

BOARD OF ZONING APPEALS

November 18, 2019

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

Ms. Decker administered an oath to those that would be speaking at the meeting.

APPLICATION 31-19 – Nicole Estes is requesting a zoning exception to construct a covered patio addition onto the rear of the primary structure. The property is located at 1867 Woods Hole Road and is zoned R-1 (Single Family Residential).

NOTE: Chapter 1230.01 Intensity and Dimensional Standards

R-4 Zoning:

Front Yard = 35'

Rear Yard = 30'

Side Yard Min = 6'

Side Yard Total = 16'

1. The applicant is requesting a zoning exception to reduce the rear yard setback to seventeen (17) feet by constructing a thirteen (13) foot covered patio addition to the home.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning exception. The addition would not compromise the overall look of the neighborhood nor would it encroach upon neighboring properties. In conclusion, the addition to the home is only covering the existing concrete patio.

Mr. Easterling reviewed Application 31-19. Jeffrey Redfox, Redfox Custom Homes was present on behalf of the applicant. Mr. Vela confirmed that they are adding a covered patio addition onto the existing concrete patio. Mr. Redfox noted that the patio will not be enclosed, and he added that they will be replacing the concrete patio which will extend a little bit to the edges of the columns. Mr. Vela asked if any comments had been received from the neighbors, and Mr. Easterling said that none had been received. Mr. Elmer asked for clarification on the location of the covered addition.

Mr. Vela moved to approve the Zoning Exception of Application 31-19. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

APPLICATION 32-19 – Dennis Blubaugh and Andre Criner, are requesting two zoning variances that would allow for a driveway to be replaced. The property is located at 348 West Front Street and is zoned R-3 (Single Family Residential).

NOTE: *Chapter 1250.51(c)(2) Residential Driveways:* Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty four (24) feet wide where it meets the curb, alley or street.

NOTE: *Chapter 1250.51(c)(3) Residential Driveways:* Only one (1) access/curb-cut onto a public street shall be permitted..

1. The applicant is requesting a variance to have two access points (one from the alley between West Front Street and West Second Street, and one from West Front Street).
2. The applicant is requesting a variance to allow for the access point from the alley to be increased in size to fifty-eight (58) feet.

Recommendation:

1. The Deputy Administrator recommends denial of the variance. The applicant does not meet enough of the factors listed in Chapter 1275.02(c)(3). Also, the fifty-eight (58) foot wide approach will allow for complete and beneficial access to the property as the applicant would still be able to have an elongated drive should the other variance be granted.
2. The Deputy Administrator recommends approval of the variance based on meeting criteria C, D, E, and F set forth for variances in Chapter 1275.02(c)(3). Although the home is located on a corner lot that would provide on-street parking, the garage encroaches on the alley not giving any space to park a secondary vehicle.

Mr. Easterling reviewed Application 32-19. Mr. Blubaugh and Mr. Criner were present and added that they are replacing existing concrete which was torn out before permits were pulled. Mr. Vela asked if the driveways were inspected prior to being torn out, and Contractor Mark Strayer stated that they had not received a pre-inspection. Mr. Criner added that the original driveway was asphalt that was installed in 1948. Ms. Decker asked about the fifty-eight (58) foot wide approach, and Mr. Blubaugh confirmed that it is in the front and slightly to the right. Mr. Vela noted on record that the applicants are simply replacing two previously existing driveways. Mr. Vela asked if any comments had been received from the neighbors, and Mr. Easterling said that none had been received. Mr. Blubaugh added that they have a signed letter from a neighbor to expand the driveway to the ten (10) feet. Mr. Easterling clarified that the Code states that a driveway has to be a minimum of ten (10) feet wide. There were no further questions from the Board, nor the public.

Ms. Decker moved to approve Application 32-19 #1, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (5). Nays: (0).

Mr. Vela moved to approve Application 32-19 #2, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

APPLICATION 33-19 – John Szempias is requesting a zoning variance to allow the construction of a shed in the side yard. The property is located 26935 Riverford Drive and is zoned R-3 (Single Family Residential).

NOTE: *Chapter 1250.61(a) Accessory Buildings and Uses:* No accessory building or uses shall be located in any front or side yard setback except under unusual circumstances where such activity will not conflict with the intent and purposes of this Zoning Code or where enforcement would result in extreme hardship. Either exception shall require approval of the Board of Zoning Appeals.

1. The applicant is requesting a variance to construct a shed in his side yard.

Recommendation:

1. The Deputy Administrator recommends approval of the variance based on meeting criteria A, C, D, and E set forth for variances in Chapter 1275.02(c)(3). The current side yard would not allow enough space to place a structure and meet the minimum requirements set forth in Chapter 1250.61.

Mr. Easterling reviewed Application 33-19. Mr. Szempias was present, and added that he bought a pre-built shed. He stated that because he is on a corner lot with a twenty-five (25) foot drainage easement in the yard, and that his lot is on a fifteen (15) degree angle. Mr. Vela asked if any comments had been received from the neighbors, and Mr. Easterling said that none had been received. Mr. Szempias added that he is at least thirty-two (32) feet off of the rear yard.

Mr. Duricek moved to approve Application 33-19, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Decker. Ayes: (5). Nays: (0).

APPLICATION 34-19 – John Wagner is requesting a zoning variance that would allow for his driveway to be expanded. The property is located 617 Louisiana Avenue and is zoned R-3 (Single Family Residential).

NOTE: *Chapter 1250.51(c)(2) Residential Driveways:* Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty-four (24) feet wide where it meets the curb, alley or street.

1. The applicant is requesting a variance that would allow his twenty-two (22) foot wide driveway to be expanded to forty-one (41) feet.

Recommendation:

1. The Deputy Administrator recommends approval of the variance based on meeting criteria C, D, E, and F set forth for variances in Chapter 1275.02(c)(3). The home is located on an arterial street with the only parking available in a garage that allows only enough of a turning radius for one space. The only other parking space is located on the opposite side of Louisiana Avenue. The additional impervious surface would also be accompanied with the removal of concrete and gravel for addition green space.

Mr. Easterling reviewed Application 34-19. Mr. Wagner was present, and added that his garage is basically a single car garage, and that it is currently the only parking space on the property. Mr. Vela confirmed that the garage butts up against the alley. Mr. Vela referenced a picture within the application confirming that Mr. Wagner would like to widen the driveway where the truck and trailer are currently parked. Mr. Easterling

noted that the applicant has agreed to remove additional concrete along the alley to provide more green space. Mr. Vela asked if the additional green space is a condition of the application, and Mr. Easterling stated that it is up to the discretion of the Board. Mr. Vela asked if any comments had been received from the neighbors, and Mr. Easterling said that none had been received. There were no further questions from the Board, nor the public.

Mr. Vela moved to approve Application 34-19 with the condition that additional green space be added with the removal of the gravel, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (5). Nays: (0).

There being no further business, the meeting adjourned at 5:53 p.m.

Respectfully submitted,

Heather Alfaro