

BOARD OF ZONING APPEALS

FEBRUARY 13, 2017

The meeting was called to order at 5:30 p.m. by Chairman Craig Pickerel. Board members present were Greg Bade, Niki Decker, Craig Pickerel and Rob Vela (4). Jason Decker was absent (1). Also present was Mark Easterling, Deputy Planning and Zoning Administrator.

Mr. Pickerel moved to approve the minutes of the January 9, 2017 meeting as written. Mr. Vela seconded. Ayes: (4). Nays: (0).

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

APPLICATION, 3-17 – Jeffrey & Sherry Doecker are requesting one zoning variance to keep the existing landscape screen in their front yard. The property is a corner lot located at 2897 Woods Edge Rd. and is zoned as R-3 (Single Family Residential).

NOTE: 1250.42(a)(3) *The height and location of a fence, wall, structural screen, hedge or screen planting shall conform to the style/dimensional chart.*

NOTE: 1250.42(a)(4) *Fences, walls, structural screens, hedges and screen plantings shall include all structures, shrubs, plantings or trees used to separate, enclose, screen or demarcate a boundary.*

NOTE: 1250.42(a)(5) *Fences, Walls, Structural Screen, Hedges and Screen Plantings: For fencing purposes the side yard shall consist of the area between the front of the house to the midpoint of the side yard. Any portion of yard between the midpoint of the house and the rear façade of the home shall constitute a rear yard for fencing purposes only.*

Zoning District	Front Yard		Side Yard	
	4'	6'	4'	6'
R-1 - R-5	P	Z	P	Z

P = Permitted, Z = Requires BZA Approval

1. The applicants are requesting permission keep the existing Arborvitae bushes in their front yard in which the size and density of the bushes would create a landscape screen.

Recommendation:

1. The Deputy Administrator recommends denial of the variance. While there may be a guarantee of continuous maintenance from the home owner to keep the height to a maximum of six feet, there is no guarantee from future home owners. The current hardship also shows that the problem is self-created and does not meet enough of the conditions needed to grant a variance. (Ch. 1275.02(c)(3) – C, D, E).

Mr. Easterling reviewed Application 3-17. Mr. and Mrs. Doepker were present and they said that they had no intention of breaking any zoning ordinances, and they believed that this was a side yard, not a front yard. Mr. Doepker stated that their deed restrictions read that the landscape has to be staggered, but it has no height limit. He added that they did receive approval from the developer's architectural committee.

Mr. Vela asked if they would be comfortable keeping the landscaping under six feet. Mr. Doepker said that he could do that. Ms. Doepker asked if it is still considered a screen if there is a gap between bushes. Mr. Easterling said that it would be, because the bushes will grow and it will be a visual screen. Mr. Bade said that he is glad that they put the fence back from the sidewalk and he is in agreement that this isn't a full screen; they used landscaping in lieu of a privacy fence to screen the pool which looks much nicer. Ms. Decker said that visually it looks very nice if it can be maintained at the proper height. Mr. Pickerel asked if any comments were received from neighbors. Mr. Easterling said that the Planning and Zoning Division received calls from the owners of 2926 Woods Edge, 2950 Woods Edge and 2914 Woods Edge, and they all said that they love the way it looks.

Mr. Bade moved to approve Application 3-17 as submitted. Ms. Decker seconded. Mr. Vela asked if the landscape would have to be maintained at a maximum of six feet. Mr. Easterling said that it would have to be and that is an enforcement issue. Ayes: (4). Nays: (0).

There being no further business, the meeting adjourned at 5:48 p.m.

Respectfully submitted,

Mary Jo Sutton