

BOARD OF ZONING APPEALS

JUNE 11, 2018

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

APPROVAL OF MINUTES

Mr. Vela moved to table approval of the April 9, 2018 minutes until next month. Seconded by Mr. Duricek. Ayes: (3). Nays: (0).

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

APPLICATION, 20-18 – Michele Rice is requesting one zoning variance to permit a newly installed gazebo that is two (2) feet off of the rear property line. The property is located at 888 Bexley Drive 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 approval to keep the existing accessory structure within two (2) feet of the property line.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance. The existing structure location does not pose any safety or visibility concerns. The request meets the criteria for a variance based on B, C, D, and F of Chapter 1275.02(c)(3).

Mr. Grodi reviewed Application 20-18. Michele Rice, the applicant, was present. Ms. Rice said she did not know she needed a permit so she went ahead and installed the gazebo. Mr. Vela asked if this was a replacement. Ms. Rice said that they took down an old, unused play structure and put up this smaller gazebo/pergola. She apologized for doing it prior to obtaining a permit and added that she did speak to her neighbor about it before she installed it. Mr. Vela asked if any comments were received from neighbors, and Mr. Grodi said he did not receive anything.

Mr. Elmer moved to approve Application 20-18 finding B, C, D and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (3). Nays: (0).

APPLICATION, 21-18 – Dennis Blubaugh & Andre Criner are requesting one zoning variance to permit a six (6) foot fence in a front yard. The property is a corner lot located at 348 West Front Street 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 applicants are requesting a variance that would allow for them to construct a six (6) foot fence that starts in the rear yard and extends approximately three (3) feet into the front yard.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and F of Ch. 1275.02(3). The new fence would provide additional screening from Pine Street that was once provided by trees that were removed.

Mr. Grodi reviewed Application 21-18. Dennis Blubaugh and Andre Criner, the applicants, were present. Mr. Blubaugh explained that they replaced the fence on the other side of their garage three years ago. At that time they went to the Historic Landmarks Commission and thought that it covered all of the fence. Mr. Vela asked if any comments were received from neighbors. Mr. Grodi said there were none. Mr. Vela asked if the 6' fence matches the other fence. Mr. Criner said that it matches the fence and the house.

Mr. Elmer moved to approve Application 21-18 finding B, C, D and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (3). Nays: (0).

APPLICATION, 22-18 – James Mackiewicz is requesting two (2) zoning variances to permit the construction of a new residential house. The requested variances would permit the applicant to construct a single family home within the required front and rear yard setbacks. The property is located at 224 Cherry Street and is zoned R-3 (Single Family Residential).

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

Front Yard = 15'
Rear Yard = 35'
Side Yard = 6'
Side Yard Total = 12'

1. For the first zoning variance, the applicant is requesting a reduction of the front yard setback. The variance would permit the front yard setback to be six (6) feet, rather than the required fifteen (15) foot setback.

2. For the second zoning variance, the applicant is requesting a reduction of the rear yard setback. The variance would permit the rear yard setback to be twenty-two (22) feet, rather than the required thirty-five (35) foot setback.

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). The lot area is non-conforming, which makes constructing a house that meets the setbacks and dwelling size minimum difficult.
2. 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). The lot area is non-conforming, which makes constructing a house that meets the setbacks and dwelling size minimum difficult.

Mr. Grodi reviewed Application 22-18. Brody Walters, Planning and Zoning Administrator, said that he has been working with the applicant. Since Mr. Mackiewicz was not able to attend, Mr. Walters said he would try to answer the Board's questions on Mr. Mackiewicz's behalf. Mr. Walters explained that this is a lot of record according to the Planning and Zoning Code. Mr. Vela asked how the front of the house matches up with other houses nearby. Mr. Walters said that most of the other houses are at the right of way line and this house would be 6' back from the right of way line. Mr. Elmer noted that there are not a lot of houses facing Cherry Street in that area. Mr. Vela asked if any comments were received from neighbors. Mr. Easterling said there were not. Mr. Elmer asked if there had been a house on that lot previously. Mr. Walters said that they checked back and couldn't find anything in the last fifty (50) years. Mr. Grodi pointed out that the applicant still needs to meet the minimum house size required by the Code.

Mr. Vela moved to approve Application 22-18 finding A, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (3). Nays: (0).

APPLICATION, 19-18 (REVISED) – Barney's Real Estate Investment, LLC is requesting one zoning variance to construct a new building within the required front yard setback. The property is located at 26475 North Dixie Highway and is zoned C-4 (Highway Commercial).

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards:*

C-4 Zoning:

Front Yard = 50'

Rear Yard = 30'

Side Yard Min = 10'

Side Yard Total = 20'

1. The applicant is requesting a zoning variance to reduce the required front yard setback. The variance would permit the front yard setback to be reduced to forty-two (42) feet, rather than the required fifty (50) feet.

Recommendation:

1. The Zoning Inspector recommends denial of the variance as it does not meet enough of the conditions needed to grant a variance. The length of the property is long enough to allow the building to be constructed at the required fifty (50) feet and still allow for the rear yard setback to be met. The proposed rear yard setback is ninety-nine (99) feet, while C-4 zoning only requires a thirty (30) foot rear yard setback. The property will still achieve beneficial use without a variance. Additionally, the adjacent parcels meet the required front yard setback and because of this the character of the area may be altered, if this variance were to be granted.

Mr. Vela moved to untable Application 19-18. Seconded by Mr. Duricek. Ayes: (3). Nays: (0).

Mr. Grodi reviewed Application 19-18. Jerry Parker, attorney for Barney's Real Estate Investment, LLC was present. Mr. Parker said that the application has been revised since the last meeting. Previously the applicant was asking for a variance of 14' and they are now asking for just 7.64'. Mr. Parker said that the right of way line skews severely to the southwest and if it ran straight, they would not need this variance. He said that he has reviewed the criteria in 1275.02(c)(3) and he feels that they meet the requirements for a variance to be granted. He said that he met with Mr. Easterling and Mr. Walters, and no other layout works for Starbucks. He said that the employee parking would be in back with customer parking in the front, with the ability to stack nine cars. Mr. Parker said that this is a small variance, it is not substantial, and the stacking is important to the applicant. Mr. Vela asked if the parking in the rear is existing. Mr. Parker said that it is new. Mr. Duricek asked if the applicant would come down on the number of cars for stacking. Mr. Parker said that with national companies they have a formula and they stick to it. Mr. Vela asked if any comments were received from neighbors. Mr. Easterling said no comments were received.

Mr. Vela moved to approve Application 19-18 finding A, B, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (3). Nays: (0).

There being no further business, the meeting adjourned at 5:57 p.m.

Respectfully submitted,

Mary Jo Sutton