

BOARD OF ZONING APPEALS

MAY 8, 2019

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

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

APPLICATION 11-19 – Whiteford Kenworth is requesting one zoning variance in order to install a six (6) foot fence in the side yard. The property is located at 12650 Eckel Junction Road and is zoned I-1 (Light Industrial).

NOTE: *Chapter 1250.42 Fences, Walls, Structural Screens, Hedges, and Screen Plantings:*

	Max Height	
	Permitted	*Restricted
Front Yard	4'	6'
	*Requires BZA Approval	

1. The applicant is requesting a variance that would allow for the installation of a six (6) foot fence past the midpoint of the structure in the side yard.

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 variance would allow for added security on the property. The character of the neighborhood would not be altered as other businesses along Eckel Junction Road have six (6) foot fences not only in the side yard, but also in the front yard.

Mr. Easterling reviewed Application 11-19. Roger Euler, General Manager of Whiteford Kenworth was present, and stated that they need to add to their fencing for security purposes, as trucks and fuel have been stolen over the last year. Mr. Easterling confirmed that no comments had been received from the neighboring properties. Mr. Vela asked if the new fence will match the existing, and Mr. Euler confirmed that it will.

Ms. Decker moved to approve Application 11-19, and finding A, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (3). Nays: (0).

APPLICATION 12-19 – Frederick Kotula is requesting one zoning variance, and a zoning exception in order to reconfigure a second driveway on the property. The property is located at 422 W. Fifth Street and is zoned R-3 (Single Family Residential).

NOTE: *Chapter 1250.51(c)(2) Curb Cuts and 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(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 variance to eliminate a second driveway and install a new one located behind the house. The current second driveway sits on the side of the house and runs parallel with the alley.
2. The applicant is requesting a zoning exception that would allow for a second driveway with a width of thirty (30) feet. The code allows for a maximum of twenty-four (24) 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 Chapter 1275.02(c)(3). Parking along the alley has become a safety concern for the property owner, especially during the winter months. With the parking area being located behind the house, the safety concern would be reduced.
2. The Zoning Inspector recommends denial of the zoning exception. I would recommend a smaller parking area that could then flare out to twenty-four (24) feet at the alley. This will still allow for vehicles to park on the second driveway and no longer have to park along the alley.

Mr. Easterling reviewed Application 12-19. Mr. Kotula was present, and added that he would like to eliminate the parking along the alley as it is narrow. Mr. Vela asked if any comments had been received from the neighbors, and Mr. Easterling said that none had been received. Mr. Grodi added that the garage will remain in the rear of the property, but that the current parking pad along the alley will be removed, and replaced with grass. Sean Murphy, 427 W. Fifth Street, asked about the current drive along the alley, and the location of the thirty (30) foot drive.

Mr. Vela moved to approve Application 12-19 #1, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (3). Nays: (0).

Mr. Vela moved to grant conditional approval of Application 12-19 #2, allowing for a twenty-four (24) foot wide driveway at the alley. Seconded by Ms. Decker. Ayes: (3). Nays: (0).

APPLICATION 13-19 – Mark and Lorie Deszell are requesting two zoning variances to construct an addition onto the existing accessory structure. The property is located at 945 Mulberry Street 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.*

NOTE: *Chapter 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 applicants are requesting a zoning variance to construct an addition off of the existing accessory structure. The current structure sits approximately two (2) feet off of the property line and the addition would run the same distance off of the property line.
2. The applicants are requesting a zoning variance to construct an accessory structure addition that will exceed more than 5% of the square footage of the lot. The current structure is 440 square feet and the proposed addition is 800 square feet making the overall size of the structure 1,240 square feet, 7.6% of the lot size.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, & F of Chapter 1275.02(c)(3). The structure will not come any closer to the property line than the current accessory structure. Neighboring properties also have accessory structures that fall within the required five foot setback.
2. The Zoning Inspector recommends denial of the zoning variance. The maximum 5% would still allow the property owners to almost double the size of their current accessory structure. The request is substantial as the property owners are requesting to triple the size of the accessory structure. Almost all neighboring properties do not have accessory structures that exceed the 5% maximum.

Mr. Easterling reviewed Application 13-19. Mr. Deszell was present, and added that he would like to add on to his current garage by making it deeper, rather than wider. He said that with his lawn equipment and cars in the garage together that it becomes an issue with space, and that if the cars are parked outside the garage that there is an issue with storm and wind damage. Mr. Deszell added that sometimes there are five vehicles at his property. Mr. Vela asked if any comments had been received from the neighbors, and Mr. Easterling confirmed that none had been received. Mr. Vela stated that this addition would be a large structure. Mr. Deszell added that he had read the zoning ordinance that stated that it could be up to eight (8) percent, but that he wanted to keep his addition under that percentage. There was a brief discussion about a compromise of less than an 800 SF structure. Brian McMahon, 542 Tonbridge, questioned the use of the additional square feet of the garage, and Mr. Deszell added that he has a push mower and a riding mower. Mr. Vela added that a four car garage is quite a substantial structure.

Mr. Duricek moved to approve Application 13-19 #1, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (3). Nays: (0).

Mr. Vela moved to grant conditional approval of Application 13-19 #2, allowing for a 440 SF addition to the current accessory structure, and finding A, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (3). Nays: (0).

APPLICATION 14-19 – James Barath is requesting one zoning variance to permit the installation of an accessory structure in the front yard. The property is located at 300 Rutledge Court and is zoned R-2 (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. Either exception shall require approval of the Board of Zoning Appeals.

1. The applicant is requesting a variance to install a treehouse in a tree that is located in the front yard. This property is a corner lot and thus has two front yards.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for a variance B, D, E, & G of Chapter 1275.02(c)(3). The tree house being located in a front yard will not pose a visibility issue as it will not be located on the ground. The homeowner only has this option for the installation of a treehouse, the other trees on the property are located on the property line.

Mr. Easterling reviewed Application 14-19. Mr. Barath was present, and stated that he wants to build a top over the current sandbox that is in front of the tree. He added that he did not understand that he has two front yards. Mr. Vela stated that this treehouse will not really change the line of sight. Mr. Barath said that the treehouse will be five (5) feet wide, and completely open, but hidden as much as possible with the tree foliage. Brian McMahon, 542 Tonbridge, added that he objects to the unseen, and that he is concerned with the impact of value to the neighboring homes in the next five or more years. Mr. Easterling confirmed that the Board is here to decide on the variance with regards to the location of the treehouse. Mr. Vela asked about an HOA, and Mr. Barath stated that it has not been in existence since 1994. Mr. Duricek asked how far the treehouse will be off of the sidewalk, and Mr. Barath said that it will be fifteen (15) feet from the first stilt. Mr. Vela clarified that they are reviewing the structure due to its proposed placement in the front yard.

Ms. Decker moved to approve Application 14-19, and finding B, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (3). Nays: (0).

There being no further business, the meeting adjourned at 6:12 p.m.

Respectfully submitted,

Heather Alfaro