

BOARD OF ZONING APPEALS

June 13, 2022

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

APPROVAL OF MINUTES

Mr. Duricek moved to approve the minutes of the May 9, 2022 meeting as written. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

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

APPLICATION 25-22 – Ryan Drewes is requesting a zoning variance to install a garage. The property is located at 560 Candyce Court and is zoned R-3 (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 applicant is requesting a zoning variance to allow for a garage to be constructed partially 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 garage will be placed at the back of the driveway. Due to a portion of the house that sticks out farther than the rest of the house, the garage will be located partially in the side yard. The garage will meet all other regulations pertaining to the structure.

Mr. Grodi reviewed Application 25-22. Ryan Drewes was present, and Mr. Grodi confirmed that the shed will be relocated. Ms. Decker asked if there were any concerns or comments from the neighbors, and Mr. Drewes said that he had spoken with his neighbors regarding this request. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve Application 25-22 as submitted, and finding B, C, D, and F of Chapter 1275.02(c)(3). Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

APPLICATION 26-22 – Fredericka Hudak is requesting a zoning variance to construct a garage. The property is located at 713 Louisiana Avenue and is zoned R-3 (Single Family Residential).

NOTE: 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.

1. The applicant is requesting a variance that would allow for 6.6% of the lot size in accessory structures. The property owner would construct a garage that is six hundred and seventy six (676) square feet, this is in addition to an existing shed that is one hundred and sixty (160) square feet.

Recommendation:

1. 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 the desired garage size. Currently, there is not a garage on the property. The garage will allow for the owner to store and protect her property.

Mr. Grodi reviewed Application 26-22. Fredericka Hudak was present, and added that she is the only house nearby without a garage. She added that the existing shed was originally built for storage of a Model T and that it was moved to the rear of the lot. Mr. Grodi confirmed that neighboring calls/comments had not been received. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 26-22 as submitted, and finding A, C, D, and E of Chapter 1275.02(c)(3). Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 27-22 – Marion Newman and Ruby Bell are requesting a zoning variance to install a driveway. The property is located at 544 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.

1. The applicant is requesting a zoning variance to allow for a second driveway to be installed on the property.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the criteria need to grant a variance. The property already has a driveway from the street to a garage. On street parking is permitted along the street and parking in the City right-of-way is permitted given it is in following with the Police Ordinances.

Mr. Grodi reviewed Application 27-22. Marion Newman and Ruby Bell were present, and Mr. Newman added that they have been working towards improving the property since they bought it in 2021, and thus far have spent \$36,000.00 in improvements. Mr. Newman noted that he did not know that putting down stone would be an issue with the existing driveway from 1970. He added that he would like to add a handicap ramp in the rear, and that the addition of the new stone has eliminated previous flooding issues. Mr. Newman said that his neighbor to the west has already agreed to a driveway waiver to be one (1) foot off the western property line. Ms. Decker asked about the previous stone pad, and Mr.

Newman said that it has increased in size with the new gravel. Frank Brahier, 543 W. Eighth Street, was present and said that his property is across the alley from Mr. Newman, and stated that he is in favor of the request. Mr. Grodi noted that if the driveway is approved as requested, that it will need to be replaced with asphalt or concrete. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 27-22 as submitted, and finding C, D, E, and G of Chapter 1275.02(c)(3). Seconded by Ms. Decker. Ayes: Decker, Duricek, and Elmer (3). Nays: Wolfinger (1).

APPLICATION 28-22 – Brian and Breanna Wahl are requesting a zoning variance to install a fence. The property is located at 707 Louisiana 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 for a six (6) foot fence to be placed in the front yard. The fence will be installed twenty (20) feet into the front yard and run the length of one hundred and fifteen (115) feet.

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 property owners can place a four (4) foot fence anywhere on their property. I would recommend that the fence transition from six (6) feet to four (4) feet once it crosses into the front yard. This will allow the property owners to utilize this area and if privacy is of concern a stockade style of fencing would be recommended. The character of the neighborhood could be altered as no other properties nearby have fences that extend into the front yard.

Mr. Grodi reviewed Application 28-22. Brian Wahl was present and added that they have two large dogs and that they just moved in. He stated that he has spoken with two of his neighbors and that they are in favor of his request, and that his fence is currently rusted chain-link. Mr. Wahl said that he plans to spend \$50,000.00 in property improvements. John Figmaka, 120 E. Seventh Street, was present and said that he is in favor of the variance request. Mr. Wahl confirmed that the fence would be about ten (10) feet off of the sidewalk. There was a suggestion to landscape around the fence, and Mr. Wahl said that he will be removing trees. There were no further questions or concerns from the Board, nor the public.

Mr. Duricek moved to approve Application 28-22 as submitted, and finding D, E, F, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: Decker, Duricek, and Elmer (3). Nays: Wolfinger (1).

APPLICATION 29-22 – Ron and Marylin Metti are requesting a zoning variance to install a fence. The property is located at 805 Ashbury Drive and is zoned R-2 (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 house. The fence would extend six (6) feet beyond the midpoint.

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 is a corner lot, due to the positioning of the house, the back of the house is actually the side yard. Six (6) feet beyond the midpoint into the side yard is not substantial.

Mr. Grodi reviewed Application 29-22. Marylin Metti was present. Mr. Grodi confirmed that neighboring comments had not been received for this variance request. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve Application 29-22 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).

APPLICATION 30-22 – Belinda Longmore is requesting a zoning variance to construct a shed. The property is located at 140 E. Second Street and is zoned C-2 (Central Business).

NOTE: 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.

1. The applicant is requesting a variance that would allow for 5.8% of the lot size in accessory structures. The property owner would construct a shed that is forty eight (48) square feet, this is in addition to an existing garage that is five hundred and seventy six (576) square feet.

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). The size of the current garage already exceeds the 5% maximum. The property was used for commercial purposes, however the new owners plan on using it for residential purposes. The shed will allow for storage and protection of lawn tools.

Mr. Grodi reviewed Application 30-22. Belinda Longmore was present, and noted that neighboring property owners on either side of her property gave her a verbal approval. Mr. Grodi noted that the pergola has been removed from the application by the applicant, and Ms. Wolfinger confirmed that the increase in square footage is only twenty-eight (28)

percent in size from existing. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve Application 30-22 as submitted, 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 31-22 – Kate MacPherson is requesting two zoning variances to install a water garden and a fence. The property is located at 501 E. Second Street and is zoned R-3 (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.

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 variance to install a water garden that will be located in the side yard.
2. 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 house. The fence would line up with the front of the house.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances D, E, F, and G of Chapter 1275.02(c)(3). The rear yard of the property has a large driveway that utilizes a large percentage of the rear yard space. The water garden will meet the required setback off of the property line.
2. The Zoning Inspector recommends denial of the variance, as the request does not meet enough of the conditions required to grant a variance. The character of the neighborhood could be altered as other homes adjacent to the property do not have six (6) foot fences that go to the front of the house. A four (4) foot fence would meet the requirements for fencing around water features.

Mr. Grodi reviewed Application 31-22. Architect Kate MacPherson was present on behalf of the property owner at 501 E. Second Street. There was a brief discussion about the existing six (6) foot fence on the eastern side of the property, and Ms. MacPherson said that they are proposing to replace this fence with a wire mesh eco-fence that is also six (6) foot in height. Neighboring property owner Terry Lesniewicz, 500 E. Front Street, was present and said

that he is in favor of the requests. Ms. MacPherson confirmed that the water feature will be at grade level, and will be four (4) feet wide by sixteen (16) feet long. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve variance #1 of Application 31-22 as submitted, and finding D, E, F, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

Ms. Wolfinger moved to approve variance #2 of Application 31-22 as submitted, and finding B, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 32-22 - Toledo Sign Company is requesting a zoning variance in order to install a sign. The property is located at 830 W. South Boundary Street and is zoned C-4 (Highway Commercial).

NOTE: *Chapter 1250.33(a) Permanent Freestanding Signage*

C-4 Zoning District:

Maximum Height: 10'

Maximum Size: 72 Square Feet

Location: 10' Setback

Quantity: 1 per Street Frontage

1. The applicant is requesting a variance to install a freestanding sign. The sign will be setback four (4) feet off of the 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). Due to a gas line that runs in the front of the property, placing the sign at the required setback would put the sign over the gas line.

Mr. Grodi reviewed Application 32-22. Brian Heil, Toledo Sign, was present on behalf of the property owners, and added that there is a gas line that runs parallel to the street. He added that they are proposing to install a new sign in the same location as the existing sign. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 32-22 as submitted, and finding C, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Wolfinger. Ayes: (4). Nays: (0).

OTHER BUSINESS

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

Respectfully submitted,

Heather Alfaro