will line up with his neighbor's fence but their house is closer to the street so it is in their rear yard. The Board reviewed Chapter 1275.02(c)(3) finding B, C, D, and E to be true. Mr. Decker moved to approve Zoning Variance 31-13. Mr. Smith seconded, and it was unanimously approved.

ZONING VARIANCE, 32-13 – Stephen Chovanec requests two (2) zoning variances to permit the construction of a new single-family residence within the required front yard setbacks. The subject property is located at 402 E. Seventh Street and is zoned R-3 (Single Family Residential). These variances would permit the applicant to construct a new residence 6'6" from the Sandusky Street front property line and 7'10" from the front property line along the E. Seventh Street front property line.

NOTE: *1230.01 Intensity and Dimensional Standards*

R-3 Zoning:

Front Yard = 35'

Rear Yard = 35'

Side Yard Min = 8'

Side Yard Total = 20'

NOTE: *1230.02 Provisions governing interpretation and application of yard requirements.*

Front Yard Exception. In "R-2", "R-3" or "R-4" Districts, when fifty percent (50%) of the developed frontage in one (1) block on one (1) side of the street has front yards that are greater or less than the minimum front yard required, any building to be erected thereon shall not project beyond the average of the existing front yards, except that a minimum front yard of fifteen (15) feet shall be maintained in all instances.

1. The applicant is requesting a zoning variance to permit the construction of a new residence 6'6" from the front (Sandusky St.) property line, which is 28'5" closer than would otherwise be permitted.
2. The applicant is requesting a zoning variance to permit the construction of a new residence 7'10" from the front (E. Seventh St.) property line, which is 19'2" closer than would otherwise be permitted (due to Ch.1230.02(b) and the average setback of this block equaling 27').

Recommendation:

1. It is recommended to approve the applicant's request. (Ch. 1275.02(c)(3) – C, D, F, G)
2. It is recommended to approve the applicant's request. The lot is very irregularly shaped and the right-of-way along this property provides a large open space (which is larger than most other residential setbacks) between Sandusky Street and the proposed garage/great room. (Ch. 1275.02(c)(3) – C, D, F, G)
3. **These recommendations are subject to a surveyor's signed and stamped plot plan being submitted at the time of a zoning permit request.**

Mr. Walters reviewed the variance request and his recommendation. Mr. Chovanec said that after he bought the house he dug down and the foundation was gone. He said he tore the house down and plans to build a new one. The old house was 3' off of the neighbor's property line and he wants to move it over and put it 8' from the property line. Ms. Williams asked about the driveway. Mr. Walters reviewed the requirements for a side load garage and said that the distance of the driveway to the intersection has to be at least 50'. Mr. Brown asked if the driveway will be shown on the survey. Mr. Walters said that the placement of the driveway would have to be shown in order to obtain a zoning permit. The Board reviewed 1275.02(c)(3) finding A, C, D and F to be true. Mr. Smith moved to approve Zoning Variance 32-13 with the Planning and Zoning Administrator's recommendation that a surveyor's signed and stamped plot plan be submitted when a zoning permit is requested. Mr. Decker seconded, and it was unanimously approved.

There being no further business, the meeting adjourned at 6:13 p.m.

Respectfully submitted,

Mary Jo Sutton