

BOARD OF ZONING APPEALS

APRIL 8, 2019

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

APPROVAL OF MINUTES

Mr. Vela moved to approve the minutes of the March 11, 2019 meeting as written. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

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

APPLICATION 07-19 – David Brooks is requesting a zoning variance to install a shed in the front yard. The property is located at 137 Carolin Court 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, along Findlay Street. This property is located on a corner and thus has street frontage on Findlay Street and Carolin Court.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance. The request does not meet enough of the conditions required to grant a variance. The property will still have beneficial use, as the shed will be allowed to remain where it currently stands. There are also other locations within the rear yard where the shed could be relocated. The variance is substantial as the shed would be located along a collector street, with many residential properties nearby. The characteristic of the neighborhood would be altered as the shed would be located farther into the front yard than the residential structures along Findlay Street.

Mr. Grodi reviewed Application 07-19. Mr. Brooks was present, and added that he would like to move his shed along Findlay Street due to the ongoing vehicular traffic along Mulberry, and due to the limited rear yard behind his house. He stated that where the shed now sits in the rear is close to the neighboring property. Mr. Elmer confirmed that Mr. Brooks would like to move the shed, and Mr. Brooks added that he would like to tuck the shed into the proposed location along Findlay Street to deflect the noise and traffic. Mr. Vela asked if there had been any comments received from the neighbors, and Mr. Grodi stated that a neighboring property owner was concerned with the sight line of moving the shed, and that he was not in agreement of moving the shed. Bill

Michelson, 818 Mulberry Street, asked questions about the location, and added that he does not agree with the proposed location. Mr. Decker asked if the vehicular traffic and noise could be blocked with landscaping, and Mr. Brooks agreed. Mr. Decker added that in this instance not enough of the criteria are met to grant the variance. There were no further questions from the board, nor the public.

Mr. Decker moved to deny Application 07-19. Seconded by Mr. Elmer. Ayes: (4).
Nays: (0).

APPLICATION 08-19 – Elias Cash is requesting a zoning variance to reduce the side yard setback in order to construct an addition. The property is located at 617 West Boundary Street and is zoned R5 (Two Family Residential).

NOTE: Chapter 1230.01 Intensity and Dimensional Standards

R5 Zoning:

Front Yard = 25'

Rear Yard = 30'

Side Yard Min = 6'

Side Yard Total = 16'

1. The applicant is requesting a zoning variance to construct an addition. The proposed addition would be two (2) feet from the side property line.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance. The request does not meet enough of the conditions required to grant a variance. The distance from the property line to the proposed addition will not provide enough room for maintenance without infringing onto the neighboring property. Although some of the houses within this block may be closer to the property line than six feet, none of the homes come as close to the property line as two (2) feet. The lot width may not be as wide as the current lot width requirements, however there are other alternatives that would still allow for the construction of an addition. Reducing the size of the addition on the side of the house or relocating the addition into the rear yard would still give the property owner beneficial use of the property.

Mr. Grodi reviewed Application 08-19. Mr. Cash was present, and stated that there are existing neighboring additions that are two (2) feet from the property line. He added that he would like to enclose his porch for a three season room, and to serve as a barrier to the train track noise. Mr. Decker confirmed that the concrete pad is already two (2) feet from the property line, and Mr. Cash said that the concrete slab was there upon his purchase of the home. Mr. Vela asked if there had been any comments received by the neighbors, and Mr. Grodi stated that the neighboring dentist office had called and said that they opposed the addition so close to the property line. Mr. Vela noted that he appreciated Mr. Cash's willingness to meet the board in the middle if needed. There were no further questions from the board, nor the public.

Mr. Vela moved to approve Application 08-19 with the condition that the addition be four (4) feet from the side property line, and finding A, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

APPLICATION 09-19 – Mark Long is requesting a zoning exception to keep an existing shed closer to the side property line than the required five feet. The property is located at 129 Birchdale Road and is zoned R-4 (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 approval to keep the existing accessory structure within the side property five (5) foot setback. The structure is located three (3) feet from the side property line.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning exception. The placement of the shed can be resolved through another method other than a variance. Denial of the variance will still allow the homeowner to place the shed elsewhere on the property within the zoning regulations.

Mr. Grodi reviewed Application 09-19. Mr. Long was present, and stated that there is a flooding issue in his rear yard causing his previous shed to sink to the ground. He added that the house two houses down has a large garage in the rear yard that is causing the flooding, and so he needed to keep his new shed away from the flooding. Mr. Long said that he has plenty of room to mow around the shed, despite it being three (3) feet off of the property line, and that he does not want to move it any further out from the side property line due to the electrical line that runs underground. Mr. Easterling confirmed that there is no dedicated easement. Mr. Decker suggested that Mr. Long move the pavers two (2) feet from the rear, to two (2) feet to the front of the shed, thus solving the problem of being too close to the property line. There was a brief discussion about the drainage problem, and the structure in the easement nearby. Mr. Vela asked if there had been any comments received from the neighbors, and Mr. Grodi stated that none were received.

Mr. Decker moved to deny Application 09-19. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

APPLICATION 10-19 – Mark Schrock is requesting a zoning variance that would allow for the installation of a six (6) foot fence in the side yard. The property is located at 710 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 variance that would allow for them to install a six (6) foot fence past the midpoint of the house.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, F of Chapter 1275.02(c)(3). Due to the orientation of the house and this being a corner lot, the back of the house is located in the side yard. Without a variance the homeowner would not be able to run the fence along the back side of the house.

Mr. Grodi reviewed Application 10-19. Mr. Schrock was present. There was a brief discussion about side yard and rear yard setbacks, and Mr. Easterling confirmed that Mr. Schrock is asking for a variance for half of the fence towards Seventh Street. Mr. Vela asked if any comments were received from the neighbors, and Mr. Grodi stated that two neighboring properties across the street from Mr. Schrock called to state their concerns. Barbara Yeager, 114 W. Seventh Street, added that she lives directly behind Mr. Schrock, and wanted to confirm that the fence will not project out to the sidewalk. Mr. Elmer asked about the type of fence, and Mr. Schrock added that it will be a six (6) foot vinyl fence with landscaping around it.

Mr. Decker moved to approve Application 10-19, and finding B, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

There being no further business, the meeting adjourned at 5:57 p.m.

Respectfully submitted,

Heather Alfaro