

BOARD OF ZONING APPEALS

February 8, 2021

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

ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

Mr. Duricek nominated Mr. Vela to be Chairperson. Seconded by Mr. Elmer. Ayes: Decker, Duricek, Elmer, and Vela (4). Nays: (0). Abstain: Wolfinger (1).

Mr. Elmer nominated Ms. Decker to be Vice-Chairperson. Seconded by Mr. Vela. Ayes: Decker, Duricek, Elmer, and Vela (4). Nays: (0). Abstain: Wolfinger (1).

APPROVAL OF MINUTES

Mr. Duricek moved to approve the minutes of the January 11, 2021 meeting as written. Seconded by Mr. Elmer. Ayes: Decker, Duricek, and Elmer (3). Nays: (0). Abstain: Vela and Wolfinger (2).

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

APPLICATION 02-21 – Tim and Emily Davis are requesting two zoning variances to construct an addition. The property is located at 434 W. Third 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 applicants are requesting a zoning variance to build an addition onto the existing house. The addition will be one (1) foot off of the front property line.
2. The applicants are requesting a variance to build an addition onto the existing house. The addition will be five (5) feet off of the side property line.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance, as the request does not meet enough of the conditions required to grant a variance. The house already sits closer to the front property line than the neighboring properties. The current house sits at two (2) feet from the property line; granting a variance for this addition will put the house a matter of inches from the property line. An addition could be built within the required setbacks if located on the back of the structure.
2. The Zoning Inspector recommends denial of the zoning variance, as the request does not meet enough of the conditions required to grant a variance. The distance between this house and the neighboring house will be extremely close, if a variance is issued. Safety concerns would arise if this structure was built any closer to the side property line than

where it currently stands. An addition could be built within the required setbacks if located on the back of the structure.

Mr. Grodi reviewed Application 02-21. Scott Hancock, Architect, and Tim Davis were present on behalf of the application, and Mr. Hancock passed out a packet to the Board that showed a site survey from Feller Finch that identified that other nearby houses were closer than thirty-five (35) feet to the street. Mr. Hancock asked for relief to rebuild the basement and an attic for storage. Mr. Vela said that he is concerned with the side setback addition to the neighbor's corner, and Mr. Davis noted that the house is crooked on the lot, and that they are proposing a 2 car garage. Ms. Wolfinger clarified the addition on the site map. Mr. Vela confirmed that neighboring comments had not been received. Mr. Grodi asked if the proposed porch will extend, and Mr. Davis added that it will go past the existing. Mr. Hancock stated that the porch will be concrete, and Ms. Decker confirmed that there is alley access in the rear of the property. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve variances #1 and #2 of Application 02-21, and finding A, C, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: Duricek, Elmer, Vela, and Wolfinger (4). Nays: Decker (1).

APPLICATION 03-21 – Lisa Graves is requesting two zoning variances to install a shed. The property is located at 209 W. Seventh Street 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.*

NOTE: 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.*

1. The applicant is requesting a zoning variance to construct a shed in the rear yard. The proposed shed will have a setback of two (2) feet from the side property line.
2. The applicant is requesting a variance that would allow for 7.1% of the lot size in accessory structures. The property owners would install a shed that is forty-eight (48) square feet, this is in addition to an existing detached garage that is two hundred eighty (280) square feet. The lot size is four thousand six hundred forty-seven (4,647) square feet, which would allow, by Code, two hundred thirty-two (232) square feet of accessory structures. The variance would allow for three hundred twenty-eight (328) square feet of accessory structures on the property.

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 shed is relatively small and will prevent lawn equipment from being stored outside. The shed will be located on an existing concrete slab.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and F of Chapter 1275.02(c)(3). The lot is smaller than

most of the neighboring properties. In order to prevent lawn equipment from being stored outside, the extra accessory structure space will allow for the lawn equipment to be stored safely inside.

Mr. Grodi reviewed Application 03-21. Lisa Graves was present, and Mr. Vela asked for clarification with the requests. Mr. Grodi said that the existing detached garage exceeds the maximum square footage allowed by Code. Ms. Graves stated that the shed will be two (2) feet away from the garage, and added that the foundation pad is already existing. Mr. Vela confirmed that neighboring comments had not been received, and Ms. Graves said that she had asked the neighbors in person. There were no further questions or concerns from the Board, nor the public.

Mr. Elmer moved to approve variances #1 and #2 of Application 03-21, and finding B, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (5). Nays: (0).

APPLICATION 04-21 – Steve and Kim Dane are requesting a zoning variance to allow for a new house to be constructed. The property is located at 315 E. Sixth 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 applicants are requesting a zoning variance to construct a new house with a reduced rear yard setback. The attached garage would be installed at twenty-five (25) feet off of the rear property line.

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 attached garage will be in line or set farther back than the other garages in the neighborhood. It will not alter the character of the neighborhood.

Mr. Grodi reviewed Application 04-21. Steve Dane, and Matt Brusoe, Schoen Builders, were present. Mr. Dane added that the garage currently butts right up to the alley, and that they would like their garage to look the same as the neighborhood. Mr. Vela asked if this concern is consistent with the alley, and Mr. Grodi agreed that it is. Mr. Vela confirmed that neighboring comments had not been received. Mr. Grodi asked if the current house will be demolished, and Mr. Dane agreed that it will be. There were no further questions or concerns from the Board, nor the public.

Mr. Duricek moved to approve Application 04-21, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

APPLICATION 05-21 – James Randolph is requesting four zoning variances to allow for a new house to be constructed. The property is located at 229 W. Sixth 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 a house with a reduced front yard setback. The request for the front yard setback is one (1) inch off of the property line.
2. The applicant is requesting a zoning variance to construct a house with a reduced side yard setback. The side yard setback variance request is for two (2) feet off of the property line.
3. The applicant is requesting a zoning variance to construct a house with a reduced side yard setback. The side yard setback variance request is for two (2) feet off of the property line.
4. The applicant is requesting a zoning variance to construct a house with a reduced rear yard setback. The request for the rear yard setback is twenty (20) feet off of the property line.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance, as the request does not meet enough of the conditions required to grant a variance. None of the surrounding homes sit this close to the property line. Constructing a house so close to the front property line is substantial.
2. The Zoning Inspector recommends denial of the zoning variance, as the request does not meet enough of the conditions required to grant a variance. The distance between the proposed house and the neighboring houses pose not only a safety concern, but maintenance concerns as well.
3. The Zoning Inspector recommends denial of the zoning variance, as the request does not meet enough of the conditions required to grant a variance. The distance between the proposed house and the neighboring houses pose not only a safety concern, but maintenance concerns as well.
4. The Zoning Inspector recommends denial of the zoning variance, as the request does not meet enough of the conditions required to grant a variance. The depth of the lot is one hundred sixty-five (165) feet, which would allow for a house to be constructed, and the rear yard setback to be met.

Mr. Grodi reviewed Application 05-21. James Randolph was present, and Mr. Grodi reminded the Commission that this application was previously reviewed and approved 1.5 years ago, and that it has since expired. Mr. Vela asked about the 2019 approvals, and Mr. Grodi added that the front yard was approved with a one (1) foot setback, the side yards were approved with five (5) foot setbacks, and the rear yard was approved with a twenty (20) foot setback. Mr. Randolph noted that the neighboring property is only eleven (11) feet from the sidewalk, and Ms. Wolfinger asked about the pictures in the drawings, and Mr. Randolph confirmed that they are from when before the old house was demolished. There was a brief discussion about a breezeway connecting to the garage, and Mr. Grodi reminded the Board that the distance between the

garage and house has to be ten (10) feet. Mr. Vela confirmed that neighboring comments had not been received. There were no further questions or concerns from the Board, nor the public.

Mr. Vela moved to approve variance #1 of Application 05-21 as submitted, for the front yard setback to be one (1) foot off of the property line, and finding A, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

Mr. Vela moved to approve variances #2 and #3 of Application 05-21 with the side yard setbacks to be five (5) feet off of the property lines, and finding A, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

Mr. Vela moved to approve variance #4 of Application 05-21 as submitted, for the rear yard setback to be twenty (20) feet off of the property line, and finding A, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

APPLICATION 06-21 – Jason Isaacs is requesting two zoning variances to install a shed and a patio. The property is located at 876 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.*

NOTE: *Chapter 1250.58(c) Patios and Swimming Pools: In all cases, swimming pools shall maintain a minimum setback of five (5) feet from a property line to any deck or patio.*

1. The applicant is requesting a zoning variance to keep an existing shed in the rear yard. The existing shed has a setback of four (4) feet from the rear property line.
2. The applicant is requesting a zoning variance to keep an existing patio. The existing patio has been installed three (3) feet off the side property line at the closet point.

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 sheds location does not pose any foreseeable issues. Maintenance behind the shed is still manageable.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and F of Chapter 1275.02(c)(3). The location of the patio does not pose any foreseeable issues.

Mr. Grodi reviewed Application 06-21. Jason Isaacs was present, and added that he received a letter that the shed should be moved to comply with Code, and that he has already moved it, so variance #1 is void. He stated that the patio has already been installed with a lounge – bump-out area. Mr. Vela confirmed that neighboring comments had not been received. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve variance #2 of Application 06-21, and finding B, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (5). Nays: (0).

APPLICATION 07-21 – Michels Corporation is requesting a zoning variance to install a fence. The property is located at 26933 Eckel Road and is zoned I-2 (General Industrial).

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

Zoning District	Location & Maximum Height								
	Front Yard			Side Yard			Rear Yard		
	4'	6'	8'	4'	6'	8'	4'	6'	8'
I1	P	Z	*	P	Z	*	P	P	Z
I2	P	Z	*	P	P	Z	P	P	Z

1. The applicant is requesting a zoning variance to install an eight (8) foot fence in the rear of the property.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, D, E, and F of Chapter 1275.02(c)(3). The property owners want to use the property for outdoor storage. Outdoor storage is a Special Approval Use with one of the requirements being that the property owner must install an eight (8) foot fence along abutting residential properties. Without the variance the business would not be able to use this land.

Mr. Grodi reviewed Application 07-21. Jim Luther, Facilities Manager with Michels Corporation was available via the AT Teleconference System, and added that there is five hundred fifty-five (555) feet of fence that abuts to neighboring residential properties, and that most neighboring fences are six (6) foot and wooden. Mr. Luther added that the current fence on their property needs to be eight (8) feet in height to comply with Code, and Mr. Grodi confirmed that in order for Michels Corporation to operate that they need an eight (8) foot fence. Stephen and Cynthia Grube, 547 Rutledge Court, were present, and they added that their property abuts to the field that separates their house from Michels Corporation, and added that currently there is a not a fence behind their property. Mr. Grodi clarified that the neighboring properties that are along Rutledge Court are not affected by the proposed fence, but due to the nearby parcels that Michels occupies that those neighbors were notified by mail, and Mr. Duricek shared a map with a few neighboring property owners to show where the proposed fence will be installed. Ms. Wolfinger asked if the Use of the property determines the type of fence that is required by Code, and Mr. Grodi added that it has to be eight (8) feet in height and privacy. Mr. Luther stated that Mark Easterling, Deputy Planning and Zoning Administrator fence said that a chain-link fence with slats would be allowed to comply with the eight (8) foot privacy fence. Mr. Luther added that the fence will be installed this year after the Special Approval Use is approved. The Board discussed whether to table this Application due to the delay in the mail, and the neighboring residents not receiving their notices in a timely manner. There were no further questions or concerns from the Board, nor the public. Mr. Vela moved to table Application 07-21. Seconded by Ms. Decker. Ayes: (5). Nays: (0).

There being no further business, the meeting adjourned at 6:31 p.m.

Respectfully submitted,

Heather Alfaro