

BOARD OF ZONING APPEALS

April 12, 2021

The meeting was called to order at 5:30 p.m. by Chairperson Rob Vela. Board members present were Niki Decker, Nathan Duricek, Rob Vela, and Megan Wolfinger (4). Brian Elmer was absent (1). Also present were Mark Easterling, Deputy Planning and Zoning Administrator, and Cody Grodi, Zoning Inspector.

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

APPLICATION 08-21 – Amy Scully is requesting a zoning variance to install a garage. The property is located at 529 E. Second 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 applicant is requesting a variance that would allow for 7.4% of the lot size in accessory structures. The property owner would demolish the existing garage and construct a new garage that is five hundred twenty (520) square feet. The lot size is seven thousand thirty-nine (7039) square feet, which would allow, by Code, three hundred fifty-one (351) square feet of accessory structures.

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 lot is very narrow limiting the size of accessory structures permitted. The new garage will be replacing a dilapidated garage that is non-conforming due to the closeness to the property line. The new garage will meet the required setbacks.

Mr. Grodi reviewed Application 08-21. Amy Scully was present, and noted that three of her neighbors have approved her proposal. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve Application 08-21, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

APPLICATION 09-21 – Todd Rehberg is requesting a zoning variance to keep a newly constructed pergola. The property is located at 651 Bridgeview Drive 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.*

1. The applicant is requesting a zoning variance to allow for a pergola to remain in the rear yard. The proposed pergola will have a setback of three and a half (3 1/2) feet from the side property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and F of Chapter 1275.02(c)(3). The pergola is located in a rear yard with a privacy fence. The setback of the pergola still allows for maintenance around the new structure.

Mr. Grodi reviewed Application 09-21. Todd Rehberg was present and added that two years ago Riddle Services installed his patio and outdoor bar area incorrectly. He said that he recently installed the pergola without knowledge that the pillars were too close to the property line, and without the understanding that the structure of the roof affects the setback. Mr. Grodi referenced a letter that was received from neighboring property owner Donna Kaminski, 633 Bridgeview, stating that she was not in favor of the variance. Mr. Grodi added that the neighbor at 617 Bridgeview also called in to express their concern for the structure, stating that it's out-of-scale, imposing, obtrusive, and that the roof is highly reflective and glaring. He noted that another concern from a nearby neighbor on Bridgeview also said that the structure is an eyesore, intrusive, and that they would not want to live next door. Ms. Decker asked about the complaints related to the height of the structure, and Mr. Grodi confirmed that it's the roofline setback that is an issue. Rear neighbor Edward Marks, 595 Ballybay Court, read a prepared letter not in favor of the structure noting that it's out of character for the neighborhood, and that it should be altered to be less obtrusive. Mr. Easterling confirmed that the Board nor the Planning and Zoning Division are able to regulate the aesthetics of the structure, and noted that the Board will decide whether the structure is allowed to remain within the five (5) foot setback from the side property line. Mr. Vela noted that residents are not required to speak with their neighbors prior to installation of new structures. He confirmed that Mr. Rehberg was unaware that the bar was installed too close to the property line, and Mr. Rehberg added that he had to cut a hole into the granite. Mr. Rehberg added that there is a nearby neighbor with a similar structure, and that he had installed the cement footers three (3) feet into the ground. Mr. Vela confirmed that the variance request is based on the location of the pergola being six (6) inches over the required five (5) foot setback. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve Application 09-21, and finding B, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 10-21 – Liz and Luke Batman are requesting two zoning variances to allow for a driveway to be installed. The property is located 326 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 applicants are requesting a variance that would allow for the driveway to extend forty-four (44) feet in width along the alley.

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 denial of the variance, as the request does not meet enough of the conditions required to grant a variance. To allow for more off street parking our office would recommend that the property owners extend the length of the current parking area, instead of widening it. This recommendation would eliminate the need for the second variance request.
2. No recommendation provided.

Mr. Grodi reviewed Application 10-21. Luke Batman was present and handed out additional information to the Board with their proposed request. He added that they would like to extend the width of the existing asphalt cut-out to fit a vehicle and install a gate for additional parking as needed. Mr. Batman referenced Mr. Grodi's recommendation and said that they cannot extend the length of the current driveway due to an existing tree that blocks the space. Mr. Batman referenced a letter that was included in their application from their western next door neighbor at 330 W. Front Street in favor of their variance request. Ms. Wolfinger asked about the status of the current parking area, and Mr. Grodi noted that it is currently "existing non-conforming" as the flare out is twenty-seven (27) feet wide. He added that the driveway will need to come into conformance at twenty-four (24) feet wide once the driveway is altered. Mr. Batman said that the flare would be cut and remain the five (5) feet wide as noted in the new drawing that Mr. Batman provided to the Board. Mr. Batman clarified that the width of five (5) feet will be the approach to access the patio. Ms. Wolfinger asked if there is an issue with creating another access point, and Mr. Grodi stated that it would be another variance as there is not a driveway along Front Street. There were no further questions or concerns from the Board, nor the public.

Mr. Duricek moved to approve variance #1 and #2 of Application 10-21, and finding C, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: Duricek, Vela, and Wolfinger (3). Nays: (0). Abstain: Decker (1).

APPLICATION 11-21 – Herbert Allen is requesting a zoning variance to install a shed. The property is located at 720 Hickory Street and is zoned R-3 (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 shed that will be located in the front yard.

Recommendation:

1. The Zoning Inspector recommends denial of the variance, as the request does not meet enough of the conditions required to grant a variance. There are no physical limitations

that would prevent the shed from being placed in the determined rear yard. The shed will be highly visible as the proposed location is along Sandusky Street.

Mr. Grodi reviewed Application 11-21. Herbert Allen was present and passed out new pictures to the Board, and added that this is the first phase of a multi-phase project. He said that he needs the shed to construct the addition in order to meet the setbacks for the rear yard, and added that it will look more like an accessory structure. Mr. Grodi confirmed that the concrete pad is existing, and Mr. Allen said that it meets the five (5) foot setback from the property line. There was a brief discussion about the existing fence. Mr. Vela asked Mr. Grodi about his recommendation, and Mr. Grodi stated that he was unaware of the future phases of the scope of the project. Mr. Allen said that the current garage will be demolished, and that the intent of the shed is a dual purpose – (1) for storage, and (2) future pool house. Mr. Vela asked if any comments had been received from nearby neighbors, and Mr. Grodi confirmed that none had been received. Mr. Easterling noted that the Board is allowed to put conditions on the approval. There were no further questions or concerns from the Board, nor the public.

Mr. Duricek moved to grant conditional approval for Application 11-21 provided that the applicant install an arborvitae screen along State Route 20/Sandusky Street to buffer the impact of the shed from the street view, and finding C, D, F, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

APPLICATION 12-21 – Pete Huffman is requesting a zoning variance that would allow for a six (6) foot fence to be installed in the side yard. The property is located at 600 Louisiana Avenue 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 side yard, past the midpoint of the structure. The privacy fence will line up with the front of the house.

Recommendation:

1. The Zoning Inspector recommends denial of the variance, as the request does not meet enough of the conditions required to grant a variance. There are no physical limitations that would prevent the privacy fence from being installed at the midpoint of the house. A four (4) foot fence would be allowed to be installed past the mid-point of that house. The four (4) foot fence could also be privacy to block views of Louisiana Avenue.

Mr. Grodi reviewed Application 12-21. The applicant was not present. Mr. Vela referenced the drawing from the application, and confirmed that the dark green line along “F” that is parallel with Louisiana Avenue is the variance request. Mr. Grodi stated that the house sits close to Louisiana Avenue, and Mr. Easterling added that he had received a phone call from a neighboring property owner that was concerned with how much fencing was going to be used.

There was a brief discussion about the option of a four (4) foot fence along Louisiana Avenue. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to deny Application 12-21. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

There being no further business, the meeting adjourned at 6:29 p.m.

Respectfully submitted,

Heather Alfaro