

BOARD OF ZONING APPEALS

FEBRUARY 8, 2016

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

Approval of Minutes

Mr. Bade moved to approve the minutes of the January 11, 2016 meeting as submitted. Mr. Brown seconded and they were unanimously approved.

APPLICATION 04-16 – Timothy Fisher and Jill Perry are requesting one zoning variance to permit an existing accessory structure to remain within five (5) feet of the rear property line. The accessory structure is located at 424 E. Second St. and is zoned as R-3 (Single Family Residential).

The requested variance would permit the applicant to keep the structure in the five (5) foot rear setback.

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 rear property five (5) foot setback. (Structure is currently approximately 3' from the property line.)

Recommendation:

1. The Zoning Inspector recommends approval based on meeting the criteria for variances B, C, D, and E of Chapter 1275.02(3).

Mr. Easterling reviewed Zoning Variance 4-16. He said that the structure is actually approximately one foot from the property line instead of the 3' as stated in the agenda. Tim Fisher, 378 Southwood Drive, was present on behalf of the property owner Jill Perry. He said that Ms. Perry just purchased the home and the structure was built by the previous owner. He said that moving the structure would encroach on the driveway. Timothy O'Brien, 432 E. Second Street, was present and said that he has no problem with the structure. Ms. Decker asked what it is for and Mr. Fisher said that it holds fire wood. Mr. Brown asked if we received a complaint about it or how we found out about it. Mr. Easterling said that no complaint was received, it was found during routine

inspections. Ms. Decker asked if the fence is attached to the structure and Mr. Fisher said that it is separate. The Board was presented with copies of emails received from Rita Halstead, 421 E. Third Street, and the Nitschke's of 439 E. Second Street, stating that they have no issues with the structure. Mr. Bade asked how much of a variance the Board can grant and Mr. Walters said that the Board has the authority to grant relief to the property line. Mr. Bade asked if a survey was done and Mr. Fisher said a survey was not done. Mr. Bade said that this structure is relatively new and it can be moved. Mr. Pickerel asked if there were any other accessory structures in the setback in nearby properties. Ann O'Brien, 432 E. Second Street, said there is a pole barn that is only one foot off of the alley.

Mr. Brown moved to approve Zoning Variance 4-16 finding B, C, D and E of Chapter 1275.02(c)(3) to be true. Mr. Pickerel seconded. Ayes: Brown, Decker and Pickerel (3). Nays: Bade (1).

There being no further business, the meeting adjourned at 5:47 p.m.

Respectfully submitted,

Mary Jo Sutton