

BOARD OF ZONING APPEALS

November 8, 2021

The meeting was called to order at 5:32 p.m. by Chairperson Niki Decker. Board members present were Niki Decker, Nathan Duricek, Brian Elmer, and Megan Wolfinger (4). Craig Reiter was absent (1). Also present was Cody Grodi, Zoning Inspector.

APPROVAL OF MINUTES

Mr. Duricek moved to approve the minutes of the October 11, 2021 meeting as written. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

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

APPLICATION 51-21 – Jason and Heather Kwapich are requesting a zoning variance in order to keep a recently installed patio. The property is located at 844 Wood Sorrel Lane and is zoned R-4 (Single Family Residential).

NOTE: Chapter 1250.58(c) Patios and Swimming Pools: In all cases, swimming pools shall maintain a minimum setback of five (5) feet from a property line to any deck or patio.

1. The applicant is requesting a zoning variance to keep an existing patio. The existing patio has been installed one (1) foot away from the property line at the closet point.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Chapter 1275.02(c)(3). The patio has been installed for a few months and has not posed any issues yet. There is enough of a setback to still maintain the area between the patio and the fence line.

Mr. Grodi reviewed Application 51-21. Jason Kwapich was present, and added that his friend installed the patio about a year ago while he was out of town and they were both unaware of the permit regulations. He noted that his neighbor's fence line and a row of arborvitaes separate his patio from their property. Mr. Grodi added that the patio has been installed at an angle and stated that neighbor comments had not been received. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve Application 51-21 as submitted, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

APPLICATION 52-21 – Ted Slater is requesting a zoning exception in order to keep a recently installed shade structure. The property is located at 249 W. South Boundary Street and is zoned R-3 (Single Family Residential).

NOTE: Chapter 1230.01 Intensity and Dimensional Standards

R-3 Zoning:

Front Yard = 45'

Rear Yard = 50'

Side Yard Min = 10'
Side Yard Total = 25'

1. The applicant is requesting a zoning exception to keep a recently installed shade structure that extends from the rear of the house. The structure will be twenty-seven (27) feet off of the front yard property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning exception request. The house is located on a corner lot. If this lot were not on a corner, then the structure would be permitted. The structure will be located farther back from the front yard property line than the actual house itself.

Mr. Grodi reviewed Application 52-21. Ted Slater was present, and added that he has a corner lot disadvantage. Mr. Elmer confirmed that the shade structure is covering an existing slab, and Mr. Grodi noted that since it is connected to the house that it has to follow the setbacks of the home. Mr. Grodi stated that neighbor comments had not been received. There were no further questions or concerns from the Board, nor the public.

Mr. Duricek moved to approve the zoning exception for Application 52-21 as submitted. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

APPLICATION 53-21 – Jeremy Huston is requesting a zoning variance for the location of an accessory structure. The property is located at 503 Prairie Rose Drive and is zoned R-1 (Single Family Residential).

NOTE: 1250.61(a) 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 zoning variance to place a shed in the front yard of the property.

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 property is a corner lot and has three front yards, as well as a fifty (50) foot easement. The shed will be located behind trees as to block the view from the street.

Mr. Grodi reviewed Application 53-21. Jeremy Huston was present, and added that he has a corner lot with three (3) front yards and a fifty (50) foot easement. Mr. Grodi noted that neighboring property owner, Rick Liebich, 511 Prairie Rose, had called the Planning & Zoning Division stating that he was in favor of the variance request. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 53-21 as submitted, and finding A, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

APPLICATION 54-21 – Next Wave CNC is requesting a zoning variance for a freestanding sign. The property is located at 600 W. Boundary Street and is zoned I-2 (General Industrial).

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

I-2 Zoning:

Maximum Height: 10’

Maximum Size: 72 SF

Setback: 25’ from property line

1. The applicant is requesting a variance that would permit the placement of a permanent freestanding sign with a reduced setback from the front property line. The freestanding sign is proposed to have a setback of one (1) foot from the front property line.

Recommendation:

1. No recommendation provided.

Mr. Grodi reviewed Application 54-21. The applicant was not present. The Board requested more pictures of the variance request, and Mr. Grodi noted that the sign has already been installed. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to table Application 54-21, and requested more details with regards to the sign variance request. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

APPLICATION 55-21 – Ryan and Kelley Underwood are requesting a zoning variance in order to install a fence. The property is located at 145 W. Seventh 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 that would allow for a six (6) foot fence to be installed in the front yard.

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 is a corner lot. The fence will be installed eight (8) feet from the sidewalk. Owner is open to planting in front of the fence to improve the aesthetic look.

Mr. Grodi reviewed Application 55-21. Ryan Underwood was present and noted that they are a corner lot, and that they have been doing improvements to the home since they bought it. He added that they have future plans for a pool, which will limit the use of space in their

yard, and that the proposed six (6) foot fence would accomplish the privacy that they are seeking. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 55-21 as submitted, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

OTHER BUSINESS

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

Respectfully submitted,

Heather Alfaro