

BOARD OF ZONING APPEALS

JUNE 9, 2014

The meeting was called to order at 5:30 p.m. by Chairperson Becky Williams. Board members present were: John Brown, Jason Decker, Eric Nicely, Jonathan Smith, and Becky Williams (5). Also present was Brody Walters, Planning and Zoning Administrator.

Mr. Smith moved to approve the minutes of the May 12, 2014 meeting as written. Mr. Nicely seconded and the minutes were unanimously approved.

Mr. Walters reported that Zoning Variances 9-14 and 15-14 have been withdrawn by the applicant.

ZONING VARIANCE 13-14 - Dennis Beaver requests one (1) zoning variance to permit the construction of a 6' high fence in a commercial front yard. The subject property is located at 25680 N. Dixie Highway and is zoned C-4 (Highway Commercial).

Note: *1250.42 Fences, Walls and Structural Screens*

6' Structural Screens are permitted in commercial front yard with the approval of the Board of Zoning Appeals.

1. The applicant is requesting permission to install a 6' tall fence around the existing 20' x 40' patio on the south side of their tenant space. This property has 2 front yards since it is a corner lot with frontage on Harold Street and SR 25.

Recommendation:

1. It is recommended to approve the applicants' request. Based on the variance criteria of Chapter 1275.02(c)(3) it is believed that criteria B, C, D and G would be satisfied. Additionally, it is not recommended to permit the installation of wind screening as described on the fence quote that is provided.

Timothy Corser, manager of Revolver, the applicant, was present. Ms. Williams asked Mr. Corser if he understood that the recommendation was to not permit the wind screen. Mr. Corser said he understood and they are okay with that. Mr. Smith asked why Mr. Walters recommended against the wind screen. Mr. Walters said that we have not had much luck with them staying on. There was a discussion regarding landscaping around the fence. Mr. Brown asked if there was an issue with the style of fence. Mr. Walters said that the landscaping is an aesthetic function that helps with the perception of the height of the fence.

Mr. Smith moved to approve Zoning Variance 13-14 based on finding B, C, D and G of Chapter 1275.02(c)(3) to be true, subject to landscaping consisting of at least 10 small bushes on the outside of the fence, and no wind screen. Mr. Brown seconded and it was unanimously approved.

ZONING VARIANCE 14-14 – Jeffrey Wagner on behalf of 5/3 Bank, requests two (2) zoning variances to permit the installation of commercial signs within the required setback. The subject property is located at 26521 N. Dixie Highway and is zoned C-4 (Highway Commercial).

Note: 1250.39 Other Administrative Procedures

The Board of Zoning Appeals may grant a variance only if it finds that all of the following apply:

- (a) That the literal enforcement of the requirements of this chapter would involve practical difficulties based on the presence of special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district. (see factors 1-6 which typically include dimensional irregularities of the lot, impact on neighboring properties, beneficial use of the property, alternative options that are less convenient or costly)
 - (b) That granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this chapter, and is the minimum variance necessary to provide relief.
 - (c) That the variance would not adversely affect the delivery of governmental services (e.g. water, sewer, refuse).
 - (d) That the variance as granted would not confer on the applicant any special privilege, or deprive the applicant of rights, when compared with those rights commonly enjoyed by immediately adjoining properties.
 - (e) That the variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.
- 1. The applicant is requesting a zoning variance to permit a sign that is 10' closer to the right-of-way than otherwise permitted (Eckel Junction side) resulting in a 0' setback.
 - 2. The applicant is requesting a zoning variance to permit a sign that is 7' closer to the right-of-way than otherwise permitted (Intersection of SR25 and Eckel Junction) resulting in a setback of approximately 3'.

Recommendation

- 1. No recommendation provided.
- 2. No recommendation provided.

Mr. Wagner was present to represent Fifth Third Bank. He explained that the City is acquiring additional right of way from the bank to make intersection improvements. He said Fifth Third would like to keep the sign at the intersection where it currently is, which necessitates the request for the 7' variance. The sign on the Eckel Junction Side will need to be moved and they are requesting a variance of 10'. The Board discussed how close to the sidewalk the sign would be. Ms. Williams said that her concern is with kids

riding their bikes past the sign. Mr. Nicely asked if the City has any concerns with the sign being right at the sidewalk. Mr. Walters said it is necessary for the City to make the intersection improvements, but the rule of thumb is usually to keep signs at least 2' back because of kids on bikes, etc. Mr. Wagner said that they would be willing to move it back an additional 2' so the request would be for an 8' variance instead of 10'.

Mr. Smith moved to approve Zoning Variance 14-14 with the noted change to the variance on the Eckel Junction Road side to move the sign 2' back from the sidewalk. Mr. Decker seconded and it was unanimously approved.

ZONING VARIANCE 16-14 – Adam and Kimberly Szuch request one (1) zoning variance to permit the construction of a 6' fence in a residential side yard. The subject property is located at 430 E. Fifth Street and is zoned R-3 (Single-Family Residential).

Note: *1250.42 Fences, Walls and Structural Screens*

6' Structural screens are permitted in residential side yards with the approval of the Board of Zoning Appeals.

1. The applicant is requesting permission to install a 6' tall fence along the side of his residence. The proposed fencing includes approximately forty feet of 6' tall fencing in the side yard.

Recommendation:

1. It is recommended to approve the applicant's request. Based on the variance criteria of Chapter 1275.02(c)(3) it is believed that criteria B, C, D and G would be satisfied.

Ms. Williams noted that the fence is already up and it looks like it is closer than 4" to the property line. Mr. Walters said that his office will make sure the adjacent property owner is okay with the location of the fence. Mr. Smith asked if any comments were received from neighbors. Mr. Walters said no comments were received.

Mr. Decker moved to approve Zoning Variance 16-14 finding B, C, D and G of Chapter 1275.02(c)(3) to be true with the added requirement that the location of the fence be reviewed to make sure it is acceptable. Mr. Nicely seconded and it was unanimously approved.

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

Respectfully submitted,

Mary Jo Sutton