

BOARD OF ZONING APPEALS

January 10, 2022

The meeting was called to order at 5:30 p.m. by Nathan Duricek. Board members present were Scott Anderson, Nathan Duricek, Brian Elmer, and Megan Wolfinger (4). Niki Decker was absent (1). Also present were Cody Grodi, Zoning Inspector, and Kate Sandretto, Law Director.

APPROVAL OF MINUTES

Mr. Elmer moved to approve the minutes of the December 13, 2021 meeting as written. Seconded by Ms. Wolfinger. Ayes: Duricek, Elmer, and Wolfinger (3). Nays: (0). Abstain: Anderson (1).

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

APPLICATION 01-22 – Sharon Bryson is requesting a zoning variance in order to keep a recently installed fence. The property is located at 807 Sandalwood Road East 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 in the front 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 property is a corner lot. Installing the six (6) foot privacy fence will help to keep the owners dogs in the rear yard.

Mr. Grodi reviewed Application 01-22. Sharon Bryson was present on behalf of her application, and added that she needs the additional fencing and six (6) foot height on the southwest corner of her property for the privacy of her dogs. Ms. Sandretto addressed the Board and the audience, and reminded them that the Board will take into consideration the ordinances within the City to base their decision on, and that the rules of the HOA are not applicable in this request. Ms. Bryson noted that she spoke with the HOA President about her fence prior to installation, and that he also came out to her property to discuss the new fence along the northeast side of her property. She added that she counted twelve (12) other privacy fences within the neighborhood. The Board further discussed the location and height of the fence, as well as the character of the neighborhood.

Mr. Duricek noted that many emails from neighboring property owners have been received in reference to this variance request. The emails received that have opposed the variance are

from: John and Noreen Odenweller, 851 Sandalwood Road West; Ted and Shannon Weaver, 900 Oak Knoll Drive; Bill Hoyt, 950 Bexley Drive; Thomas Trimble, 864 Oak Knoll Drive; Matthew Sutter, 900 Apple Creek Drive; Karl and Carol Pankratz, 664 Oak Knoll Drive; and Eric Kost, 859 Brookfield Lane. Dom Horvat, 905 Oak Knoll Drive, submitted an email in favor of the variance request. These emails have been made a part of the variance application that was submitted for 807 Sandalwood Road East.

HOA President, Tom Berkebile, 6 E. Applewood Court, was present and added that without approval from the HOA this privacy fence is not allowed. He added that the fence is very visible and prominent.

Mr. Elmer noted that according to the Code, the privacy fence is permissible with BZA approval. Ms. Wolfinger said that she understands the variance concern, and asked if bringing the fence back to the midpoint of the home would be sufficient for the HOA, and Mr. Berkebile stated that it could potentially be beneficial.

Karl Pankratz, 664 Oak Knoll Drive, was present and noted the deed restrictions for this neighborhood. Ms. Sandretto reiterated that deed restrictions are a civil issue, and that the City and the Board of Zoning Appeals has to take the Codified Ordinances into consideration with their ruling.

There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve Application 01-22 as submitted, and finding B, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: Duricek, Elmer, and Wolfinger (3). Nays: Anderson (1).

APPLICATION 02-22 – James Chandler is requesting a zoning variance in order to install a fence. The property is located at 2013 Kenton Trail 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 in the front 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 property is a corner lot. The fence extends only five (5) feet into the front yard.

Mr. Grodi reviewed Application 02-22. James Chandler was present, and added that he has a corner lot and that he would like more privacy and security for around his in-ground pool. Mr. Grodi confirmed that comments from neighbors had not been received, and noted that

the fence is at least thirty (30) feet off of the city sidewalk. There were no further questions or concerns from the Board, nor the public.

Ms. Wolfinger moved to approve Application 02-22 as submitted, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

OTHER BUSINESS

There being no further business, the meeting adjourned at 6:03 p.m.

Respectfully submitted,

Heather Alfaro