

BOARD OF ZONING APPEALS

February 14, 2022

The meeting was called to order at 5:32 p.m. by Niki Decker. Board members present were Scott Anderson, Niki Decker, Nathan Duricek, Brian Elmer, and Megan Wolfinger (5). Also present was Cody Grodi, Zoning Inspector.

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Mr. Elmer nominated Ms. Decker to be Chairperson. Seconded by Mr. Duricek. Ayes: (5). Nays: (0).

Ms. Decker nominated Mr. Duricek to be Vice-Chairperson. Seconded by Ms. Wolfinger. Ayes: (5). Nays: (0). Abstain:

APPROVAL OF MINUTES

Mr. Duricek moved to approve the minutes of the January 10, 2022 meeting as written. Seconded by Mr. Elmer. Ayes: Anderson, Duricek, Elmer, and Wolfinger (4). Nays: (0). Abstain: Decker (1).

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

APPLICATION 03-22 – Aaron Allen is requesting a zoning variance in order to keep a recently installed fence. The property is located at 132 W. Seventh Street 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 four (4) feet in front of the midpoint of the side 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 owner installed the fence in this location because it lines up with the neighbor's privacy fence.

Mr. Grodi reviewed Application 03-22. Aaron Allen was present, and said that he removed four (4) feet of dilapidated vinyl fence and two dying trees. He noted that the new fence is four (4) feet off from the midpoint of the house, and Mr. Duricek confirmed that the height of the new fence at six (6) feet is a part of the problem. Mr. Grodi stated that comments from neighbors had not been received. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Application 03-22 as submitted, and finding C, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (5). Nays: (0).

APPLICATION 04-22 – Richard Schurfeld is requesting two zoning variances in order to construct an addition. The property is located at 207 W. Front 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 a zoning variance to construct an addition on the west side of the house. The addition will be set back one (1) foot off of the side property line.
2. The applicant is requesting a zoning variance to construct an addition on the west side of the house. The addition will be set back seven and a half (7 ½) feet off of the front property line.

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 property owner has considered other options that would not require a variance. However, due to the house placement on the lot, the other options are not feasible. The neighboring property is a park and there are no structures located near the proposed addition.
2. 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 property owner has considered other options that would not require a variance. However, due to the house placement on the lot, the other options are not feasible. The addition will be located behind the front of the house.

Mr. Grodi reviewed Application 04-22. Richard Schurfeld was present, and added that he is working on updating his home and that it currently needs a significant amount of retaining wall work. He said that his variance request will help him to create a larger closet in the master bedroom, and that the addition will extend west towards Riverside Park. Mr. Schurfeld said that he intends to incorporate a historical opinion going forward while he updates the house. Mr. Grodi confirmed that comments from neighbors had not been received. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve Variance #1 of Application 04-22 as submitted, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (5). Nays: (0).

Mr. Elmer moved to approve Variance #2 of Application 04-22 as submitted, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

APPLICATION 05-22 – Schuetz Container Systems Inc. is requesting a zoning variance in order to install temporary signage. The property is located at 2105 S. Wilkinson Way and is zoned I-2 (General Industrial).

NOTE: *Chapter 1250.33(a) Temporary Signs*
Within Non-Residential Districts:
Maximum Size
Wall or Freestanding: 48 Square Feet (Total)

1. The applicant is requesting a variance to install five signs that are each forty-eight (48) square feet, for a total of two hundred forty (240) square feet.

Recommendation:

1. No recommendation provided.

Mr. Grodi reviewed Application 05-22. Randall Hall, Schuetz Container, was present and added that the signage is currently installed and needed as they are struggling with finding workforce. There was a brief discussion about temporary signage within the code. There were no further questions or concerns from the Board, nor the public.

Mr. Anderson moved to approve Application 05-22 as submitted, and finding B, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Wolfinger. Ayes: (5). Nays: (0).

APPLICATION 06-22 – PMBA Architects, on behalf of ProMedica, is requesting a zoning variance in order to install a parking lot. The property is located at 25970 N. Dixie Highway and is zoned I-1 (Light Industrial).

NOTE: *Chapter 1230.02(g) Provisions Governing Interpretation and Application of Yard Requirements*
Accessory Uses; Off-Street Parking; Material Storage in Front Yard.
No accessory use or 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 variance to install a parking lot in the front yard of the property.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, C, D, and E of Chapter 1275.02(c)(3). The property owners will be improving the current parking lot that exists in the front yard.

Mr. Grodi reviewed Application 06-22. Craig Pickerel, PMBA Architects, was present on behalf of ProMedica via AT Teleconference System. He added that the parking lot exists on a non-conforming site and said that they will be making minor improvements to the lot. Mr. Grodi noted the retaining wall along SR-25, and Mr. Pickerel added that the location falls within the Corridor Overlay, and that ProMedica will screen a portion of the parking lot along the western portion of the building, and that the screen will end before the gas line

easement on the property. Mr. Grodi confirmed that comments from neighbors had not been received. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve Application 06-22 as submitted, and finding A, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Anderson. Ayes: (5). Nays: (0).

APPLICATION 07-22 – Matt Temby is requesting an administrative appeal concerning the interpretation and application of Chapter 1250.35(b) pertaining to prohibited signs. The property is located at 117 E. Second Street and is zoned C-2 (Central Business).

NOTE: Chapter 1250.35(b): All signs not expressly permitted by this Code shall be prohibited. Such signs include but are not limited to the following: Flashing, moving, inflatable, blinker, racer type, intermittent, rotating, moving or revolving signs, whirligig devices, tethered inflatable signs, pennants, **non-governmental flags**, ribbons, streamers, spinners, and other similar types of attention getting devices.

Chapter 1250.30(j): Sign: Any words, numerals, figures, devices, designs, pictures or trademarks, painted upon or otherwise affixed to a building, wall, board, plate or any other structure for the purpose of making anything known. The definition of a sign shall not include the following:

- Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises;
- Flags and insignia of any government.
- Legal notices, identification information or directional signs erected by governmental bodies

1. The applicant is requesting an administrative appeal for the denial of installing a flag sign on the property. The Planning and Zoning Division has determined that the flag would be deemed a prohibited sign type and thus would not be allowed to be located on the property.

Recommendation:

1. No recommendation provided.

Mr. Grodi reviewed Application 07-22. Matt Temby, Vault Health & Fitness, was present and shared why their flag is important to the location and history of their building, and noted that there are other flag signs within City limits. Mr. Grodi noted that the sign code refers to commercial properties, and there was a brief discussion about the length of time that the flag has been installed. Mr. Elmer said that he understands the case and added that it is problematic with the code language which needs to be cleaned up. Mr. Duricek said that he has to recuse himself from the vote on this appeal. Mr. Grodi clarified the difference between an administrative appeal versus a variance before the Board of Zoning Appeals. Mr. Temby said that he is looking for a resolution that allows him to keep the flag as previously installed. Ms. Decker clarified that the BZA's review of this appeal is based on their interpretation of the code, and Ms. Wolfinger noted that there is some confusion in the code language between Chapter 1250.35(b) and Chapter 1250.30(j). Ms. Wolfinger added that this language needs to be rectified as there is a contradiction in the language. Mr. Duricek

referenced Chapter 1250.29 related to sign regulations, and whether or not the flag is even a sign. There were no further questions or concerns from the Board, nor the public.

Mr. Anderson moved to approve the administrative appeal concerning the interpretation and application of Chapter 1250.35(b) pertaining to prohibited signs of Application 07-22 at 117 E. Second Street. Seconded by Ms. Wolfinger. Ayes: Anderson, Elmer, and Wolfinger (3). Nays: Decker (1). Abstain: Duricek (1).

OTHER BUSINESS

There being no further business, the meeting adjourned at 6:19 p.m.

Respectfully submitted,

Heather Alfaro