

BOARD OF ZONING APPEALS

October 12, 2020

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

APPROVAL OF MINUTES

Mr. Vela moved to approve the minutes of the September 14, 2020 meeting as written. Seconded by Mr. Elmer. Ayes: (5). Nays: (0).

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

APPLICATION 21-20 (Tabled) – Nick and Sarah Sochacki are requesting a zoning variance that would allow for a driveway to be installed with two access points. The property is located at 27896 White Road and is zoned R-2 (Single Family Residential).

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

1. The applicant is requesting a zoning variance that would allow for a driveway with two access points to be installed. The proposed plan would allow for a “U” shaped driveway to be located in front of the house.

Recommendation:

1. The Zoning Inspector recommends denial of the variance as it does not meet enough of the conditions needed to grant a variance. There is a private driveway that leads to the garage and serves for vehicular access into the garage. A circular driveway with only one access point onto White Road would be allowed without a variance and is what the Planning and Zoning Division would recommend.

Mr. Grodi reviewed Application 21-20, and added that the applicant has no interest in the current design. Mr. Vela moved to un-table Application 21-20. Seconded by Ms. Williams. Ayes: (5). Nays: (0). The applicant was not present. Mr. Easterling clarified that the Board needs to make a decision within ninety (90) days of the submission, and that a vote is needed today to be within those regulations. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to deny Application 21-20. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

APPLICATION 39-20 – Allen Industries, on behalf of Walt Churchill’s Market, is requesting a zoning variance that would allow for the installation of a new wall sign that would exceed the maximum square footage allowed. The property is located at 26625 N. Dixie Highway and is zoned C-4 (Highway Commercial).

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

Wall Sign:

Zoning District: CO

Maximum Size: 10% of façade up to 75 SF

Quantity: 1 per façade up to 3

1. The requested variance would permit the applicant to install one permanent wall sign that is two hundred ninety-eight (298) square feet, exceeding the seventy-five (75) square foot maximum.

Recommendation:

1. No recommendation provided.

Mr. Grodi reviewed Application 39-20. Jennifer Janney, Allen Industries, and David Kienzle, Shoppes at River Place, were present on behalf of the application. Mr. Kienzle added that Walt Churchill’s Market was originally built in 1990, and is caught in the Corridor Overlay that was established in 2006. He added that they are requesting to add the Pharmacy Emblem to the sign that faces south, and add the word “Pharmacy” to the wall sign that faces east. Mr. Kienzle noted that all of the existing signage will be re-lamped, updated, and replaced. Ms. Janney noted that the Pharmacy Emblem is an additional twenty (20) square feet, and that the word “Pharmacy” is an additional thirty (30) square feet. Mr. Grodi addressed the Board, and added that he originally only saw the front sign, and added that the Board will want to make their recommendation for two sign variances. Mr. Vela suggested that the proposed signage be reduced to fit within the existing façade square footage, and Ms. Janney clarified that they are intending to leave the existing signage as is while replacing the twenty year old internally lit letters that use a lot of energy. Mr. Kienzle added that reducing the signage as proposed by Mr. Vela would be very costly. Mr. Vela confirmed that there were no comments received from the neighboring properties. There were no further questions or concerns from the Board, nor the public.

Mr. Duricek moved to approve variance #1 and #2 of Application 39-20, and finding C, D, F, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Williams. Ayes: (5). Nays: (0).

APPLICATION 40-20 – Michael Stepnick is requesting a zoning variance to allow a fence with a height of six (6) feet to be installed in the side yard. The property is located at 445 Hickory Street and is zoned R-3 (Single Family Residential).

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

Zoning District	Location & Maximum Height								
	Front Yard			Side Yard			Rear Yard		
	4'	6'	8'	4'	6'	8'	4'	6'	8'
R-1-R-5	P	Z	*	P	Z	*	P	P	*

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

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, E of Chapter 1275.02(c)(3). The house is a corner lot and due to the area directly behind the house is considered a side yard. Additionally, the fence will be behind bushes that will block the view from the street.

Mr. Grodi reviewed Application 40-20. Michael Stepnick was present, and added that the approved portion of the fence is already installed, and that he wants to finish off the current four (4) foot section to six (6) feet. Mr. Vela confirmed that there were no comments received from the neighboring properties. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve Application 40-20, and finding B, C, D, and E of Chapter 1275.02(c)(3). Seconded by Mr. Elmer. Ayes: (5). Nays: (0).

APPLICATION 41-20 – Denise Sponsler is requesting a zoning variance to install a shed that would exceed the maximum square footage allowed for accessory structures. The property is located at 1075 Locust Street and is zoned R-3 (Single Family Residential).

NOTE: *Chapter 1250.61(f) Accessory Buildings and Uses: The combined footprints of all accessory buildings on a lot shall not exceed the lesser of 5% of the lot size or 4,000 SF. However, the Board of Zoning Appeals may consider an exception to the maximum size requirement providing that the requested size does not exceed 8% of the lot size.*

1. The applicant is requesting a variance that would allow for 6.7% of the lot size in accessory structures. The property owners would install a shed that is eighty (80) square feet, this is in addition to an existing detached garage that is four hundred eighty (480) square feet. The lot size is eight thousand three hundred ninety-eight (8,398) square feet, which would allow, by code, four hundred twenty (420) square feet of accessory structures. The variance would allow for five hundred sixty (560) square feet of accessory structures on the property.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(c)(3). The shed is relatively small and will be enclosed within a privacy fence from both neighboring properties. It will keep the required setback from the side and rear property line.

Mr. Grodi reviewed Application 41-20, and added that their current detached garage encompasses the five (5) percent in accessory structures allowed by Code. Denise Sponsler was present via AT Teleconference System. Ms. Decker confirmed that the shed has already been installed, and Mr. Elmer verified that there were no comments received from the neighboring properties. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve Application 41-20, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (5). Nays: (0).

APPLICATION 42-20 – Daniel William Bibish is requesting a zoning variance to construct a shed with a reduced setback. The property is located at 1170 Running Brook Drive and is zoned 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 a zoning variance to construct a shed in the rear yard. The proposed shed will have a setback of two (2) feet from the side property line.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the criteria required to grant a variance. The location of the shed could be moved to the other side of the yard as there is more room that would allow for the placement of the shed. The shed would still be able to be located outside of the rear easement and maintain the required setback from the side property line.

Mr. Grodi reviewed Application 42-20. Daniel Bibish was present, and passed out a packet of information to the Board with four different options for the placement of his proposed shed, and noted the letter from the neighbor that's attached. Mr. Vela said that he understands the preferred location, and asked Mr. Bibish if he could go any closer to the five (5) feet without overlapping the existing patio. Mr. Bibish added that he could agree to place his shed three (3) feet off of the fence, but that it will be visible from the street because it will stick out past the tree line. Ms. Williams asked if Planning and Zoning had a specific recommendation for a different placement of the proposed shed, and Mr. Grodi said that there was not, and confirmed that there is limited space in the rear yard with the drainage easement and the pool.

There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 42-20 as submitted, and finding C, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: Decker, Duricek, Elmer, and Vela (5). Nays: Williams (1).

APPLICATION 43-20 – Timothy Quilter is requesting two zoning variances to allow for an addition to be installed within the front yard setback and for a garage to be installed within the required setbacks. The property is located at 444 E. Fifth 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'

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 a zoning variance to build an addition onto the existing house. The addition will be one (1) foot off of the front property line.
2. The applicant is requesting a variance to build a garage that will have a one (1) setback off of the property line.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the conditions needed to grant a variance. The variance is substantial as the proposed addition will only sit one (1) foot off of the property line. There are other layouts that could be designed to create a larger setback off of the front yard property line. The character of the neighborhood may change as there is no other property in close proximity that sits this close to the property line.

2. The Zoning Inspector recommends denial of the zoning variance, partly due to the recommendation of the previous variance request. If the previous variance request is denied, the garage would not be permitted to be placed in this location as this would then be a front yard. Additionally, the garage could easily be setback five (5) feet from all property lines to meet the required setbacks.

Mr. Grodi reviewed Application 43-20. Timothy Quilter was present, and stated that he would like to move the addition up by ten (10) feet to the north of the property, which would make it closer to the existing structure, and would be adjoined by a breezeway. He added that he would like to preserve the 106 year old garage by moving it twenty-six (26) feet to the south. Mr. Easterling confirmed that the request is to move the garage and the driveway, as a means to not tear down the existing garage. Ms. Decker clarified that Mr. Quilter would like to keep the same distance of the relocation. Mr. Vela added that the issue with the proposed addition is that it's one (1) foot off of Hickory Street. Mr. Easterling confirmed that Mr. Quilter is using the existing foundation of the garage for the proposed foundation of the addition. Mr. Vela asked about proposing the addition to be flush with the existing structure, and asked that Mr. Quilter work with Mr. Grodi and Mr. Easterling to provide more information for his variance request. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to table Application 43-20. Seconded by Ms. Decker. Ayes: Decker, Duricek, Elmer, and Vela (4). Nays: (0). Abstain: Williams (1).

APPLICATION 44-20 – Brian Gerrity, on behalf of Ohio CAT, is requesting two zoning variances that would allow for the installation of one freestanding sign with an increased height and size. The property is located at 13017 Eckel Junction Road and is zoned I-2 (General Industrial).

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

I-2 Zoning:

Maximum Height: Equal to or less than 10'

Maximum Size: 72 SF

Setback: 25' from property line

OR

Maximum Height: Equal to or less than 25'

Maximum Size: 48 SF

Setback: 50' from property line

1. The applicant is requesting a variance that would permit the construction of a permanent freestanding sign in the rear of the property along I-475 with a height of approximately thirty-five (35) feet.
2. The applicant is requesting a variance that would permit the construction of a permanent freestanding sign in the rear of the property along I-475 at approximately one hundred forty-two (142) square feet and eighty-eight (88) square feet.

Recommendation:

1. No recommendation provided.
2. No recommendation provided.

Mr. Grodi reviewed Application 44-20. Brian Gerrity, Marous Brothers Construction, and Lou Belnap and Cione Belnap, Agile Sign, were present on behalf of the application. Mr. Gerrity said that the signage proposals follow corporate guidelines Mr. Belnap confirmed that the freeway sign is on the rear of the property, and that there is a twenty-five (25) foot elevation to the north and a ten (10) foot elevation to the south, which is why they have asked for a variance for the height of the sign. Mr. Belnap added that these signs are standard in fabrication for Ohio CAT, as currently on site in Findlay and Columbus. Mr. Gerrity confirmed that there are two gas easements on the south side of the property where they cannot install the signs. Mr. Vela asked if there are comparable highway signs nearby, and Mr. Easterling noted Murphy Tractor Supply on the other side of State Route 25. Ms. Williams added that she spoke with Jean Weaver at 13301 Eckel Junction Road (the house to the west) and Ms. Weaver stated that she approves of the location of the signage. Mr. Belnap confirmed that the illumination will be north and south. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve variance #1 of Application 44-20, 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 variance #2 of Application 44-20, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

APPLICATION 45-20 – Brian Gerrity, on behalf of Ohio CAT, is requesting two zoning variances that would allow for the installation of one freestanding sign with an increased height and size. The property is located at 13015 Eckel Junction Road and is zoned I-2 (General Industrial).

NOTE: *Chapter 1250.32(a) Permanent Signs Allowed:*
I-2 Zoning:

Maximum Height: Equal to or less than 10'
Maximum Size: 72 SF
Setback: 25' from property line

OR

Maximum Height: Equal to or less than 25'
Maximum Size: 48 SF
Setback: 50' from property line

1. The applicant is requesting a variance that would permit the construction of a permanent freestanding sign in the rear of the property along I-475 with a height of approximately thirty-five (35) feet.
2. The applicant is requesting a variance that would permit the construction of a permanent freestanding sign in the rear of the property along I-475 at approximately one hundred thirty-eight (138) square feet.

Recommendation:

1. No recommendation provided.
2. No recommendation provided.

Mr. Grodi reviewed Application 45-20. Brian Gerrity, Marous Brothers Construction, and Lou Belnap and Cione Belnap, Agile Sign, were present on behalf of the application. Mr. Belnap confirmed that the highway sign is a double pole, single sign, and that it's further in towards the property due to the two gas easements. Ms. Williams added that she spoke with Jean Weaver at 13301 Eckel Junction Road (the house to the west) and Ms. Weaver stated that she approves of the location of the signage. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve variance #1 of Application 45-20, and finding B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (5). Nays: (0).

Mr. Vela moved to approve variance #2 of Application 45-20, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Williams. Ayes: (5). Nays: (0).

APPLICATION 46-20 – Michael Cain is requesting a zoning variance to allow a fence with a height of six (6) feet to be installed in the side yard. The property is located at 1039 East Boundary Street and is zoned RM (Multi-Family Residential).

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

Zoning District	Location & Maximum Height								
	Front Yard			Side Yard			Rear Yard		
	4'	6'	8'	4'	6'	8'	4'	6'	8'
R-1-R-5	P	Z	*	P	Z	*	P	P	*

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

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, E of Chapter 1275.02(c)(3). The unit abuts a business and will provide additional privacy from traffic along Sandusky. Additionally, the fence is set back enough that it will not block the view from the street.

Mr. Grodi reviewed Application 46-20, and added that Michael Cain was unavailable, and that he/Mr. Grodi would be able to speak on Mr. Cain's behalf if the Board has any questions. Mr. Vela confirmed that the fence has already been installed, and Mr. Grodi added that there are two panels that the tenant installed without the owner's knowledge. Ms. Williams clarified that the tenant installed the fence. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 46-20, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

APPLICATION 47-20 – Kevin Mariucci, on behalf of Groggy Properties LLC, is requesting a zoning variance to allow a fence with a height of six (6) feet to be installed in the side yard. The property is located at 700 West Boundary Street and is zoned I-2 (General Industrial).

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

Zoning District	Location & Maximum Height								
	Front Yard			Side Yard			Rear Yard		
	4'	6'	8'	4'	6'	8'	4'	6'	8'
R-1-R-5	P	Z	*	P	Z	*	P	P	*

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

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, E of Chapter 1275.02(c)(3). The fence would provide further screening of outside storage materials and allow for the protection of the same materials. The fence does not pose any visibility concerns.

Mr. Grodi reviewed Application 47-20. Kevin Mariucci was present and added that they would like to install a six (6) foot chain link fence to clean up the debris and brush along the property line. Mr. Williams asked if barbed wire is allowed, and Mr. Easterling stated that it is not allowed. Mr. Grodi clarified that a chain link fence is allowed in the side yard, and only prohibited in the front yard. Mr. Vela verified that there were no comments received from the neighboring properties. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve Application 47-20, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Williams. Ayes: (5). Nays: (0).

There being no further business, the meeting adjourned at 6:36 p.m.

Respectfully submitted,

Heather Alfaro