

BOARD OF ZONING APPEALS

September 14 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 was Mark Easterling, Deputy Planning and Zoning Administrator.

APPROVAL OF MINUTES

Mr. Elmer moved to approve the minutes of the August 10, 2020 meeting as written. Seconded by Ms. Williams. Ayes: (5). Nays: (0).

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

APPLICATION 33-20 – Michael Blake is requesting a zoning variance that would allow for a fence, with a height of six (6) feet, to be installed in the side yard. The property is located at 435 Edgewood Drive and is zoned R-3 (Single Family Residential).

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

	Max Height	
	Permitted	*Restricted
Front Yard	4'	6'
Side Yard	4'	6'
*Requires BZA Approval		

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 will line up with the neighbors existing six (6) foot fence and should not pose any line of sight issues.

Mr. Easterling reviewed Application 33-20. Michael Blake was present, and Mr. Vela confirmed that the fence has already been installed. Mr. Blake said that his new fence now matches the next door neighbor's fence. The neighbors at 455 Edgewood called in to the Planning and Zoning Division, and stated that they approve the fence. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve Application 33-20, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (5). Nays: (0).

APPLICATION 34-20 – Aaron and Priscilla Bersee are requesting a zoning variance that would allow for a fence, with a height of six (6) feet, to be installed in the side yard. The property is located at 558 Clover Lane and is zoned R-3 (Single Family Residential).

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

	Max Height	
	Permitted	*Restricted
Front Yard	4'	6'
Side Yard	4'	6'
*Requires BZA Approval		

1. The applicant is requesting a zoning variance for a six (6) foot fence to be placed in the side yard; fifteen (15) feet 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 should not pose any line of sight issues and will be setback from the front of the house by six (6) feet. A large shrub bush will also help to block the view of the fence from the street.

Mr. Easterling reviewed Application 34-20. Priscilla and Aaron Bersee were present, and stated that the fence has not been installed yet. There was a brief discussion about why the Bersee's want to install the fence past the midpoint of the house, and Ms. Bersee noted that they would like to keep their garbage cans outside, and the fence location will block the garbage cans from their neighbor's view. She added that the fence will be parallel to the existing design. Mr. Vela asked if any comments had been received from the neighbors, and the neighbor at 113 Sherman Place called the Planning and Zoning Division stating that she's in favor of the fence. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 34-20, and finding B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (5). Nays: (0).

APPLICATION 35-20 – Tom Kopp is requesting a zoning variance that would allow for a fence, with a height of six (6) feet, to be installed in the side yard. The property is located at 220 Hickory Street and is zoned R-3 (Single Family Residential).

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

	Max Height	
	Permitted	*Restricted
Front Yard	4'	6'
Side Yard	4'	6'
*Requires BZA Approval		

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

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 should not pose any line of sight issues and will replace an existing six (6) foot fence. Due to the layout of the house, the side yard is very large and would not allow for the fence to connect to the back corner of the house.

Mr. Easterling reviewed Application 35-20. Tom Kopp was present via the AT Teleconference System. Ms. Decker confirmed that they are replacing the six (6) foot fence that is currently present. Mr. Vela asked if any comments had been received from the neighbors, and Mr. Easterling said that the Edinger's at 222 Hickory Street called the Planning and Zoning Division stating that they are in favor of the fence. Ms. Williams confirmed with Mr. Kopp that he is aware of the fence setback from the neighboring property. Mr. Vela noted that the fence comes off the back corner of the house. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve Application 35-20, and finding B, C, D, and E of Chapter 1275.02(c)(3). Seconded by Ms. Williams. Ayes: (5). Nays: (0).

APPLICATION 36-20 – Hess Carpentry, on behalf of Matt and Ellen Kang, is requesting two zoning variances that would allow for a fence, with a height of six (6) feet, to be installed in the side yard and would allow for a patio to be installed within the required setback. The property is located at 308 W. Front Street and is zoned R-3 (Single Family Residential).

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

	Max Height	
	Permitted	*Restricted
Front Yard	4'	6'
Side Yard	4'	6'
*Requires BZA Approval		

Plantings:

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 for a six (6) foot fence to be placed in the side yard that is four (4) feet six (6) inches in front of the midpoint on the west side of the property and sixteen (16) feet in front of the midpoint on the east side of the property.

2. The applicant is requesting a zoning variance to allow for a patio to remain in its current location. The patio is setback one (1) foot four (4) inches off of the property line.

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 location of the six (6) foot fence is actually set farther back than the previous fence that was located there. There should not be any line of sight issues with traffic.

2. 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 patio will not be visible from neighboring properties as it is located within the six (6) foot privacy fence.

Mr. Easterling reviewed Application 36-20. Rob Hess, Hess Carpentry, was present on behalf of the application. Ms. Williams referenced the letter that was received from Matt and Ellen Kang on August 21, 2020, which was also a part of the application, and asked for clarification. Mr. Hess added that there was confusion about the fence replacement from Marleau Hercules, and more so related to the change in style of the fence, which then was not in compliance with the zoning code. Ms. Williams confirmed that the fence has received approval from the Historic Landmarks Commission. There was a brief discussion about the new patio, and Mr. Hess added that it's inside the fence line. Mr. Vela asked if any comments had been received by the neighbors, and Mr. Easterling referenced the email received from Kate MacPherson at 305 W. Second Street. Mr. Hess noted that neighboring properties at 316 W. Front Street and 300 W. Front Street signed the August 21, 2020 letter in support of the Kang's application. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve variance #1 and #2 of Application 36-20, 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 37-20 – David Nejman Jr. is requesting a zoning variance that would allow for the construction of a deck in the rear yard with a reduced setback. The property is located at 1330 Running Brook Drive 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 a zoning variance to reduce the required rear yard setback. The deck would be installed twenty-nine (29) feet from the rear property line. It will meet all other setback requirements.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting criteria A, D, E, and F of Chapter 1275.02(c)(3). The layout of the deck cannot be altered much due to the underground utilities. The deck will not exceed past the line of the house on the side. Because of sloping in the rear yard, if granted a variance for the deck, the homeowner's rear yard would become more useable.

Mr. Easterling reviewed Application 37-20, and noted that the applicants have reduced the setback by one (1) foot from the last variance request on July 13, 2020. David Nejman Jr. and Brittany Dilworth were present, and added that the deck will butt up to the pool. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 37-20, and finding A, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Williams. Ayes: (5). Nays: (0).

APPLICATION 38-20 – Mark Wagner is requesting a zoning variance that would allow for the construction of a porch in the front yard with a reduced setback. The property is located at 203 E. Second Street and is zoned R-4 (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 variance to reduce the required front yard setback. The porch would be installed eighteen (18) feet from the front property line. It will meet all other setback requirements.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting criteria A, C, D, and E of Chapter 1275.02(c)(3). The house itself is existing non-conforming. There is a porch already on the front of the house that will be removed. The new porch will only extend a few feet more towards the property line.

Mr. Easterling reviewed Application 38-20. Mark Wagner was present, and added that he has also received HLC approval previously. There was a brief discussion about the step down and extension of the porch, as well as the non-conforming status of the structure. Mr. Vela confirmed that there were no comments received from neighboring properties, and Mr. Easterling added that the average setback on the street is twenty-six (26) feet. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve Application 38-20, and finding A, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (5). Nays: (0).

There being no further business, the meeting adjourned at 6:00 p.m.

Respectfully submitted,

Heather Alfaro