

BOARD OF ZONING APPEALS

July 11, 2022

The meeting was called to order at 5:30 p.m. by Chairperson Niki Decker. Board members present were Scott Anderson, Niki Decker, Nathan Duricek, and Megan Wolfinger (4). Brian Elmer was absent (1). Also present was Cody Grodi, Zoning Inspector.

APPROVAL OF MINUTES

Mr. Duricek moved to approve the minutes of the June 13, 2022 meeting as written. Seconded by Ms. Decker. Ayes: Decker, Duricek, and Wolfinger (3). Nays: (0). Abstain: Anderson.

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

APPLICATION 33-22 – Chuck and Linda Hablitzel are requesting a zoning variance to install a shed. The property is located at 26530 Fort Meigs Court and is zoned R-1 (Single Family Residential).

NOTE: *1250.61(a)* No accessory building or uses shall be located in any front or side yard setback except under unusual circumstances where such activity will not conflict with the intent and purposes of this Zoning Code or where enforcement would result in extreme hardship. Either exception shall require approval of the Board of Zoning Appeals.

1. The applicants are requesting a zoning variance to allow for a shed to be constructed in the side yard.

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 shed will replace an existing shed that is already located in the side yard. The house is set far back off of the road, due to this the rear yard is rather narrow when compared to other properties nearby. It would be difficult to fit the desired structure in the rear yard while trying to meet the other codified ordinance regulations pertaining

Mr. Grodi reviewed Application 33-22. The applicants were not present as they were out of town. Mr. Grodi noted that the new shed is going in the exact same location as the existing shed that is at least twenty years old and in poor condition. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve Application 33-22 as submitted, and finding B, C, D, and G of Chapter 1275.02(c)(3). Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

APPLICATION 34-22 – Thomas and Debra Brungard are requesting two zoning variances to keep a recently installed shed. The property is located at 620 Mulberry Street and is zoned R-3 (Single Family Residential).

NOTE: 1250.61(b) Accessory buildings, such as garages and utility buildings, may be located in a rear yard, provided that such buildings are separated 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: 1250.61(f) 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 applicants are requesting a variance that would allow them to place a shed three (3) feet off of the side property line.
2. The applicants are requesting a variance that would allow for 5.7% of the lot size in accessory structures. The property owner would place a shed that is thirty (30) square feet, this is in addition to an existing garage that is two hundred and forty (240) square feet.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance request as it does not meet enough of the conditions needed to grant a variance. The property owners have other feasible options where the structure can be placed that would maintain the required setbacks.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, C, D, and E of Chapter 1275.02(c)(3). The small lot size would not allow for anymore structures to be placed on the property. Currently, the current garage exceeds the maximum square footage allowed for the property.

Mr. Grodi reviewed Application 34-22. Tom and Debra Brungard were present, and added that they removed (2) dilapidated sheds that were both on either side of the garage, and replaced them with (1) new shed to the left of the garage. Mr. Grodi confirmed that he did not receive any calls from neighboring property owners. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve variances (1) and (2) of Application 34-22 as submitted, and finding B, C, D, and E of Chapter 1275.02(c)(3). Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 35-22 – Patricia Spangler and Richard Jaques are requesting a zoning variance to install a shed. The property is located at 11911 Eckel Junction Road and is zoned R-3 (Single Family Residential).

NOTE: 1250.61(b) Accessory buildings, such as garages and utility buildings, may be located in a rear yard, provided that such buildings are separated 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.

1. The applicants are requesting a variance that would allow them to place a shed one (1) foot off of the side property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, D, E, and F of Chapter 1275.02(c)(3). Due to the location of the swimming pool and easements on the property, placement of the shed is extremely difficult. The property owners have looked at all other options available for location of the shed.

Mr. Grodi reviewed Application 35-22. Patricia Spangler and Richard Jaques were present, and added that there is a sewer easement that runs diagonally through their front yard, which is why they need to move their existing shed to the proposed location. Neighbor Ellsworth Beebe, 535 Ballybay Court, was present and said that he is in favor of the variance request. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve Application 35-22 as submitted, and finding A, D, E, and F of Chapter 1275.02(c)(3). Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

APPLICATION 36-22 – Benjamin Chauncey Leu is requesting a zoning variance to allow for a driveway to be installed. The property is located at 653 Indian Wells Lane and is zoned R-3 (Single Family Residential).

NOTE: Chapter 1250.51(c)(2) Residential Driveways: Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty-four (24) feet wide where it meets the curb, alley or street.

1. The applicant is requesting a variance that would allow for the driveway to extend twenty-nine (29) feet in width along the street.

Recommendation:

1. The Zoning Inspector recommends denial of the variance, as the request does not meet enough of the conditions required to grant a variance. The driveway width would be reduced by five (5) feet from its current width, and it will still allow for safe access in and out from the street. Reducing the width at the street won't reduce the amount of parking in the driveway. The homeowners will still get beneficial use from the driveway.

Mr. Grodi reviewed Application 36-22. Benjamin Chauncey Leu was present and sited that Chapter 1250.51(4) may have applied to his driveway when it was originally installed about thirty (30) years ago. He added that the current width at the apron is either twenty-nine (29) feet wide or thirty-one (31) feet wide. Mr. Grodi noted that because the new driveway is proposed to have alterations to the homeowner's portion of the property then the driveway as a whole loses its non-conforming status of being wider than twenty-four (24) feet at the apron. There were no further questions or concerns from the Board, nor the public.

Mr. Anderson moved to approve Application 36-22 as submitted, and finding B, C, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 37-22 – Amanda Hiler is requesting a zoning variance to install a fence. The property is located at 1844 Lexington Drive 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 zoning variance to install a six (6) foot privacy fence in the front yard. The property has two front yards due to the lot having frontage on Lexington Drive and Fort Meigs Road.

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). This property has two front yards, and the area that the property owner wants to install the six (6) foot fence is the area that is utilized as a rear yard. There is a ditch that will block the view of the fence from the road. There are no concerns of visibility issues with the proposed location of the fence.

Mr. Grodi reviewed Application 37-22. Amanda Hiler was present, and added that she would like to replace her existing fence that is in poor condition with a six (6) foot privacy fence, a portion of which butts up to the ditch along Fort Meigs Road. Neighbor Ron Mesker, 1836 Lexington Drive, was present and said that he is in favor of the variance request. Neighbor Chris Heathcote, 13564 Eckel Junction Road, called in to the Planning & Zoning Division, and stated that he has no problems with the request. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve Application 37-22 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 38-22 – Sal Cusumano is requesting a zoning variance in order to construct an addition. The property is located at 244 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 an addition on the rear of the house. The addition will be set back ten (10) feet off of the front property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Chapter 1275.02(c)(3). The addition will be in line with the house, and will not encroach into the front yard setback any more than the house.

Mr. Grodi reviewed Application 38-22. Contractor Sal Cusumano was present, and stated that the garage is currently a shell while they wait for this variance request to be reviewed. He added that they stopped construction of the project once they were told that the location was not approved per the permit. Mr. Grodi noted that a new driveway cannot be wider than twenty-four (24) feet at the apron, and he added that neighbor concerns had not been received. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve Application 38-22 as submitted, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Wolfinger. Ayes: (4). Nays: (0).

APPLICATION 39-22 – Matt Temby is requesting a zoning variance in order to install a parking lot. The property is located at 13107 Roachton Road and is zoned OS (Office and Service).

NOTE: Chapter 1250.19(a) Peripheral landscaping shall be required along any side of a parking lot that abuts property that is not a right-of-way.

1. The applicant is requesting a variance to install a parking lot zero (0) feet from the property line without a landscaping buffer.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, D, E, and G of Chapter 1275.02(c)(3). The parking lot will be a continuous parking lot, however this will be developed in two separate phases. Allowing the parking lot to be installed on the lot line will allow for a better flowing parking lot when both phases are completed. Both properties are owned by the same owner.

Mr. Grodi reviewed Application 39-22. Matt Temby, Vault Health & Fitness, was present and added that there is an intention to develop this property in two phases which will include a parking lot that will service both phases of development. He said that he plans to demolish the existing barn and then build a new structure in its place, and that he is requesting a variance to install a parking lot zero (0) feet from the adjacent property line without a landscaping buffer. Mr. Temby added that the parking lot as shown on the site plan meets the minimum code requirements, and added that landscaping would break the parking lot in half between the two properties.

Greg Decker, 3182 Steeple Chase Lane, was present and added that there are a number of residential homes that surround this property and asked if consideration had been given to their subdivision. He asked about the depth of the lot at 13107 Roachton Road and asked about the impact that this development will have on property values.

Raja Ravi Chandra Gorapalli, 3102 Steeple Chase Lane, was present and voiced his concerns with regards to landscaping and the scope of the work for the future development of this site.

Mr. Grodi added that by Code this variance request is allowed to be reviewed and considered by the Board of Zoning Appeals. He added that Mr. Temby will have to submit further landscaping details and more information for the Final Site Plan submission for the Planning Commission at a future meeting, and that the neighboring properties will receive postcard notices in advance of that meeting. Mr. Temby added that he spoke with (6) families within the Horseshoe Bend subdivision as a result of the June 30, 2022 Planning Commission meeting and took their feedback into consideration for the future development of this property. He said that they have decided to bring the parking lot that is closest to the neighborhood in by twenty (20) feet. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve Application 39-22 as submitted, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Anderson. Ayes: (4). Nays: (0).

APPLICATION 40-22 – Nancy Heath is requesting a zoning variance to install a fence. The property is located at 28596 Woodland Avenue 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 zoning variance to install a six (6) foot privacy fence in the side yard, beyond the midpoint of the house. The six (6) foot fence will extend approximately six (6) feet in front of the midpoint 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). Due to the location of the service door on the side of the house, installing the fence at the midpoint of the house would cause the side door to be located outside of the fenced in area. The property owners use this door to allow their dogs to come in and out of the house. The fence will only run along the side property lines. The owners will keep the split rail fence that runs to the house from the side property lines. There are no concerns of visibility issues with the proposed location of the fence.

Mr. Grodi reviewed Application 40-22. Nancy & Ray Heath were present, and added that both neighbors are in agreeance for the proposed fence as the existing fence is falling down. There were no further questions or concerns from the Board, nor the public.

Mr. Duricek moved to approve Application 40-22 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).

OTHER BUSINESS

Mr. Grodi thanked Ms. Decker for her service to the Board of Zoning Appeals over the past few years, and noted that tonight will be Ms. Decker's last meeting as she is stepping down from the Board.

There being no further business, the meeting adjourned at 6:24 p.m.

Respectfully submitted,

Heather Alfaro