

BOARD OF ZONING APPEALS

JUNE 8, 2015

The meeting was called to order at 5:30 p.m. by Chairman Jonathan Smith. Board members present were: John Brown, Jason Decker, Craig Pickerel, Jonathan Smith and Becky Williams (5). Also present was Julie Liebenthal, Zoning Inspector.

Ms. Williams moved to approve the minutes of the May 11, 2015 meeting as submitted. Mr. Pickerel seconded and the minutes were approved 3-0. Ayes: Pickerel, Smith, Williams (3). Abstain: Brown and Decker (2).

ZONING VARIANCE 7-15: Connie Brand requests one (1) zoning variance to permit the construction of a 6' fence in a residential side yard. The subject property is located at 500 Cherry Street and is zoned R-3 (Single-Family Residential).

NOTE: *1250.42(a)(5) Fences, Walls, Structural Screen, Hedges and Screen Plantings*

For fencing purposes the side yard shall consist of the area between the front of the house to the midpoint of the side yard. Any portion of yard between the midpoint of the house and the rear façade of the home shall constitute a rear yard for fencing purposes only.

1. The applicant is requesting permission to install a 6' tall fence along the side of her residence that extends beyond the midpoint of said residence.

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. Liebenthal reviewed Zoning Variance 7-15. Ms. Brand was present and stated that she got a permit for the fence, the fence was installed, and then it was determined that a 6' fence could not go the entire distance because it is a side yard. Mr. Decker referenced a document provided by the applicant, signed by several of her neighbors that states they have no issues with the fence.

Ms. Williams moved to approve Zoning Variance 7-15 based on finding B, C, D and G of Chapter 1275.02(c)(3) to be true. Mr. Decker seconded and it was unanimously approved.

ZONING VARIANCE 8-15: Christopher Jones, on behalf of Patrice Spitzer, requests one (1) zoning variance to permit the construction of a 6' fence in a residential side yard. The subject property is located at 570 E. Front Street and is zoned R-3 (Single-Family Residential).

NOTE: *1250.42(a)(5) Fences, Walls, Structural Screen, Hedges and Screen Plantings*

For fencing purposes the side yard shall consist of the area between the front of the house to the midpoint of the side yard. Any portion of yard between the midpoint of the house and the rear façade of the home shall constitute a rear yard for fencing purposes only.

1. The applicant is requesting permission to install a 6' tall fence along the side of her residence that extends beyond the midpoint of said residence.

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. Liebenthal reviewed Zoning Variance 8-15. Christopher Jones of 422 E. Second Street was present to represent Ms. Spitzer. He said that they plan to replace an existing 6' fence that is not in good shape. Jordan Darr, 572 E. Front Street, was present and said that he has no problem with the fence. He said there is already a 6' fence there and it only goes out about 3' from the house.

Ms. Williams moved to approve Zoning Variance 8-15 based on finding B, C, D and G of Chapter 1275.02(c)(3) to be true. Mr. Decker seconded and it was unanimously approved.

ZONING VARIANCE 9-15 - Craig and Amy Reiter request one (1) zoning variance to permit the construction of a shed in a residential front yard. The subject property is located at 451 E. Front Street and is zoned R-1 (Single Family Residential).

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.

1. The applicant is requesting permission to install a shed in the front yard of the property. The proposed shed is to be placed on the Easterly portion of the property, directly behind a row of foliage.

Recommendation:

1. It is recommended to approve the applicant's request as the property is a significant distance from the main road and said shed will not be visible from public view. Based on the variance criteria of Chapter 1275.02(c)(3) it is believed that criteria B, C, D, E, F and G would be satisfied.

Ms. Liebenthal reviewed Zoning Variance 9-15. Craig Reiter was present. He stated that because of the pitch down to the river, they can't put the shed in their rear yard. Mr. Brown asked how big the shed will be. Mr. Reiter said it will be 16' x 24'. Mr. Brown asked if it

will be located behind the trees. Mr. Reiter said that it will be. Mr. Pickerel asked if it will be one story; Mr. Reiter said it will be one story. Ms. Williams asked if the applicant is also going to the Historic Landmarks Commission. Ms. Liebenthal stated that they are on the agenda for the meeting later the same evening.

Mr. Decker moved to approve Zoning Variance 9-15 based on finding B, C, D, E, F and G of Chapter 1275.02(c)(3) to be true. Ms. Williams seconded and it was unanimously approved.

ZONING VARIANCE 10-15: Troy Barman of Lewandowski Engineers, on behalf of Mercy Medical Center requests a zoning variance to exceed the 45' allowable height limit within an Institutional (INS) zoning district. This variance would permit the applicant to construct a building of up to a maximum height of 52' which is 15% more than the permitted height. The subject property is located at 12621 Eckel Junction Rd and is zoned INS (Institutional).

NOTE: *1230.01 Intensity and Dimensional Standards*

INS Zoning: Maximum Height = 45'

NOTE: *1230.03(a)*

The Board of Zoning Appeals may grant a height variance for any portion of a building that is taller than the maximum permitted height specified in Ch. 1230 "Intensity & Dimensional Standards" providing the variance does not exceed 50% of the maximum height specified in Ch. 1230.

1. The applicant is requesting a zoning variance to exceed the maximum height requirement within the zoning district. The additional height (7') reflects a 15% increase.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on the fact that a large portion of the overall roofline would remain at 46'. Additionally, the proposed 7' height increase does not appear to be significant to the area or its surroundings. Based on the variance criteria of Chapter 1275.02(c)(3) it is believed that criteria B, C, D, E, F and G would be satisfied.

Ms. Liebenthal reviewed Zoning Variance 10-15. Troy Barman of Lewandowski Engineers was present on behalf of Mercy Health Care Center. Mr. Brown asked if it is just mechanical equipment that goes above the permitted height. Mr. Barman said that it is a three story building and the height of the entire building will be 46' which is one foot above the permitted height. The required screening of the rooftop mechanical units is offset from the edge of the building and it goes up another 6' so the total height is 52'. Ms. Liebenthal asked if any comments were received from nearby property owners. She stated that the

Planning and Zoning Office received a couple of phone calls inquiring about the project and she thought perhaps there would be representatives from some of the area property owners in attendance at the meeting, but there were no comments from the audience.

Mr. Decker moved to approve Zoning Variance 10-15 based on finding B, C, D, E, F and G of Chapter 1275.02(c)(3) to be true. Ms. Williams seconded and it was unanimously approved.

There being no further business, Ms. Williams moved to adjourn the meeting at 5:44 p.m. The motion was seconded by Mr. Brown and it was unanimously approved.

Respectfully submitted,

Mary Jo Sutton