

BOARD OF ZONING APPEALS

SEPTEMBER 8, 2014

The meeting was called to order at 5:30 p.m. by Chairperson Becky Williams. Board members present were: John Brown, Jason Decker, Jonathan Smith and Becky Williams (4). Eric Nicely was absent. Also present was Julie Liebenthal, Zoning Inspector.

Mr. Smith moved to approve the minutes of the August 11, 2014 meeting as written. Mr. Decker seconded, and the minutes were approved 2-0. Mr. Brown and Ms. Williams abstained.

ZONING EXCEPTION 23-14 - Ralph Slaske (Slaske Building Company) requests one (1) zoning exception to permit the construction of a new residence. The subject property is a corner lot located at 25486 Wood Creek and is zoned R1 (Single Family Residential). The requested exception would permit the applicant to construct a residence within the required 50' setback from the front property line (High Meadow Lane side).

NOTE: *1230.01 Intensity and Dimensional Standards*

R-1 Zoning:

Front Yard = 50'

Rear Yard = 60'

Side Yard Min = 10'

Side Yard Total = 25'

Min. Dwelling Size = 1,800 SF

1. The applicant is requesting a zoning exception to reduce the required front yard setback. The exception would permit the front yard along High Meadow Lane to be 45.52', rather than the normally required 50'.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning exception. The distance requested is insignificant to the overall plot plan and a majority of the home does comply with the normal setback of 50'. According to the plan only a small portion of the residence encroaches into the front yard setback due to the indentation created by the entrance boulevard.

Ms. Liebenthal reviewed Zoning Exception 23-14. Barbara St. Arnaud was present on behalf of Slaske Building Company. The Board had no questions and there were no comments received from neighboring property owners. Mr. Smith moved to approve Zoning Exception 23-14. Mr. Decker seconded and it was unanimously approved.

ZONING VARIANCE 24-14 - Robert Bailey of DGL Consulting Engineers, on behalf of Schuetz Container, requests one (1) zoning variance to permit the construction of 26 parking spaces located within the required front yard. The subject property is located at

2105 S. Wilkinson Way, immediately north of Roachton Rd., west of Jennison Drive and is zoned I-2 (General Industrial). This variance would permit the construction of parking spaces in the required front yard.

NOTE: 1230.01 *Intensity and Dimensional Standards*

I-2 Zoning:

Front Yard = 60'

Rear Yard = 40'

Side Yard Total = 50'

NOTE: 1250.20(a) *Coverage Requirements (Streets)*

landscaping shall be required along any side of a parking lot that abuts the right of way of any street, road or highway.

NOTE: 1250.20(b) *Coverage Requirements (Streets)*

A landscape strip ten (10) feet in depth shall be located between the abutting right-of-way and the parking lot.

NOTE: 1230.02(i) *Provisions governing interpretation and application of yard requirements*

No accessory use of structure, off-street parking facility or material or equipments storage shall be located in the required front yard without the approval of the Board of Zoning Appeals.

1. The applicant is requesting a zoning variance to allow 26 (whole or partial), parking spaces to be installed in the required front yard. Permission is typically dependent upon the use of appropriate landscaping/screening.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance, provided sufficient landscaping is placed between the right of way and the proposed parking lot. The property is located in an industrially zoned district, and as such may require additional parking. The property is within close proximity to the Levis Commons Planned Business Park, therefore arrangements for landscaping enhancements should be made conditional for approval of this variance. The area between the property line and edge of extreme portion of parking lot encroachment is large enough to accommodate landscaping, which can be prescribed by the BZA and reviewed as part of the final site plan. (Ch. 1275.02(c)(3) – B, C, D, and G were found to be true)

Ms. Liebenthal reviewed Zoning Variance 24-14. Bob Bailey of DGL Consulting Engineers and Darin Booms of Schuetz Container were present. Mr. Bailey said they are trying to separate the cars from the trucks by pushing the parking towards the northern end of the front yard. Mr. Brown asked if they need more parking because of

an expansion. Mr. Booms said that the trucks currently line up on the road creating a nuisance, but they do plan on an expansion in the future. Mr. Brown asked what kind of landscaping is planned. Mr. Bailey said the landscaping plan has been submitted to the Planning Commission. Ms. Williams noted that the parking spaces are 9' by 20' instead of the 10' by 20' required by Code. Mr. Bailey stated that since they are an industrial use, they don't have people coming and going. They normally park and are there for the day. Ms. Williams said that she assumes the Planning Commission will address this issue also.

Mr. Smith moved to approve Zoning Variance 24-14 finding B, C, D and G of 1275.02(c)(3) to be true subject to approval of the Landscaping Plan by the Planning Commission. Mr. Decker seconded and it was unanimously approved.

ZONING EXCEPTION 25-14 - Don Nesper requests one (1) zoning exception to permit the construction of a front porch addition to an existing residence. The subject property is located at 450 Hickory Street and is zoned R-3 (Single-Family Residential).

NOTE: 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 exception to reduce the required front yard setback. The exception would permit the front yard to be 7.75', rather than the permitted 15' minimum within a developed block of existing homes that encroach into the standard 35' front yard setback. The average setback was determined to be 13.68'.

NOTE: 1230.02(b) *Front Yard Exception*

When fifty percent (50%) of the developed frontage in one (1) block on one (1) side of the street has front yards that are greater or less than the minimum front yard required, any building to be erected thereon shall not project beyond the average of the existing front yards, except that a minimum front yard of fifteen (15) feet shall be maintained in all instances.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning exception. The applicant aims to improve the character of the house in a neighborhood with abutting homes located at similar setbacks.

Ms. Liebenthal reviewed Zoning Exception 25-14. Mr. Nesper was present. Mr. Smith said that he has no problem with the application if the neighbors don't have any issues with it. Ms. Williams asked if Mr. Nesper planned on using treated lumber and he said he did.

Mr. Decker moved to approve Zoning Exception 25-14. Mr. Smith seconded and it was unanimously approved.

There being no further business, the meeting adjourned at 5:43 p.m.

Respectfully submitted,

Mary Jo Sutton