

BOARD OF ZONING APPEALS

FEBRUARY 11, 2019

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

APPROVAL OF MINUTES

Mr. Elmer moved to approve the minutes of the January 14, 2018 meeting as written. Seconded by Mr. Decker. Ayes: (4). Nays: (0).

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

APPLICATION 02-19 – Sara Halaoui and Scott Zink are requesting an administrative appeal concerning the interpretation and application of Chapter 1250.51(b)(8), pertaining to the stone driveway that has been installed. The property is located at 816 Louisiana Avenue and is zoned R-3 (Single Family Residential).

NOTE: *Chapter 1275.02(e)(1) Appeals to the Board: Appeals to the Board of Zoning Appeals may be taken after the initial applications to the Zoning Inspector for permit or, where it is apparent that such application would be in vain and useless, appeals may be made by initial applications to the Board. In either event, the procedural provisions of this chapter shall apply and be followed.*

NOTE: *Chapter 1215.02 (62) Definitions: Driveway - Part of the passage located on private property that provides vehicular access as ingress and egress to and from a property fronting on a public or private street and including the apron connecting to the street.*

NOTE: *Chapter 1250.51(b)(8) Curb Cuts and Driveways: All portions of a driveway on private property shall be constructed of concrete, asphalt driveway pavers or similar dustless surface. In those instances where driveway pavers are utilized, a six inch (6") compacted depth of fine grade sand or screenings on top of six inches (6") of #411 stone shall be used for a total of twelve inches (12") of compacted base.*

1. The applicants are requesting an administrative appeal on the interpretation and application of the material used for the installation of the new driveway. The Planning and Zoning Division has determined that a concrete driveway was removed and replaced with a stone driveway, which is a non-conforming material.

Recommendation:

1. No recommendation provided.

Mr. Grodi reviewed Application 02-19. Ms. Halaoui and Mr. Zink were present, and Ms. Halaoui stated that they moved in last year, and she added that they have a unique situation. She explained that she shares a driveway with the neighboring property at 806 Louisiana Avenue, and stated that her concrete pad was old, in bad shape, and was causing issues with functionality. Ms. Halaoui said that there were safety issues between her portion of the driveway, and the neighboring property which consists of legal non-conforming gravel. She stated that she had the concrete removed, and replaced with gravel, and that she was not aware of the zoning violation until she received a letter from Mr. Grodi. Ms. Halaoui added that the professionals are not recommending that concrete be re-installed. Mr. Decker confirmed that the board is present to vote on the interpretation of the code as it applies to Ms. Halaoui's application. Ms. Halaoui stated that in her opinion the code does not apply to her situation. Mr. Elmer asked about the contractor that performed the work, and Ms. Halaoui stated that the contractor told them that there was no permit required. Richard Watza, 806 Louisiana Avenue, gave his observation as the neighboring property to Ms. Halaoui, stating that there was flooding in the past, as well as a four (4) inch difference in height between the two driveways. He noted since the stone base has been installed that it holds the water, that there hasn't been any flooding, and that it negates the previous safety issue. Mr. Grodi confirmed that the board's position on this application is the interpretation of the code as it applies to Ms. Halaoui's non-conforming stone base driveway. Mr. Grodi added that it is likely going to be more beneficial for Ms. Halaoui to take her concern to the Planning & Zoning Committee for further discussion. There were no further comments or questions from the board, nor the public.

Mr. Decker moved to deny Application 02-19. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

APPLICATION 03-19 – Benjamin Marshall is requesting one zoning variance to keep an existing shed closer than five (5) feet to the side property line. The property is located at 929 Bexley 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 approval to keep the existing accessory structure within the side property five (5) foot setback. (Structure is approximately two (2) feet from the side property line.)

Recommendation:

1. The Deputy Administrator recommends approval based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(c)(3). Two (2) feet would still allow for the shed to be properly maintained without going onto the neighboring property, and structure location does not pose any safety or visibility concerns.

Mr. Grodi reviewed Application 03-19. Mr. Marshall was present, and stated that it is still accessible to maintain, and that his next-door neighbors do not have any issues with the shed. Ms. Decker asked how long the shed has been up, and Mr. Marshall added that it

is not a replacement, and that it was installed in June or July of 2018. There were no further comments or questions from the board, nor the public.

Mr. Duricek moved to approve Application 03-19 as submitted finding B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Decker. Ayes: (4). Nays: (0).

APPLICATION 04-19 – Ohio CAT is requesting three zoning variances in order to construct a 7,397 square foot storage building, a 14,740 square foot accessory building, and install a six (6) foot fence in the front yard. The property is located at 13015 and 13017 Eckel Junction Road and is zoned I-2 (General Industrial).

NOTE: *Chapter 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.*

NOTE: *Chapter 1250.42 Fences, Walls, Structural Screens, Hedges, and Screen Plantings:*

	Max Height	
	Permitted	*Restricted
Front Yard	4'	6'
*Requires BZA Approval		

1. The applicant is requesting a variance that would allow for the construction of an accessory structure (cold storage building) that would be 7,397 square feet in size. The code would only allow for an accessory structure that is 4,000 square feet.
2. The applicant is requesting a variance that would allow for the construction of an accessory structure (cold storage/ wash bay building) that would be 14,740 square feet in size. The code would only allow for an accessory structure that is 4,000 square feet.
3. The applicant is requesting a variance that would allow for the installation of a six (6) foot fence in the front yard.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, B, C, and D of Ch. 1275.02(c)(3). Although the cold storage building may exceed the 4,000 square footage maximum it is considerably under the 5% maximum. The cold storage building covers approximately 1.1% of the lot size.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, B, C, and D of Ch. 1275.02(c)(3). Although the cold storage/ wash bay building may exceed the 4,000 square footage maximum it is considerably under the 5% maximum. The cold storage/ wash bay building covers approximately 1.4% of the lot size.

3. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, C, D, and F of Ch. 1275.02(c)(3). The variance would allow for added security on the property. The character of the neighborhood would not be altered as other businesses along Eckel Junction Road have six (6) foot fences in the front yard. The six (6) foot fence will be setback from the road approximately seventy-five (75) feet.

Mr. Grodi reviewed Application 04-19. Brian Gerrity, Marous Brothers Construction was present on behalf of the application. He stated that the variances for the Cold Storage Building and Wash Bay are more for functionality of the day-to-day operations at Ohio CAT. Mr. Gerrity briefly described the purposes of the buildings, and added that the fencing will be six (6) feet tall and decorative, rather than using barbed wire or chain link in the front yard. Mr. Decker confirmed that the fencing will encompass the entire property, and Mr. Gerrity noted that the side and rear yards will be black coated chain link, with a decorative wrought-iron fence in the front of the property. Mr. Decker asked about the size of the current site, and Mr. Gerrity said that it was approximately eight (8) acres in size, and is substantially smaller than the proposed site on Eckel Junction Road. There were no further comments or questions from the board, nor the public.

Mr. Elmer moved to approve variance #1 (Cold Storage Building) of Application 04-19 finding A, B, C, and D of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

Mr. Decker moved to approve variance #2 (Wash Bay) of Application 04-19 finding A, B, C, and D of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

Ms. Decker moved to approve variance #3 (Fence) of Application 04-19 finding A, 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 5:53 p.m.

Respectfully submitted,

Heather Alfaro