

BOARD OF ZONING APPEALS

April 21, 2022

The meeting was called to order at 5:31 p.m. by Chairperson Niki Decker. Board members present were Niki Decker, Nathan Duricek, and Megan Wolfinger (3). Scott Anderson and Brian Elmer were absent (2). Also present was Cody Grodi, Zoning Inspector.

APPROVAL OF MINUTES

Ms. Wolfinger moved to approve the minutes of the March 14, 2022 meeting as written. Seconded by Mr. Duricek. Ayes: (3). Nays: (0).

Ms. Decker administered an oath to those that would be speaking at the meeting.

APPLICATION 10-22 – Christopher and Cynthia Lipinski are requesting a zoning variance in order to install a fence. The property is located at 191 Birchcrest Drive and is zoned R-3 (Single Family Residential).

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

R1 - R5 Zoning: 4' Maximum in Front Yard
4' Maximum in Side Yard
6' Maximum in Rear Yard

1. The applicant is requesting a zoning variance that would allow for a six (6) foot fence to be installed in the front yard.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Chapter 1275.02(c)(3). The six (6) foot fence will replace an existing four (4) foot fence. The property is a corner lot and has two front yards.

Mr. Grodi reviewed Application 10-22, and clarified that setback variances for swimming pools do not exist. Cynthia Lipinski was present, and added that they are also proposing to replace a portion of their existing four (4) foot fence with six (6) foot fencing.

Vince Roberts, 196 Birchcrest Drive, was present and passed out exhibits to the Board to show why he is not in favor of the variance request due to the character of the neighborhood and the safety with the increased height of the fence. Mr. Grodi clarified that the six (6) foot portion is only proposed along Birchcrest Drive. Ms. Lipinski said that her next door neighbor at 183 Birchcrest Drive does not have any problems with the proposed six (6) foot fence. The Board continued to discuss the change in height of the proposed fence, and Mr. Duricek said that he is not a fan of the six (6) foot fence extending to the sidewalk. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to deny Application 10-22 as submitted, due to not being able to find four supporting criteria of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (3). Nays: (0).

APPLICATION 11-22 – Sarah Smith is requesting a zoning exception in order to keep an existing addition. The property is located at 3349 Chasenwood Way 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 an exception to keep a recently installed open air porch that is built within the rear yard setback. The structure is thirty-four (34) feet from the rear property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning exception. The structure does not pose any foreseeable issues. The structure meets all other setback requirements.

Mr. Grodi reviewed Application 11-22. Sarah Smith was present via the AT Teleconference System, and added that her original contractor failed to pull the correct permit. Mr. Grodi noted that after the work had been completed and was inspected by the Planning & Zoning Division that it was determined that the open-air addition/structure was attached to the house, which has different setbacks than a pergola. Neighbors at 121 Valley Hall (Chadwick Walasinski) and 115 Valley Hall (Vance & Regina Butler) stated that they were in favor of the variance exception. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve the zoning exception for Application 11-22 as submitted. Seconded by Ms. Wolfinger. Ayes: (3). Nays: (0).

APPLICATION 12-22 – Tim Quilter is requesting a zoning exception in order to keep an existing addition. The property is located at 444 E. Fifth 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 an exception to keep a recently installed addition that is built within the rear yard setback. The structure is thirty-two (32) feet from the rear property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning exception. The structure does not pose any foreseeable issues. The structure meets all other setback requirements.

Mr. Grodi reviewed Application 12-22. Tim Quilter was present, and shared nearby properties with the Board that have similar situations at their properties with setbacks close to the alley. Mr. Duricek asked if the BZA had reviewed this application before and Mr. Grodi noted that it is a different configuration than what was previously approved. Carol Coffman at 440 E. Fifth Street, Mary Van Dyke at 439 E. Fifth Street, and Reed Lawless at 514 Hickory, said that they were in favor of the zoning exception. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve to approve the zoning exception for Application 12-22 as submitted. Seconded by Mr. Duricek. Ayes: (3). Nays: (0).

APPLICATION 13-22 – Farooq and Grace Afridi are requesting a zoning variance to install a garage. The property is located at 102 Walnut Street and is zoned R-3 (Single Family Residential).

NOTE: *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 variance that would allow for 8% of the lot size in accessory structures. The property owner would demolish an existing garage and construct a new garage that is eight hundred and seventy-one (871) square feet. The lot size is ten thousand eight hundred and ninety (10,890) square feet, which would allow, by Code, five hundred forty-four (544) square feet of accessory structures.

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). The garage will allow for more off street parking. The variance will allow for the current deteriorating garage to be upgraded.

Mr. Grodi reviewed Application 13-22. Aaron McCoy, McCoy Builders, was present on behalf of the application. He added that the current garage is deteriorating, and that the Afridi's would like to demolish the existing garage and rebuild it adding a third-bay so that they can utilize more space. Mr. McCoy said that the new garage will match the house, and that two of the bays will match the existing footprint. He said that the garage doors will face the alley. Mr. Duricek confirmed that this request is for eight (8) percent of the lot size. Mr. McCoy noted that there are a few nearby properties that have detached garages that are

between 700 SF and 1,000 SF. Ms. Decker confirmed that neighboring comments had not been received. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve Application 13-22 as submitted, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (3). Nays: (0).

APPLICATION 14-22 – Charles and Rhonda Grimm are requesting two new zoning variances to install a swimming pool and a fence. The property is located at 28210 Simmons Road and is zoned R-1 (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.

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

R1 - R5 Zoning: 4' Maximum in Front Yard
4' Maximum in Side Yard
6' Maximum in Rear Yard

1. The applicant is requesting a variance to install an in-ground swimming pool that will be located in the side yard.
2. The applicant is requesting a variance to install a six (6) foot fence in the side yard, beyond the midpoint of the house.

Recommendation:

1. The Zoning Inspector recommends denial of the variance. The variance request does not meet enough of the factors needed for a variance. The lot has ample room to allow for a pool to remain in the rear yard.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Chapter 1275.02(c)(3). The fence sits one hundred and thirty-five (135) feet off of the road.

Mr. Grodi reviewed Application 14-22. Charles and Rhonda Grimm were present, and distributed pictures to the Board showing that almost all of their yard is in the front. There was a brief discussion about the fence, and Ms. Grimm said that it will be ten (10) to twenty (20) feet in front of the garage for privacy for the pool. Neighboring property owner, Steve Green, with Mecca Management said that he is in support of the variances. There were no further questions or concerns from the Board, nor the public.

Mr. Duricek moved to approve variances #1 and #2 of Application 14-22 as submitted, and finding C, D, F, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Wolfinger. Ayes: (3). Nays: (0).

OTHER BUSINESS

There being no further business, the meeting adjourned at 6:43 p.m.

Respectfully submitted,

Heather Alfaro