

BOARD OF ZONING APPEALS

June 14, 2021

The meeting was called to order at 5:30 p.m. by Vice-Chairperson Niki Decker. Board members present were Niki Decker, Nathan Duricek, Brian Elmer, and Megan Wolfinger (4). Also present were Cody Grodi, Zoning Inspector, and Kate Sandretto, Law Director.

APPROVAL OF MINUTES

Mr. Duricek moved to approve the minutes of the March 8, 2021 meeting as written. Seconded by Mr. Elmer. Ayes: Decker, Duricek, and Elmer (3). Nays: (0). Abstain: Wolfinger (1).

Mr. Elmer moved to approve the minutes of the May 10, 2021 meeting as written. Seconded by Mr. Duricek. Ayes: Decker, Duricek, Elmer, and Wolfinger (4). Nays: (0).

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

APPLICATION 21-21 – Karen Dufrane Baidel is requesting a zoning variance for the setback of an accessory structure on the property. The property is located at 1833 Eaglecrest Road and is zoned R-3 (Single Family Residential).

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.*

1. The applicant is requesting a zoning variance to allow for a shed to remain in the rear yard. The shed will have a setback of one (1) foot from the side 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 property has an easement along the back property line that would cause the shed to be placed a minimum of eight (8) feet off of the rear property line. This property is a corner lot and has two front yards.

Mr. Grodi reviewed Application 21-21. Karen Dufrane Baidel was present, and added that this location is the only place that her shed can go. She said that her neighbors were okay with the location. Mr. Elmer asked if any comments had been received from nearby neighbors, and Mr. Grodi confirmed that none had been received. Ms. Wolfinger confirmed that the shed has already been installed. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 21-21, finding C, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

APPLICATION 22-21 – Jennifer Castorena is requesting a zoning variance to exceed the maximum height of a fence in a side yard. The property is located at 209 W. Sixth Street 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 for a six (6) foot fence to be placed in the side yard, past the midpoint of the structure. The fence will be set back a few feet from the front of the house.

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. A four (4) foot fence will still prevent easy access to the windows since the owners are concerned about privacy.

Mr. Grodi reviewed Application 22-21. Jennifer Castorena was present, and added that the six (6) foot fence blocks the neighboring visibility from the high turnover duplex that is next door. She said that her neighbors are okay with it. Ms. Decker confirmed that the fence has already been installed. There was a brief discussion about the rationale for the fence being so close to the street. Mr. Elmer asked if any comments had been received from nearby neighbors, and Mr. Grodi confirmed that none had been received. There was a brief discussion about the midpoint of the house. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve Application 22-21, 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 23-21 – Jeffrey Holtgrieve is requesting two zoning variances that would allow for a second driveway to be installed on the property. The property is located 563 W. Seventh 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 1250.51(b)(7)* No portion of a driveway shall be closer than five (5) feet to a side or rear property line.

1. The applicant is requesting a zoning variance that would allow for him to keep the driveway that has been installed along the alley. The property owner already has a driveway off of Seventh Street.
2. The applicant is requesting a zoning variance that would allow him to keep the driveway in its current location. The driveway has been installed two (2) feet off of the property line.

Recommendation:

1. The Zoning Inspector recommends denial of the variance as it does not meet enough of the conditions needed to grant a variance. On street parking is permitted directly in front of the property on W. Seventh. Additionally, vehicles can also be permitted to park in the City Right-of-Way as long as they are parked parallel to the road and within the first ten (10) feet off the road.

2. No recommendation.

Mr. Grodi reviewed Application 23-21. Jeffrey and Jacqueline Holtgrieve were present and added that they are raising their three grandchildren that are all licensed drivers. Mr. Duricek asked which contractor had performed the work, and Mr. Holtgrieve confirmed that he and his son installed the parking pad. Ms. Decker asked if any comments had been received from nearby neighbors, and Mr. Grodi confirmed that none had been received. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve variance #1 and #2 of Application 23-21, and finding C, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 24-21 – Cameron Schuette is requesting a zoning variance to exceed the maximum height of a fence permitted in a side yard and a front yard. The property is located at 203 Quail Road 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 that would allow for a six (6) foot fence to be installed in the side yard past the midpoint of the house.
2. The applicant is requesting a zoning variance that would allow for a six (6) foot fence to be installed in the front yard.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting criteria for variances B, C, D, and E of Chapter 1275.02(c)(3). Due to this property being a corner lot, the area directly behind the house is the side yard. There is a patio located in this area that would create difficulties if the fence were to go only to the midpoint of the house.
2. The Zoning Inspector is recommending denial of the zoning variance as it does not meet enough of the conditions required to grant a variance. The fenced in yard area will not shrink substantially, if the property owner were to run the fence along the start of the rear yard.

Mr. Grodi reviewed Application 24-21. Cameron Schuette was present and added that they have three dogs that need fenced in, and that the current allowable space is too small. Mr. Grodi noted that the black lines on his recommendation are the yard determination. Sally and Robert Palmer, 308 Birchdale Road, were present and said that they object to the angled fence in the front yard along Quail Road and are concerned that the corner view will be obstructed. Mr. Grodi added that the red line on the drawing represents the proposed six (6) foot fence. Ms. Sandretto explained that variance process to the Palmer's. Mr. Grodi clarified that the rear yard for this property is unique as it's delineated as the opposite of the narrowest frontage. Mr. Schuette confirmed that there are a number of split rail and privacy fences throughout his neighborhood. He said that he is withdrawing variance #2. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve variance #1 Application 24-21 as recommended by Mr. Grodi, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Wolfinger. Ayes: (4). Nays: (0).

APPLICATION 25-21 – Edwin and Jane Nagle are requesting a zoning variance to install a driveway that exceeds the maximum width allowed. The property is located at 16149 Normandy Road and is zoned R-1 (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 applicants are requesting a variance that would allow for them to replace their current driveway. The driveway width is twenty-six (26) feet and seven (7) inches.

Recommendation:

1. The Zoning Inspector recommends approval of the variance based on meeting criteria for variances B, C, D, and E of Chapter 1275.02(c)(3). The applicants would have been permitted to install the driveway had they contacted our office for a pre-inspection prior to tearing out the driveway. The property owners are not looking to modify the footprint of the driveway, they are wanting to install a new driveway that will be identical to what was there previously.

Mr. Grodi reviewed Application 25-21, and noted that Mark Easterling, Deputy Planning and Zoning Administrator, noticed the driveway while out on inspections. The applicant was unable to attend, and therefore not present. Mr. Duricek confirmed that the driveway was already installed. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve Application 25-21, 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 26-21 – Daniel Knorek is requesting two zoning variances to exceed the maximum height of a fence permitted in a side yard and to install a patio within the required setback of the property line. The property is located at 620 Cherry Street 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

NOTE: *Chapter 1250.58(c) Patios and Swimming Pools:* In all cases, decks and patios shall maintain a minimum setback of five (5) feet from any property line.

1. The applicant is requesting a zoning variance to keep a six (6) foot fence that has been installed in the side yard past the midpoint of the house.
2. The applicant is requesting a zoning variance to keep a patio that has been installed closer than five (5) feet to the property lines.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting criteria for variances B, C, D, and E of Chapter 1275.02(c)(3). The house is setback from the road about ninety (90) feet, with the fence being installed an additional fourteen (14) feet from the front of the house.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting criteria for variances B, C, D, and E of Chapter 1275.02(c)(3). The patio is located behind a privacy fence. The patio was installed less than one (1) foot from the required five (5) feet off of the property line.

Mr. Grodi reviewed Application 26-21. Daniel Knorek was present, and added that he just recently moved in and has already invested about \$20,000 in projects around his property since then. He added that his proposed fence will be a cedar L-wall that will block the view to his neighbors and their multiple cars on West Sixth Street. Mr. Knorek added that his front door faces his neighbor's living space, and Ms. Decker confirmed that the new concrete is the recently installed patio. Mr. Grodi noted that the neighbor at 313 W. Seventh Street called in and said that she is okay with these requests. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve variances #1 and #2 of Application 26-21, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Wolfinger. Ayes: (4). Nays: (0).

APPLICATION 27-21 – Scott and Kimberly Fenneken are requesting a zoning variance to install a driveway that exceeds the maximum width allowed. The property is located at 25794 Edinborough Circle and is zoned R-1 (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 applicants are requesting a variance that would allow for a driveway to be installed with a width of thirty-four (34) feet from the street to the garage.

Recommendation:

1. No recommendation provided.

Mr. Grodi reviewed Application 27-21. Scott and Kimberly Fenneken were present, and added that there are five homes within the Carrington Woods subdivision with their driveway variance request as proposed. Mr. Fenneken confirmed that Jennite will perform the work. Jim Konczal, 25808 Edinborough Circle, was present and said that initially he signed the driveway waiver, but then rescinded it because he did not understand the encroachment. Mr. Fenneken added that the driveway will be at least five (5) feet off of the property line, and Ms. Fenneken said that they have had their lot surveyed to confirm accurate lines. Mr. Grodi said that he received emails today in support of the variance request from neighbors Terrance Gerken, 25811 Edinborough Circle, and Timothy Sauer, 25795 Edinborough Circle. There were no further questions or concerns from the Board, nor the public.

Mr. Duricek moved to approve Application 27-21, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

OTHER BUSINESS

Ms. Sandretto briefly explained the next step in the appeals process for 4005 McCallister Drive.

There being no further business, the meeting adjourned at 6:36 p.m.

Respectfully submitted,

Heather Alfaro