

BOARD OF ZONING APPEALS

JULY 10, 2017

The meeting was called to order at 5:30 p.m. by Chairman Craig Pickerel. Board members present were Jason Decker, Niki Decker, Craig Pickerel and Rob Vela (4). Greg Bade was absent (1). Also present was Mark Easterling, Deputy Planning and Zoning Administrator.

Mr. Pickerel moved to approve the minutes of the June 12, 2017 meeting as written. Mr. Decker seconded and they were unanimously approved.

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

APPLICATION 25-17 – Ashley Balester, on behalf of Local Roots Juice Company, is requesting one zoning variance that would allow her to construct a six (6) foot fence in the front yard. The properties are located at 306 & 310 Elm Street, and are zoned “C-2” Central Business.

NOTE: *Chapter 1250.42 Fences, Walls, Structural Screens, Hedges, and Screen Plantings:*

	Max Height	
	Permitted	*Restricted
Front Yard	4'	6'
Side Yard	4'	6'
*Requires BZA Approval		

1. The applicant is requesting a variance to construct a six (6) foot fence in the front and side yards between the residence and the business.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Ch. 1275.02(3). This fence would also give the residence additional privacy from traffic generated from neighboring businesses.

Mr. Easterling reviewed Application 25-17. Ms. Balester, 956 Bexley Drive, was present. Mr. Decker stated that the application submitted by Ms. Balester indicates she is requesting a seven foot fence. Mr. Easterling explained that a seven foot fence would be prohibited. He said that he has discussed this with Ms. Balester so she is aware of it. Valerie Parritt, 313 Elm Street, asked about the purpose of the fence. Ms. Balester said that she owns both this property and the adjacent rental property. She said that the juice bar will have an outdoor patio and the fence is to provide privacy for the rental home. Ms. Parritt asked the hours of the juice bar. Ms. Balester said it will be open 8 a.m. to 6 p.m. weekdays and 8:00 a.m. to 4:00 p.m. on weekends. Ms. Parritt said that she is opposed to the outdoor patio but not the fence. Mr. Easterling explained that the patio is permitted and this request is only about the fence. Mr. Pickerel asked if any other comments were

received, and Mr. Easterling said he did not receive any other comments. Mr. Decker moved to approve Application 25-17 finding C, D, E and F of Section 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 26-17 – Nick and Teresa Camp are requesting one zoning variance that would allow them to construct a six (6) foot screen fence in their front yard. The property is located at 13505 Pinewood Court, and is zoned “R-3” Single Family Residential.

NOTE: *Chapter 1250.42 Fences, Walls, Structural Screens, Hedges, and Screen Plantings:*

	Max Height	
	Permitted	*Restricted
Front Yard	4'	6'
Side Yard	4'	6'
*Requires BZA Approval		

1. The applicant is requesting a variance to construct a six (6) foot screening fence in the front yard to house their waste totes and various lawn and garden tools.

Recommendation:

1. The Deputy Administrator recommends denial of the variance as it does not meet enough of the conditions needed to grant a variance. The situation can be resolved through other methods aside from receiving a variance, and the applicant's situation does not demonstrate a need.

Mr. Easterling reviewed Application 26-17. Nick and Terri Camp were present. Mr. Camp said that he has spoken to all four neighbors around him and they all approve of what he is doing and they said that they don't want anything in what is his backyard as defined by the Code. Mr. Camp expressed his dislike of the Code's definition of a front yard. He said that he will be nowhere near the property line and he will landscape around the fence. Mr. Pickerel asked how tall the totes are. Mr. Camp said that they are 43 or 44 inches and his grill is 48 to 50 inches. He said that he wanted to go a little higher so you don't see it as you are walking up the driveway. He added that the fence can be cut down to 5' if he has to, but Ms. Camp said that it would void the warranty and could affect the structural integrity of the fence. Mr. Pickerel asked if there were any comments from neighbors. Mr. Easterling said that he was contacted by four neighbors who all approve. Mr. Vella moved to approve Application 26-17 finding A, C, D and E of Section 1275.02(c)(3) to be true. Seconded by Mr. Decker. Ayes: (4). Nays: (0).

There being no further business, the meeting adjourned at 5:59 p.m.

Respectfully submitted,

Mary Jo Sutton