

BOARD OF ZONING APPEALS

June 8, 2020

The meeting was called to order at 5:30 p.m. by Chairman Rob Vela. Board members present were Nathan Duricek, Brian Elmer, Rob Vela, and Becky Williams (4). Niki Decker was absent (1). Also present was Cody Grodi, Zoning Inspector.

APPROVAL OF MINUTES

Mr. Vela moved to approve the minutes of the March 9, 2020 meeting as written. Seconded by Ms. Williams. Ayes: (4). Nays: (0).

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

APPLICATION 08-20 (Revisited) – Hess Carpentry, on behalf of Matt and Ellen Kang, is requesting two zoning variances that would allow for a driveway to exceed the maximum width and to be installed within the required setback from the side property line. The property is located 308 W. Front Street and is zoned R-3 (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.

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 variance that would allow for the driveway to extend across the entire length of the property. The driveway width would be approximately seventy-two (72) feet.
2. The applicant is requesting to install a driveway that would be approximately one (1) foot off of the property line.

Recommendation:

1. The Zoning Inspector recommends approval of the variance, with the condition that the five (5) foot green space buffer run along the entire property line, all the way to the alley. If approved with this condition the request would meet the criteria for a variance based on meeting criteria C, D, E, and F of Chapter 1275.02(c)(3). The driveway in front of the garage is not long enough to accommodate a vehicle. The recommended driveway would allow for multiple cars to be parked parallel to the garage. The driveway width would also be smaller than the existing driveway width. The recommended driveway would also eliminate the need for the second variance request.

Mr. Grodi reviewed Application 08-20. Mr. Vela motioned to untable the application. Seconded by Ms. Williams. Robert Hess, Hess Carpentry, was present on behalf of the application, and added that he does not have any problems with Mr. Grodi's recommendation. Mr. Vela confirmed that there were no comments received from neighboring properties. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve Application 08-20 with the new attached drawing, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Williams. Ayes: (4). Nays: (0).

APPLICATION 10-20 – Martin and Trudy Nagy are requesting a zoning variance to allow a driveway to be constructed with a width exceeding twenty-four (24) feet. The property is located at 619 Eckel Road and is zoned R-3 (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 the driveway to be a width of twenty-nine (29) feet, in order to be able to park a RV in the driveway.

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 driveway width could transition from twenty-nine (29) feet to twenty-four (24) feet before crossing over into the city right-of-way.

Mr. Grodi reviewed Application 10-20. Martin Nagy was present, and referenced the photos that were provided in his application representing the neighborhood with regards to the travel trailer that he stores on his property. Mr. Nagy noted Mr. Grodi's recommendation, and added that the problem is that the hitch from his trailer will hit the sidewalk if the driveway were to transition from twenty-nine (29) feet to twenty-four (24) feet at the City right-of-way. Mr. Vela asked about the length of the trailer, and Mr. Nagy stated that the total length is fifty (50) feet. Mr. Vela asked about where the City right-of-way sits, and Mr. Nagy confirmed that currently there is not a sidewalk, and he provided further photos to propose an alteration to the driveway. Mr. Grodi added that the City right-of-way is always one (1) foot off of the property line. Mr. Duricek asked how often the trailer is placed in the driveway, and Mr. Grodi confirmed that by Code trailers are allowed to be in the driveway from April 1st to October 31st. Mr. Vela clarified the recommendation and added that the intent of the curb cut transition is to protect the drainage. He recommended a compromise, and added that going past the culvert is favorable. Mr. Vela confirmed that there were no comments received from neighboring properties. Ms. Williams added that she spoke with the neighbor to the east, and he confirmed that he was okay with the proposal, and Mr. Grodi added that this neighbor has also signed the waiver for this driveway to be closer than five (5) feet to his property. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve Application 10-20 with the newly proposed alteration to the driveway, and finding A, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Williams. Ayes: (4). Nays: (0).

APPLICATION 11-20 – Randy and Susan Parker are requesting a zoning variance to install a shed in the front yard. The property is located at 27155 West River Road and is zoned R-1 and S-1 (Single Family Residential and Scenic and Open Space).

NOTE: *1250.61(a) Accessory Buildings and Uses:* 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 variance to install a shed that will be located in the front yard.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, D, E, and F of Ch. 1275.02(c)(3). Due to the slope in the rear yard, placing the shed would be challenging. The portion after the slope is zoned S-1, which does not allow for any buildings to be constructed in that area. Additionally, the location proposed is wooded which will help to conceal the shed and limit the views of the shed from the street and neighboring properties.

Mr. Grodi reviewed Application 11-20. Susan Parker was present, and added that they moved the shed as close to the garage as allowed by Code. She stated that they will add landscaping along the shed, and that the shed will be located on the western side of the property, and that it will be near their neighbor's shed. Ms. Parker added that there is also a twenty-five (25) foot gas easement along the eastern side of the property which prohibits placing the shed in that location. Mr. Vela confirmed that there were no comments received from neighboring properties. Robin Libbe, 28301 W. River Road, added that she is the neighbor to the east, and that she approves of the location. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 11-20, and finding D, E, F, and G of Chapter 1275.02 (c)(3) to be true. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

APPLICATION 12-20 – Ryan & Sara Ebright are requesting a zoning variance to allow a fence with a height of six (6) feet in the front yard. The property is located at 602 Walnut 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 applicant is requesting a zoning variance for a six (6) foot fence that is five (5) feet from the sidewalk.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, E of Chapter 1275.02(c)(3).

Mr. Grodi reviewed Application 12-20. Ryan Ebright was present, and clarified that the fence will be five (5) feet tall. Mr. Grodi noted that Lucinda Waller, 146 W. Sixth Street, called in to state that she was in favor of the fence. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 12-20 with the fence height of five (5) feet tall, and finding B, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela Ayes: (4). Nays: (0).

APPLICATION 13-20 – Derek and Heidi Meyer are requesting a zoning variance to allow for a deck to be installed within the side yard setback. The property is located at 885 Mulberry 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 Min = 8'
Side Yard Total = 20'

1. The applicant is requesting a zoning variance for side yard setback relief that would reduce the minimum side yard setback from eight (8) feet to four (4) feet.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, E of Chapter 1275.02(c)(3). The deck does not extend any further into the setback than the primary structure already is. The garage portion sits four (4) feet from the property line.

Mr. Grodi reviewed Application 13-20. Derek Meyer called in via the AT Conference System, and added that his deck sits behind the garage, and to the north of the addition. He stated that they would like the deck to sit flush with the side edge of the garage. Mr. Grodi stated that the neighbors at 875 Mulberry left a voicemail in support

of the variance request, and Mr. Vela confirmed this is the property that is directly adjacent to 885 Mulberry Street. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve Application 13-20, 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 14-20 – Michael & Kellie Johnson are requesting a zoning variance to allow for a swimming pool to be installed within the side yard setback. The property is located at 103 Miamis 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.

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

Recommendation:

1. The Deputy Administrator recommends denial of the variance. Although the property is a unique corner lot, the variance request does not meet enough of the factors needed for a variance. Although the desired location would place the pool behind the house, the lot has ample room (approximately forty (40) feet) to allow for a pool to remain outside of the easement. The location would also allow for a six (6) foot privacy fence for additional privacy and security should the pool be located in the permissible yard.

Mr. Grodi reviewed Application 14-20. Michael Johnson was present, and added that he respects the recommendation of the Deputy Administrator, and notes that there is a natural gas pipeline in the side yard. He stated that the intent of the pool is for it to be located behind the house for privacy, and added that there aren't any windows on the left side of the house, which would pose a safety concern if the pool were to be placed as recommended. Mr. Grodi added that the owners of the neighboring properties at 661 Prairie Rose, 641 Delaware, and 630 Delaware all called in stating that they are in favor of the variance as requested. Ms. Williams asked about the tree line in the rear, and Mr. Johnson added that their property line actually extends past the tree line, and so there will be enough space for the pool. Mr. Grodi confirmed that the concrete will need to be outside of the sixteen (16) foot easement in the side yard. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve Application 14-20, and finding A, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

APPLICATION 15-20 – Heather English, on behalf of Allen Industries, is requesting two zoning variances that would allow for the installation of one (1) freestanding sign with increased height and size. The property is located at 12418 Williams Road and is zoned I-1 (Light Industrial).

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

I-1 Zoning:

Maximum Height: Equal to or less than 10'

Maximum Size: 72 SF

Setback: 25' from property line

OR

Maximum Height: Equal to or less than 25'

Maximum Size: 48 SF

Setback: 50' from property line

1. The applicant is requesting a variance that would permit the construction of a permanent freestanding sign in the rear of the property along I-475 with a height of approximately twenty-nine (29) feet and nine (9) inches.
2. The applicant is requesting a variance that would permit the construction of a permanent freestanding sign in the rear of the property along I-475 at approximately one hundred (100) square feet.

Recommendation:

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

Mr. Grodi reviewed Application 15-20. Randy McCabe, Murphy Tractor Supply was present on behalf of the application. Mr. Grodi confirmed that this sign is being repurposed from another location. Ms. Williams confirmed that the tallest nearby sign is Speedway, and Mr. Easterling estimated that it's about forty (40) to forty-five (45) feet tall. Ms. Williams noted that the Penske sign is relatively new, and Mr. Grodi confirmed that there wasn't a change to the height of the sign, and that it was only a cabinet replacement of the sign. There was further discussion about neighboring companies and the height of their signs. Mr. Grodi added that there were no comments received from neighboring properties. Mr. Vela confirmed that the sign will not be visible from the front property line. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve variances #1 and #2 of Application 15-20, and finding A, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela Ayes: (4). Nays: (0).

APPLICATION 16-20 – Brian Hufford, on behalf of Diane Leyland is requesting a zoning exception to construct a primary structure addition within the rear yard setback. The property is located at 617 Locust 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 Min = 8'

Side Yard Total = 20'

1. The applicant is requesting a zoning exception to reduce the required rear yard setback. The exception would permit the homeowner construct an addition off of the home within setback. The deck would be twenty-nine (29) feet off of the property line, rather than the required thirty-five (35) feet.

Recommendation:

1. The Deputy Administrator recommends approval of the exception. The home currently sits at thirty-three (33) feet from the rear property line, meets all other setback requirements, and does not pose any safety concerns.

Mr. Grodi reviewed Application 16-20. Brian Hufford, Hufford Builders, was present on behalf of the application. Mr. Vela confirmed that there were no comments received from neighboring properties. Mr. Grodi clarified that the alley does not count against the permitted structure as a street frontage. Mr. Easterling reminded the Board that this is an exception, rather than a variance. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve the exception for Application 16-20. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

APPLICATION 17-20 – Lori Kwiatkowski, on behalf of Four Seasons Physique, is requesting a zoning variance that would allow for the installation of a sign exceeding the maximum square footage. The property is located at 122 W. South Boundary Street and is zoned I-1 (Light Industrial).

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

C-3 Zoning:

Maximum Size: 10% of facade

1. The applicant is requesting a variance that would permit the construction of a permanent wall sign that is thirty (30) square feet, or eleven (11) percent of the square footage of the façade.

Recommendation:

1. No recommendation provided.

Mr. Grodi reviewed Application 17-20. Lori Kwiatkowski, Four Seasons Physique was present, and added that the nearby barber shop cannot hang their sign without her Four Seasons sign being stacked, as submitted in the application. Ms. Williams noted that there are a number of signs within this shopping strip that have stacked signs on the façade. Mr. Vela confirmed that there were no comments received from neighboring properties. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve variances #1 and #2 of Application 17-20, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Williams. Ayes: (4). Nays: (0).

APPLICATION 18-20 – Nathan and Tara Zechman are requesting a zoning variance that would allow for the construction of an addition within the front yard setback. The property is located at 1001 Mulberry 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 Min = 8'

Side Yard Total = 20'

1. The applicant is requesting a zoning variance to reduce the required front yard setback. The addition would be seventeen (17) feet off of the property line, rather than the required thirty-five (35) feet.

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 front of the existing house does not currently meet the required front yard setback. The addition will meet all other setback requirements and does not pose any safety concerns.

Mr. Grodi reviewed Application 18-20. Nathan Zechman was present, and added that the addition will be flush with the rest of the house, and all of the same materials will be used. He noted that the house was already built within the building setbacks. Mr. Grodi added that there were no comments received from neighboring properties. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve Application 18-20, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

APPLICATION 19-20 – Chris and Stacie LaFaso are requesting a zoning variance to allow a fence with a height of six (6) feet in the front yard. The property is located at 1580 Elk Court 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 applicant is requesting a zoning variance for a six (6) foot fence to be placed in the location of the current four (4) foot fence. The property is a corner lot.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, E of Chapter 1275.02(c)(3). The fence should not pose any difficulty with the visual line of sight at the nearest intersection.

Mr. Grodi reviewed Application 19-20. Stacie LaFaso was present, and brought additional pictures for the Board to view the variance request. She added that the privacy fence will not block the line of sight from the street. Mr. Vela confirmed that there were no comments received from neighboring properties. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve Application 19-20, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Williams. Ayes: (4). Nays: (0).

APPLICATION 20-20 – Rubeye Wise is requesting a zoning variance to allow a fence with a height of six (6) feet in the front yard and side yard. The property is located at 106 Heilman Avenue and is zoned R-1 (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 applicant is requesting a zoning variance for a six (6) foot fence to be placed in the side yard and front yard. The property is a corner lot.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, E of Chapter 1275.02(c)(3). The fence should not pose any difficulty with the visual line of sight at the nearest intersection.

Mr. Grodi reviewed Application 20-20. Rubeye Wise was present. Mr. Vela confirmed that there were no comments received from neighboring properties. Rita Stanford, 109 Heilman, asked for clarification of the variance request, and added that a neighboring property has a privacy fence that is an eye sore. There was a brief discussion about the complaint of the neighboring property's privacy fence. Mr. Easterling noted that the majority of the privacy fence request for 106 Heilman Avenue will be behind the house with a small portion off of Nora Drive. Mr. Vela asked about the materials that will be used, and Ms. Wise stated that the fence will be a white vinyl, that will not need to be treated. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 20-20, and finding B, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

There being no further business, the meeting adjourned at 6:23 p.m.

Respectfully submitted,

Heather Alfaro