

BOARD OF ZONING APPEALS

JULY 9, 2018

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

APPROVAL OF MINUTES

Ms. Decker moved to approve the minutes of the June 11, 2018 meeting. Seconded by Mr. Elmer. Ayes: (3). Nays: (0).

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

APPLICATION 23-18 – Sara Theis is requesting four (4) zoning variances to permit an addition onto the rear of the house that will encroach into the side yard setback, construction of a garage that will exceed the maximum square footage allowed by code, a driveway that will exceed the maximum width, and two curb cuts to allow for two (2) driveways. The property is located at 410 East Front 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 = 8'
Side Yard Total = 20'

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: *Chapter 1250.51(c)(2) Curb Cuts and 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.*

NOTE: *Chapter 1250.51(c)(3) Curb Cuts and Driveways: Only one (1) access/curb-cut onto a public street shall be permitted.*

1. The applicant is requesting a variance for an addition to be constructed on the rear of the house. The addition would be two (2) feet off of the western side property line, rather than the minimum eight (8) foot required setback.
2. The applicant is requesting a variance that would allow up to eight (8) percent of the lot size in accessory structures in order to install a garage that is proposed to be 24' x 27'6". The lot size is 8250 square feet, which would allow by code 412.5

square feet of accessory structures. The variance would allow for 660 square feet of accessory structures on the property.

3. The applicant is requesting a variance to install a driveway that would have a greater width than the maximum twenty-four (24) feet allowed. The applicant is seeking a variance that would allow for a forty (40) foot wide driveway.
4. The applicant is requesting a zoning variance that would allow for two (2) driveways to be installed on the property. The proposed driveway plan involves keeping the curb-cut off of East Front Street and extending the curb-cut off of the alley. Currently, the driveway is continuous from the front of the property to the rear. However a portion of the driveway will be removed, creating two separate driveways.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Ch. 1275.02(c)(3). The structure will not encroach into the side yard setback any more than the existing house. Due to the driveway being located on the eastern side of the house the addition can only be placed on the western side of the property as proposed.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(c)(3). The new garage will be a reduction to the detached garage that is currently present on the property. The neighborhood characteristic will not be altered as many of the surrounding garages exceed the five (5) percent square footage maximum.
3. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the required criteria to grant a variance. The driveway could be installed at the maximum twenty-four (24) feet and would still allow for access to the new orientation of the garage.
4. The Zoning Inspector recommends denial of the variance as it does not meet enough of the required criteria to grant a variance. The curb cut off of East Front Street could be eliminated as it will not allow for access to the garage, and the driveway off of East Front Street will strictly be used as a parking area. There are other viable options that would not require a variance.

Mr. Grodi reviewed Application 23-18. Ms. Theis said that the driveway is currently 2,600 square feet and with the proposed driveway, it would reduce the pavement on the lot by 36% or approximately 1,000 square feet. She said that they are requesting the variances because the garage is narrow, the lot is narrow, and there is a lack of street parking. She said that they plan to reorient the garage doors. Mr. Decker asked if any comments were received from neighbors, and Mr. Grodi said none were received. Mr. Decker asked how wide the driveway currently is. Ms. Theis said it is currently 24' wide. Mr. Decker asked why it couldn't be closer to the 24'. Ms. Theis said that they have teenagers and this extra parking is important because without street parking they have nowhere for guests to park. She added that they are giving up a lot of asphalt.

Mr. Elmer moved to grant variance #1 of Application 23-18 finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Decker. Ayes: (3). Nays: (0).

Mr. Elmer moved to grant variance #2 of Application 23-18 finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Decker. Ayes: (3). Nays: (0).

Ms. Decker moved to grant variance #3 of Application 23-18 finding C, D, E, and G to be true. Seconded by Mr. Elmer. Ayes: (3). Nays: (0).

Ms. Decker moved to grant variance #4 of Application 23-18 finding B, C, D, and E to be true. Seconded by Mr. Elmer. Ayes: N. Decker and Elmer (2). Nays: J. Decker (1).

APPLICATION 24-18 – Joseph Schmidt is requesting one (1) zoning variance to permit construction of a deck that will encroach into the rear yard setback. The property is located at 13926 Eckel Junction Road 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 minimum rear yard setback in order to construct a deck. The variance would permit the rear yard setback to be reduced to nineteen (19) feet, rather than the minimum thirty-five (35) feet required for a rear yard setback.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Ch. 1275.02(c)(3). The irregular shape of this lot makes it difficult to construct a deck on the rear of the house that would meet the rear yard setback.

Mr. Grodi reviewed Application 24-18. Mr. Schmidt was present. Mr. Grodi stated that a neighbor on Tecumseh Court called with questions about this project but had no objections. Mr. Decker asked what material the deck will be made of, and Mr. Schmidt said it will be wood.

Mr. Elmer moved to approve Application 24-18 finding B, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (3). Nays: (0).

APPLICATION 25-18 Sandra Tank is requesting one (1) zoning variance to permit the construction of an addition onto the house that will encroach into the front yard setback. The property is located at 215 Meadowood and is zoned R-3 (Single Family Residential).

NOTE: Chapter 1230.01 Intensity and Dimensional Standards:
R-3 Zoning:

Front Yard (along Meadowood) = 26'
Front Yard (along Walnut) = 29'
Rear Yard = 35'
Side Yard = 6'

1. The applicant is requesting a variance to reduce the front yard setback, along Meadowood Drive, to construct a proposed addition. The variance would permit the front yard setback to be reduced to eighteen (18) feet, rather than the twenty-six (26) foot required minimum front yard setback.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Ch. 1275.02(c)(3). The addition will not encroach into the front yard setback any more than the existing house. Additionally, this lot is a corner lot and has two front yards.

Mr. Grodi reviewed Application 25-18. Ms. Tank was present. She said she currently resides at 2498 Coe Court but will be moving to 215 Meadowood. Mr. Elmer stated that the house is brick. Ms. Tank said the goal is to match as much as possible, but she does not know if the same material is available. Mr. Decker asked if any comments were received from neighbors, and Mr. Grodi said no comments were received.

Mr. Elmer moved to approve Application 25-18 finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Decker. Ayes: (3). Nays: (0).

APPLICATION 26-18 – John and Angela McEwen are requesting one (1) zoning variance to allow the installation of an in-ground swimming pool in the side yard. The property is located at 3538 River Ridge Way and is zoned R-2 (Single Family Residential).

NOTE: Chapter 1250.58(c) Location of Swimming Pools: Swimming pools, whirlpools, hot tubs, or similar features shall be permitted in the rear yard or within the side yard if a variance is approved by the Board of Zoning Appeals. In all cases, swimming pools shall maintain a minimum setback of five (5) feet from a property line to any deck or patio and of fifteen (15) feet to the water's edge. In all cases, whirlpools, hot tubs or similar features shall maintain a minimum setback of five (5) feet from any property line. The allowable distance from a residence to the above features is subject to any applicable building codes. No such structures may be placed within recorded easements for any purpose.

1. The applicants are requesting a variance to install an in-ground swimming pool that will be partially located in the side yard.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and F of Ch. 1275.02(c)(3). There is an

existing deck off the rear of the house and a large easement that runs along the rear property line. These two factors will strictly limit the location and size of the swimming pool in the rear yard. The proposed location of the swimming pool will be located behind the attached garage.

Mr. Grodi reviewed Application 26-18. Angie and John McEwen were present. Mr. Decker asked if the area where the pool will go is all greenspace right now. Ms. McEwen said that it is. She added that the utilities are on the other side of the yard. Mr. Decker asked if any comments were received from neighbors. Mr. Grodi said they received nothing from neighbors.

Mr. Elmer moved to approve Application 26-18 finding C, D, F, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Decker. Ayes: (3). Nays: (0).

APPLICATION 27-18 – Joseph Goodell is requesting three (3) zoning variances that would allow for the installation of one freestanding sign within the required setback, exceeding the maximum height permitted, and exceeding the maximum square footage permitted. The property is located at 115 West Front Street and is zoned C-1 (Neighborhood Commercial).

NOTE: *Chapter 1250.32(a) Permanent Signs Allowed:*

Freestanding/Ground Sign

Zoning District: C-1
Maximum Height: 6'
Maximum Size: 24 SF
Setback: 30'
Quantity: 1

1. The first requested variance would permit the applicant to install a permanent freestanding sign with a one (1) foot setback off of the property line, contrary from the minimum thirty (30) foot setback from the property line.
2. The second requested variance would permit the applicant to install a permanent freestanding sign that would be seven (7) feet in height, contrary from the maximum six (6) foot height restriction.
3. The third requested variance would permit the applicant to install a permanent freestanding sign thirty-eight (38) square feet in size, contrary from the maximum twenty-four (24) square feet restriction.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, C, D, and F of Ch. 1275.02(c)(3). Due to the location of the building, the required setback is impossible to meet as the building itself is not thirty (30) feet from the property line.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, B, D, and E of Ch. 1275.02(c)(3). There is a

wrought-iron fence along the property line that will make visibility of the sign difficult.

3. No recommendation provided.

Mr. Grodi reviewed Application 27-18. Joseph Goodell and Christine Newman were present. Mr. Goodell said that he purchased the building about six months ago. Mr. Decker asked how they arrived at 38 square feet for the sign. Mr. Goodell said anything smaller would be hard to see because there are a lot of trees. He said that each tenant sign would be 33" by 12". Mr. Decker asked if any comments were received from neighbors. Mr. Grodi said that nothing was received. Mr. Goodell said that the sign will be black and white. Mr. Decker asked if they could make it 30 square feet instead of the proposed 38 square feet. Mr. Goodell said that you won't be able to see it from the road. He said that he is trying to promote the businesses in his building and he does not think this is a lot to ask for. Ms. Newman said that the sign will be placed vertically, not parallel to the building.

Mr. Elmer moved to approve variance #1 of Application 27-18 finding A, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (3). Nays: (0).

Ms. Decker moved to approve variance #2 of Application 27-18 finding A, B, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Decker. Ayes: (3). Nays: (0).

Mr. Decker moved to approve variance #3 of Application 27-18 finding C, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (3). Nays: (0).

There being no further business, the meeting adjourned at 6:20 p.m.

Respectfully submitted,

Mary Jo Sutton