

BOARD OF ZONING APPEALS

MAY 13, 2013

The meeting was called to order at 5:30 p.m. by Chairperson Becky Williams. Board members present were: John Brown, Jason Decker, Jonathan Smith, and Becky Williams (4). Eric Nicely was absent (1). Also present was Deputy Planning and Zoning Administrator Brody Walters.

Mr. Smith moved to approve the minutes of the April 15, 2013 meeting as written. Mr. Decker seconded and they were unanimously approved.

ZONING EXCEPTION, 10-13 – Todd Friesner requests one (1) zoning exception to permit the construction of a single-family residence within the required front yard setback. The subject property is located at 12242 Jefferson Street and is zoned R-4 (Single-Family Residential). The exception would permit the applicant to construct a residence within 20' of the front property line along Waters Edge Drive.

NOTE: *1230.01 Intensity and Dimensional Standards*

R-4 Zoning:

Front Yard = 35'
Rear Yard = 30'
Side Yard Min = 6'
Side Yard Total = 16'
Min. Dwelling Size = 1,100 S.F.

1. The applicant is requesting a zoning exception to permit the construction of a residence 20' from the front property line along Waters Edge Drive, 15' closer than would otherwise be permitted.

Recommendation:

1. The Planning and Zoning staff recommends approval of the applicant's request. It is believed that the spirit and intent of the front yard setback requirement would be preserved despite the 15' setback reduction. This is a uniquely situation property that happens to be the last residential parcel of a subdivision that is surrounded by Planned Business Park zoning/uses. No negative impacts are foreseen in regards to this request.

Mr. Walters reviewed the above zoning exception. Mr. Brown clarified that the reduced setback would be along Waters Edge only and that Jefferson would still maintain the required setback. Ms. Williams asked about the picture of 852 Wood Sorrel. Mr. Friesner said that was included to show the design.

Mr. Decker moved to approve Zoning Exception 10-13 as submitted. Mr. Smith seconded, and it was unanimously approved.

ZONING VARIANCE, 11-13 – Kelly and Robert Berger request one (1) zoning variance to permit the construction of a driveway expansion within 5' of the side property line. The subject property is located at 26378 Fort Meigs Road and is zoned R-3 (Single-Family Residential). The exception would permit the applicant to construct a driveway along the southern side property line.

NOTE: *1230.02 Provisions Governing Interpretation and Application of Yard Requirements.*

(g): Driveways. In all Residential Districts, driveways shall be a minimum of five (5) feet from the side and rear property lines. All driveways shall be improved with a concrete, asphalt, driveway paver or similar impervious and dustless surface.

NOTE: *1250.02 General Parking Requirements.*

(l): The aggregate area of the driveway or defined parking area shall not exceed thirty-five percent (35%) of the front yard.

1. The applicant is requesting a zoning variance to permit the construction of a residential driveway up to the property line on the south side of the property. This is 100% relief from the otherwise required 5' setback.

Recommendation:

1. The Planning and Zoning staff recommends approval of the applicant's request. The subject property is the last residential parcel along Ft. Meigs Road before Rotary Park and the detention pond. There are no current or future neighbors to be impacted from the reduced setback, but care should be given as not to encroach beyond the property line during excavation or installation. Based on the variance criteria of Chapter 1275.02(c)(3) it is believed that criteria B, C, D and G would be satisfied.

Mr. Walters reviewed Zoning Variance 11-13. Mr. Berger stated that when they purchased the property, the real estate agent told them they could extend the driveway all the way to the property line. He said they have a camper that they use often during the summer and would like to keep it in the driveway. Also, they did not realize how busy Fort Meigs Road is and the additional driveway area would allow them to turn around and not have to back out onto Fort Meigs Road. Mr. Berger added that because there is no parking on Fort Meigs, it will allow more guests to park in their driveway. Mr. Walters noted that the current driveway and the proposed expansion are approaching the 35% limit, but are less than 35% of the front yard.

Ms. Williams said she spoke to the Engineering Division regarding the detention pond, and they said they can access it from the back. She said that she has concerns with the driveway encroaching past the property line, so she would recommend that a survey be required. The Board reviewed the variance criteria of Chapter 1275.02(c)(3) finding B, C, D, and E to be true. Mr. Smith moved to approve Zoning Variance 11-13 with the condition that the property owner have a survey completed prior to a permit being issued. Mr. Decker seconded, and it was unanimously approved.

There being no further business, Mr. Brown moved to adjourn at 5:48 p.m. Mr. Smith seconded and the meeting was adjourned.

Respectfully submitted,

Mary Jo Sutton