

## BOARD OF ZONING APPEALS

**September 13, 2021**

The meeting was called to order at 5:30 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. Elmer moved to approve the minutes of the August 9, 2021 meeting as written. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

Mr. Duricek moved to approve the minutes of the August 19, 2021 meeting as written. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

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

**APPLICATION 38-21** – Saba Home Builders is requesting a zoning variance in order to install a driveway. The property is located 539 Canterbury Boulevard and is zoned R-4 (Single Family Residential).

**NOTE:** *Chapter 1250.51(b)(7)* No portion of a driveway shall be closer than five (5) feet to a side or rear property line.

1. The applicant is requesting a zoning variance that would allow for a driveway to be installed within the required five (5) foot setback from the side property line. The driveway will be installed no closer than (1) foot off of the property line.

### **Recommendation:**

1. The Zoning Inspector recommends denial of the variance as it does not meet enough of the conditions needed to grant a variance. This property is not subject to any physical restraints as this is a new construction project. There are other options that can be explored in order to install a driveway.

Mr. Grodi reviewed Application 38-21. Tom Wheeler, 539 Canterbury Boulevard, and Rick Prokup, Saba Home Builders, were present on behalf of the application. Mr. Wheeler said that he has a side loading garage, and that since he drives a larger truck he needs to install the driveway within the five (5) foot setback so that he can pull in to his garage. Mr. Prokup showed the Board the next door neighbor's plot plan at 549 Canterbury Boulevard, and noted that this house is being constructed thirty (30) feet off of the side yard property line to 539 Canterbury Boulevard. Mr. Wheeler said that he is willing to compromise within the required five (5) foot setback. Mr. Grodi confirmed that neighbor comments were not received. There were no further questions or concerns from the Board, nor the public.

Mr. Duricek moved to approve Application 38-21 with the condition that the driveway be installed no closer than two and a half (2 ½) feet off of the property line, and finding B, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Wolfinger. Ayes: (4). Nays: (0).

**APPLICATION 39-21** – National Illumination, on behalf of Starbucks, is requesting a zoning variance for a freestanding sign. The property is located at 26465 N. Dixie Highway and is zoned C-4 (Highway Commercial).

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

Corridor Overlay:

Maximum Height: 6’

Maximum Size: 48 SF

Setback: 10’ from property line

1. The applicant is requesting a variance that would permit the construction of a permanent freestanding sign with a reduced setback from the front property line. The freestanding sign is proposed to have a setback of four (4) feet from the front property line.

**Recommendation:**

1. No recommendation provided.

Mr. Grodi reviewed Application 39-21. Neil Jeakle, National Illumination, was present on behalf of the application, and added that Starbucks is cramped for space on their property. He said that they will build a brick wall perpendicular to the corridor overlay wall, and that their sign will be similar to Midas’s across the street. There was a brief discussion about the need for another sign, and Mr. Jeakle said that it’s essential for safety and visibility, and Mr. Elmer noted that the sign does not present an obstruction. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 39-21 as submitted, and finding B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

**APPLICATION 40-21** – Zachary and Rebecca Molyet are requesting a zoning variance to keep a recently installed fence. The property is located at 836 Wood Sorrel Lane and is zoned R-4 (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 variance that would allow for a six (6) foot fence to be installed in the side yard past the midpoint of the house. The six (6) foot privacy fence is installed approximately nine (9) feet back from the front of the house.

**Recommendation:**

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, D, E, and F of Chapter 1275.02(c)(3). The side of the property

is where the door to the rear yard is located. Running the fence to the midpoint of the house would place the fence through the middle of an existing patio.

Mr. Grodi reviewed Application 40-21. Zachary and Rebecca Molyet were present, and added that the privacy fence surrounds their patio and keeps their dog from getting out. Mr. Grodi noted that neighbor comments were not received. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 40-21 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).

**APPLICATION 41-21** – Laurie Avery is requesting a zoning variance to keep a recently installed fence. The property is located at 536 E. Front 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 variance that would allow for a six (6) foot fence to be installed in the side yard past the midpoint of the house. The six (6) foot privacy fence is installed approximately ten (10) feet back from the front of the house.

**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). Installing the fence at the midpoint of the property would divide the two air conditioning units. The homeowner is attempting to enclose both air conditioning units within the fenced in area.

Mr. Grodi reviewed Application 41-21. Laurie Avery was present, and added that she recently submitted a landscape plan to reflect the changes to her property. She said that the six (6) foot fence is needed for safety reasons, and that it does not impact traffic. Mr. Grodi noted that neighbor comments were not received. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 41-21 as submitted, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Wolfinger. Ayes: (4). Nays: (0).

**APPLICATION 42-21** – Jennifer Baranovich is requesting a zoning variance in order to keep a recently installed patio. The property is located at 707 Findlay Street and is zoned R-3 (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 inches from the property line at the closet point.

**Recommendation:**

1. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the criteria need to grant a variance. The patio in its current location poses a potential water issue to the neighbor's garage. Runoff water will likely be directed towards the neighbor's garage. The patio could have been installed with a larger setback so that it is not directly abutting the neighbor's property.

Mr. Grodi reviewed Application 42-21. Gary Nordahl, 10402 Avenue Road, and Jennifer Baranovich, were present on behalf of the application, and noted that they have updated the property significantly since moving in. Ms. Baranovich said that she has consulted with her neighbors on all updates to the property thus far. There was a brief discussion about the contractor that performed the work without a permit. Mr. Nordahl said that he will install drains on both sides to help with drainage and run-off. Mr. Grodi confirmed that there were no other comments received from neighboring property owners. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve Application 42-21 as submitted, and finding D, E, F, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

**OTHER BUSINESS**

There being no further business, the meeting adjourned at 6:18 p.m.

Respectfully submitted,

Heather Alfaro