

Board of Zoning Appeals
February 15, 2018
Minutes

The Chairman called the meeting to order at 4:30PM. The following members were present: Dr. Semans, Mr. Delahunt, Chairman Feick and Walter Matthews. Mr. Zeiher was excused. Mr. Greg Voltz represented the Planning Department; Trevor Hayberger represented the Law Department and Debi Eversole, Clerk from the Community Development.

The Chairman swore in staff and audience members that wished to speak on any agenda items.

William and Mary Bogzevitch had submitted an application for a variance to construct an accessory building within the rear yard at 504 Lockwood Avenue. The proposed accessory building would be 15.8' high and occupy 42% of the rear yard. The structure will be 1600 square feet and will be used to store personal boats. Planning staff recommended approval with the condition that the applicant receive all zoning and building permits.

Ron Bard, 514 Lockwood Avenue stated that he was a neighbor and had no issue with this application.

The applicant stated that the first map submitted proposed coming out 5', but now will eliminate coming any further than the existing building. It is unclear if the garage is on a separate lot, which would reduce the lot coverage of the proposed plan. He also stated that he needed the height variance because the boats are on trailers. There is no intention to operate a repair business out of this building. He will service his personal boats.

Chairman Feick stated that if the alley is vacated, the building would be within the 30% compliance. Mr. Voltz stated that if the alley is vacated, it would be split down the middle so staff would still recommend the variance as proposed. Chairman Feick stated that the motion could include that the applicant will provide a survey that may negate the need for the lot coverage variance. The applicant respectfully requested that both variances be approved during this meeting.

Mr. Delahunt mentioned that there were two surrounding neighbors that had opposition to the application. The first was Mr. Bard, who was in attendance and stated on the record that he no longer had opposition to the application. The second was a phone call received from Ms. Stefani Rauch, who was not in attendance. Dr. Semans read her concerns into the record. Her concerns included building too close to property lines, seeing a large building when looking out her window which will obstruct her view. She also felt that the applicant will be renting space in the proposed building. Dr. Semans stated that it was determined in the meeting that there will be no business operating out of the space so that complaint is invalid. He added that in his opinion, the better views from her property, including views of the water would be to the north and the applicant is to the south, with another property in between them.

The applicant stated that he wished to improve the look of the current building and it should not be an obstruction to anyone, as he is located to the south of the other properties. Mr. Voltz stated that staff recommended approval of variances requested with the contingencies of meeting all setbacks, whether the alley is vacated or not and obtaining all building and zoning permits.

Mr. Delahunt moved to approve the application based on information provided by staff and recommended by staff. Mr. Matthews seconded the motion. With no further discussion, the application was approved with a 3/0 vote; Chairman Feick abstained.

Norma and David Jesse had filed an application for a variance to place an accessory building within the front yard 3500 Cedar Point Road. Mr. Voltz stated that the zoning code only allows for accessory buildings to be placed in the side and rear yard. The proposed project will be a 300 square foot accessory building, which will be under 15' as required by Section 1129-13. Staff recommended approval of the application with the following conditions:

- Minimum setback of 3' from the property line
- The building should meet all height requirements
- All building and zoning permits shall be obtained
- Assure that deed and HOA requirements are met

When staff performed a site visit, there appeared to be a base of a structure already there. They noticed that there are other similar structures built along the Chaussee as well.

Chairman Feick stated that Cedar Fair had proposed doing work on this road. Mr. Voltz stated that the applicant is aware that they must meet the setbacks and the applicant stated that they thought they would be ok with meeting the setbacks.

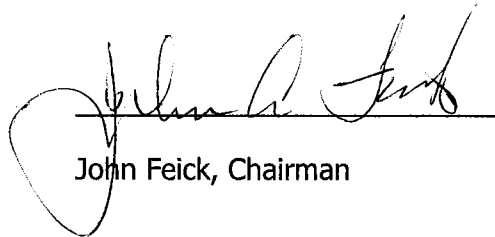
Dr. Semans moved to approve the application as recommended by staff and also subject with the applicant speaking with Cedar Point regarding any proposed rehab to the Chaussee roadway before they begin the project. Chairman Feick recommended adding to the motion to request that the surveyor place the pins so that there is no mistake as to where the property line begins. The motion was amended to include all of staff's conditions and the request to have survey pins placed prior to beginning the project. Mr. Delahunt seconded the motion. With no further discussion, the motion was approved with a unanimous vote.

Mr. Delahunt moved to adjourn the meeting. Dr. Semans seconded the motion. The meeting was adjourned at 4:55PM.

APPROVED:



Debi Eversole, Clerk



John Feick, Chairman