

BOARD OF ZONING APPEALS

MARCH 10, 2014

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

Mr. Smith moved to approve the minutes of the January 13, 2014 meeting as written. Mr. Nicely seconded and the minutes were approved 4-0. Ayes: Brown, Nicely, Smith, Williams (4). Abstain: Decker (1).

ZONING EXCEPTION, 02-14 – Tyrone Mitchell and Ralph Slaske (Slaske Building Company) request one (1) zoning exception to permit the construction of a new residence. The subject property is a corner lot located at 4598 Turtle Creek Drive and is zoned R1 (Single Family Residential). The requested exception would permit the applicant to construct a residence within the required 50' setback from the front property line (High Meadow Lane side).

NOTE: *1230.01 Intensity and Dimensional Standards*

R-1 Zoning:

Front Yard = 50'
Rear Yard = 60'
Side Yard Min = 10'
Side Yard Total = 25'
Min. Dwelling Size = 1,800 SF

1. The applicant is requesting a zoning exception to reduce the required front yard setback. The exception would permit the front yard along High Meadow Lane to be 45.08', rather than the normally required 50'.

Recommendation:

1. The Planning and Zoning Administrator recommends approval of the zoning exception. The distance requested is insignificant to the overall plot plan and a majority of the home does comply with the normal setback of 50'. According to the plan only 29.89' of the 76.25' side requires the requested relief due to the indentation created by the entrance boulevard.

Mr. Walters reviewed the application for Zoning Exception 2-14. Ralph Slaske of Slaske Building Company was present to represent the applicant. Mr. Smith moved to approve Zoning Exception 2-14 as submitted. Mr. Nicely seconded, and it was unanimously approved.

ZONING EXCEPTION, 03-14 – Steven Speranza (Tolson Enterprises) requests one (1) zoning exception and one (1) zoning variance to permit the construction of a dual retail center on the northeast corner of Eckel Junction Road and SR25. The subject property is located at 26520 N. Dixie Highway and is zoned C4 (Highway Commercial). These areas of relief would permit the applicant to construct a building within the required side setback and provide parking in the required front yard.

NOTE: *1230.01 Intensity and Dimensional Standards*

C-4 Zoning:

Front Yard = 50'
Rear Yard = 30'
Side Yard Min = 10'
Side Yard Total = 20'

NOTE: *1230.02(i) Provisions governing interpretation and application of yard requirements*

No accessory use of structure, off-street parking facility or material or equipment storage shall be located in the required front yard without the approval of the Board of Zoning Appeals.

1. The applicant is requesting a zoning exception to reduce the required side yard setback from 10' to 5'. The exception would permit the north edge of the building to be 5' from the northern property line rather than the required 10'.
2. The applicant is requesting a zoning variance to allow 24 (wholly or partially), parking spaces to be installed in the required front yard. Permission is typically dependent upon the use of appropriate landscaping/screening.

Recommendation:

1. The Planning and Zoning Administrator recommends approval of the zoning exception. The reduced setback applies to approximately one half of the building and this property owner also owns the property to the north. The remaining 5' setback still allows for required landscape and this site layout provides very desirable parking lot navigability on the building's south side.
2. The Planning and Zoning Administrator recommends approval of the zoning variance. This property is within the SR25 Corridor Overlay and will be required to provide a screen wall along the SR25 frontage along with required landscaping and street trees. As for the area along Eckel Junction Road, this area is large enough to accommodate street trees and screening/landscaping which can be prescribed by the BZA and reviewed as part of the final site plan. (Ch. 1275.02(c)(3) – B, C, D, F and G were found to be true).

Mr. Walters reviewed the application for Zoning Exception 3-14. Aaron Wiens of Tolson Enterprises was present to represent the applicant. The Board discussed the

improvements to be made to the intersection of Eckel Junction Road and SR 25 and the effects of those improvements on this property. Ms. Williams asked about plans for landscaping on the Eckel Junction Road side. She said she would like to see a hedge row if there is space available. Mr. Smith moved to approve the zoning exception in Application 3-14. Mr. Decker seconded and it was unanimously approved. Mr. Smith moved to approve the zoning variance in Application 3-14 based on finding B, C, D, F and G of Chapter 1275.02(c)(3) to be true with the added requirement of appropriate landscaping on the Eckel Junction Road side which will be reviewed by the Planning Commission as part of the Final Site Plan. Mr. Brown seconded and it was unanimously approved.

There being no further business, the meeting adjourned at 5:50 p.m.

Respectfully submitted,

Mary Jo Sutton