

BOARD OF ZONING APPEALS

September 9, 2019

The meeting was called to order at 5:30 p.m. by Niki Decker. Board members present were Niki Decker, Nathan Duricek, and Brian Elmer (3). Jason Decker and Rob Vela were absent (2). Also present was Cody Grodi, Zoning Inspector, and Mark Easterling, Deputy Planning and Zoning Administrator.

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

APPLICATION 24-19 – Nick Steeb is requesting a zoning variance to construct an accessory structure that exceeds the maximum square footage permitted. The property is located at 878 Hickory Street and is zoned R-3 (Single Family Residential).

NOTE: 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 to construct a garage that will exceed 5% of the lot size. The proposed garage would be 1,800 square feet. The maximum size that would be permitted by code is 1,155 square feet. The requested size for that garage is 7.8% of the lot size.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance, as the request does not meet enough of the conditions required to grant a variance. The property will still have beneficial use, as the 5% maximum square footage will allow for a large garage still to be built. Although the garage will be located in the rear of the property behind the house, it may alter the character of the neighborhood, as the garage will be larger than many of the houses on the street.

Mr. Grodi reviewed Application 24-19. Nick Steeb was present, and he passed out pictures to the Board for their reference. He added that they are building a custom 3400 SF home, with a detached garage that will match the home. Mr. Steeb noted that the view of the garage is mostly blocked by the home, and that the setbacks are generous given the size of the garage. He added that there is a tree line to the left and rear of the property as well. Mr. Steeb shared comparisons of nearby properties with garages that exceed five (5) percent of the lot size. He added that his request will eliminate the need for outdoor storage of his equipment. Ms. Decker asked if this garage will be a single level, and Mr. Steeb confirmed that it will. He added that the current plan calls for a nineteen (19) foot tall structure, and that he would need at least fourteen (14) feet in height for the storage of his boat. Mr. Elmer asked about the neighbors that were present, and Mr. Steeb stated that they live next door at 868 Hickory Street, and that their house sits back on the property. Mr. Steeb added that the proposed garage will sit parallel in line with the garage at 868 Hickory Street. Mr. Elmer noted that the lots are

narrow. Mr. Grodi said that the rear neighboring property owner on Maple Street called and stated that she was not in favor of the size of the structure due to how close it is to the rear property line. Mr. Steeb confirmed that there has never been a structure where the proposed detached garage is to be built. Mr. Duricek stated that at five (5) percent of the lot size an 1150 SF garage would still be a good size, and asked about the options of a smaller garage. Ms. Decker added that she's concerned with the attached garage, and an additional garage in the rear, while setting a precedent going forward. Mr. Duricek noted that the depth of the detached garage is essentially enough for a six (6) car garage. Mr. Steeb referenced the red pole barn nearby that was built in 2013, and Ms. Decker stated that structure only is only 5.88 percent of the lot size. Mr. Steeb asked if there was a lot size percentage to meet the Board halfway, and he added that anything less than 1600 SF would change the whole structure. Mr. Easterling asked if a 1600 SF structure would keep the majority of the storage out of the rear yard, and Mr. Steeb confirmed. Ms. Decker stated that the height is fine, and Mr. Steeb added that a forty (40) foot by forty-two (42) foot detached garage would suffice his needs. Mr. Elmer added that he is for the adjustment in size.

Mr. Elmer moved to approve Application 24-19 with the condition that the detached garage be reduced to 1600 SF in size, and finding B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (3). Nays: (0).

APPLICATION 25-19 – James Randolph is requesting four zoning variances to reduce the front, rear, and both side yard setbacks in order to construct a house. The property is located at 229 W. Sixth 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'

1. The applicant is requesting a zoning variance to construct a house that would encroach into the front yard setback. The request for the front yard setback is one (1) foot off of the property line.
2. The applicant is requesting a zoning variance to construct a house that would encroach into the side yard setbacks. Both side yard setback variance requests are for two (2) feet off of the property line.
3. The applicant is requesting a zoning variance to construct a house that would encroach into the rear yard setback. The request for the rear yard setback is twenty (20) feet off of the property line.

Recommendation:

1. The Zoning Inspector recommends approval of the variance request based on meeting criteria A, C, D, and F of Chapter 1275.02(c)(3). Currently, the property has only a non-conforming garage on the land. If a house were to be built, the garage does not leave much room for a house to fit within the required front yard

setback. Other houses nearby also have setbacks that are only a few feet off of the property line.

2. The Zoning Inspector recommends denial of the zoning variance, as the request does not meet enough of the conditions required to grant a variance. The distance between the proposed house and the neighboring houses pose not only a safety concern, but maintenance concerns as well.
3. The Zoning Inspector recommends denial of the zoning variance, as the request does not meet enough of the conditions required to grant a variance. The depth of the lot is one hundred sixty-five (165) feet, which would allow for a house to be constructed, and the rear yard setback to be met. The property would still have beneficial use without a variance.

Mr. Grodi reviewed Application 25-19. James Randolph was present, and added that the house was dilapidated and torn down before he bought it, and that currently there is only a garage on the lot. He added that he learned since buying the property that the garage is a non-conforming structure. Mr. Randolph noted that he had previously spoken with the Planning and Zoning Administrator, Brody Walters, and it was determined that Mr. Randolph could repair ten (10) percent per year of the garage. Mr. Easterling stated that the ten (10) percent repair is in the Code, and it refers to non-conforming and/or grandfathered-in structures. Mr. Randolph stated that he would rather not put a home on the property, and that he bought the property with the intention to use the garage for storage. Mr. Randolph noted that the house to the right only sits one (1) foot off of the front property line, and that the house to the left only sits about eight (8) feet off of the front property line. He added that he does not want to demolish the existing garage, but that he would like to make it more structurally sound. Ms. Decker asked if it was possible to file a zoning appeal just for the garage, and Mr. Easterling referred to the overall purpose of the Code which refers to bringing properties to current standards. There was a brief discussion of options on how Mr. Randolph could bring the property into compliance while reducing the building setbacks.

Mr. Duricek moved to approve Application 25-19 #1 as submitted, and finding A, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (3). Nays: (0).

Mr. Duricek moved to approve Application 25-19 #2 with the condition that both side yard setbacks be five (5) feet off of the property line, and finding A, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (3). Nays: (0).

Mr. Duricek moved to approve Application 25-19 #3 as submitted, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (3). Nays: (0).

There being no further business, the meeting adjourned at 6:40 p.m.

Respectfully submitted,

Heather Alfaro