

BOARD OF ZONING APPEALS

August 10, 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 Cody Grodi, Zoning Inspector.

APPROVAL OF MINUTES

Ms. Williams moved to approve the minutes of the June 8, 2020 meeting as written. Seconded by Mr. Elmer. Ayes: Duricek, Elmer, Vela, and Williams (4). Nays: (0). Abstain: Decker (1).

Ms. Williams moved to approve the minutes of the July 13, 2020 meeting as written. Seconded by Mr. Duricek. Ayes: Decker, Duricek, and Williams (3). Nays: (0). Abstain: Elmer and Vela (2).

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

APPLICATION 27-20 – Timothy Quilter is requesting a zoning variance to allow for an addition to be installed within the front yard setback and the rear yard setback. 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'

1. The applicant is requesting a zoning variance to install an additional two (2) feet onto the garage. A breezeway will connect the garage to the house, and the garage will be converted to living space. The addition onto the garage will be one (1) foot off of the front property line and thirty-four (34) feet off of the rear 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 spirit and intent of the Code is to prevent garages from being used as living space. By attaching the breezeway from the house to the garage, the garage would technically be viewed as a part of the house and would have to follow the zoning setbacks. However, I don't believe this is what the Code had intended for. This property is zoned single family residential and it is not intended to have two residences on the property. There are other options to create an addition onto the house, however most would require a variance given the narrow size of the lot.

Mr. Grodi reviewed Application 27-20. Timothy Quilter was present via the AT System, and referenced his prior conversation with Mark Easterling, Deputy Planning and Zoning Administrator. Mr. Quilter stated that the intent of the structure is not a rental unit, but to remain within the family structure. Mr. Vela confirmed that they want to create a living space within the garage, and Mr. Grodi confirmed that Mr. Quilter is requesting a thirteen (13) foot addition. Mr. Grodi reminded Mr. Quilter that the BZA needs exact measurements for the variance request in order to meet the building setbacks. Mr. Grodi noted that the structure would need to be thirty-five (35) feet from the rear property line. Mr. Quilter confirmed that the addition along Hickory Street will be parallel with the garage structure. Mr. Vela asked if there were any comments received from neighboring properties. Mary Van Dyke, 439 E. Fifth Street, and Carol Coffman, 440 E. Fifth Street, both called and stated that they are both in favor of the request. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve Application 27-20 with a thirty-five (35) yard setback off of the rear, and one (1) foot relief off of the front property line. Seconded by Mr. Duricek. Ayes: Decker, Duricek, Elmer, and Vela (4). Nays: (0). Abstain: Williams (1).

APPLICATION 28-20 – Raymond Fisher is requesting a zoning variance to allow a fence with a height of six (6) feet be installed in the side yard. The property is located at 880 Walnut 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 sits farther back from the neighboring property and should not block any views.

Mr. Grodi reviewed Application 28-20. The applicant was not present. Mr. Grodi added that the fence has already been installed in between the mid-point of the house. Mr. Vela confirmed that there were no comments received from neighboring properties. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve Application 28-20, 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 29-20 – Bradley Beebe is requesting four zoning variances in order to construct an addition onto his existing garage, add a patio, construct a new garage, and add a second driveway. The property is located at 214 W. Second Street and is zoned R-3 (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.

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.

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.

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 that would allow for a second driveway to be installed off of the alley. This would allow access to a new proposed garage in the rear yard.
2. The applicant is requesting a variance that would allow for 8% of the lot size in accessory structures. The property owners would install a second garage that is 540 square feet. The lot size is 10,890 square feet, which would allow, by Code, 544 square feet of accessory structures. The variance request would allow for a maximum of 871 square feet of accessory structures on the property.
3. The applicant is requesting a variance for an addition off of the existing garage that would encroach into the required five (5) foot setback. The addition would be three (3) and three (3) inches off of the property line.
4. The applicant is requesting a variance that would allow for a patio to be installed closer than the minimum five (5) feet to the property line. The proposed patio will be approximately three and a half (3 ½) feet off the property line at the closet point.

Recommendation:

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

3. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the criteria to grant a variance. The existing garage is non-conforming in its current state and this would allow an already non-conforming structure to become more non-conforming. The distance from the structure to the church poses an issue as it is less than ten (10) feet and the fire safety standard is a minimum of ten (10) feet between a garage and another structure.
4. 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 patio will only be three (3) feet three (3) inches from the property line before quickly slanting inwards toward the property and meeting the required setback. The area will still be able to be maintained without stepping over the property line and will line up with the garage.

Mr. Grodi reviewed Application 29-20. Brad Beebe was present, and added that he has a carriage house, and that he has never been able to get a car in the garage, and now that he is re-married with nine children between the two of them, the extra space is needed. Mr. Vela confirmed that the breezeway would be an addition, and Mr. Grodi added that it will be an “open-air” breezeway. Ms. Williams confirmed that the intent is to keep the existing front driveway. Mr. Vela asked if any neighboring properties have the same configuration, and Mr. Beebe said that there are a few across the street. Ms. Williams asked Mr. Grodi about the city’s stance on two curb cuts, and Mr. Grodi added that is why the variance is needed. Mr. Vela asked about the addition off of the existing garage, and Mr. Beebe added that it is an overhang that is a part of the breezeway. Mr. Beebe added that the patio is existing, and that he would like to add on to it. Mr. Vela confirmed that there were no comments received from neighboring properties. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve variance #1 of Application 29-20, and finding C, D, F, and G of Chapter 1275.02(c)(3). Seconded by Mr. Duricek Ayes: (5). Nays: (0).

Mr. Vela moved to approve variance #2 of Application 29-20, and finding C, D, F, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Williams. Ayes: (5). Nays: (0).

Mr. Vela moved to strike variances #3 and #4 of Application 29-20, as Mr. Beebe stated that neither request was needed. Seconded by Ms. Williams. Ayes: (5). Nays: (0).

APPLICATION 30-20 – Andrea Woods is requesting a zoning variance that would allow for the construction of a new house with a reduced front yard setback. The property is located at 319 W. Third 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 reduce the required front yard setback. The structure would be five (5) feet off of the front property line, rather than the required thirty-five (35) feet.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting criteria A, C, D, and F of Chapter 1275.02(c)(3). Due to the grading of the land, building the house at the required setback would require fill dirt be brought in to properly grade out the home. The homeowner has concerns of safety if building on top of the fill dirt.

Mr. Grodi reviewed Application 30-20. Andrea Woods was present. Ms. Williams asked if 319 ½ W. Third Street will be removed, and Ms. Woods added that it will be demolished once the main structure is built. Ms. Williams asked about the neighboring properties, and Gordon Andrews, 329 W. Third Street, said that he has no problems with the request, but that he and Ms. Woods were wondering if the City would vacate the alley in between the two properties. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve Application 30-20, and finding A, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (5). Nays: (0).

APPLICATION 31-20 – Caleb and Jessica Holz are requesting a zoning variance to allow a fence with a height of six (6) feet be installed in the front yard. The property is located at 28282 White Road and is zoned R-2 (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 front yard of the property.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance, with the condition that the fence stop in line with the front of the neighbors garage at 811 Blackhorse Court. This would be approximately forty (40) feet off of the front of the property line. This setback for the fence will ensure a clear visual line of sight for both properties in relation to the street and the sidewalk. Installing the fence to the very front of the property line could make it difficult to see walkers, bikers, and even vehicles. If the variance request is approved with this condition I would find that criteria for variances B, C, D, E of Chapter 1275.02(c)(3) are being met.

Mr. Grodi reviewed Application 31-20. Patrick Caleb Holz was present, and noted that the neighboring property has a lot of foliage in the City right-of-way. He added that he's proposing his fence to be eighteen (18) feet from the sidewalk, and a four (4) foot fence division between the two properties. Ms. Williams confirmed that Mr. Holz is okay with Mr. Grodi's recommendation, and he agreed. Ms. Williams referred Mr. Holz to call the Public Service Division to have the foliage trimmed back in the City right-of-way. Mr. Grodi said that comments were received from the neighboring property owner at 811 Blackhorse Court, Megan Bovee, stated that she's in favor of Mr. Grodi's recommendation, and added that there are a lot of utilities in that area. Mr. Holz confirmed that he will have 8-1-1 come out first before they dig, and that he will "string out" the property stakes too. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to grant conditional approval of Application 31-20 based on Mr. Grodi's recommendation that the six (6) foot fence stop in line with the front of the neighbor's garage at 811 Blackhorse Court, 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 32-20 – Alan Magsig and Lynn Stefforia are requesting a zoning variance to allow for a fence with a height of six (6) feet be installed in the side yard. The property is located at 922 Walnut 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 fence lines up with the back corner of the neighbor's house, however because of this the fence is six (6) feet beyond the midpoint of the property owners structure.

Mr. Grodi reviewed Application 32-20. Alan Magsig was present, and added that he went to the general midpoint of the house, where it was the most aesthetically pleasing, and added that he had already spoken with his neighbor about the fence. Mr. Vela asked if the fence was already up, and Mr. Magsig confirmed. Ms. Williams asked if any

comments had been received by the neighbors, and Mr. Grodi stated that none were received. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 32-20, and finding A, B, C, and D 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 5:30 p.m.

Respectfully submitted,

Heather Alfaro