

Board of Zoning Appeals
October 18th, 2018
Minutes

The Chairman called the meeting to order at 4:30PM. The following members were present: Dr. William Semans, Mr. Dan Delahunt, Mr. Kevin Zeiher, and Mr. Walter Matthews. Ms. Angie Byington, Tom Horsman, and Greg Voltz represented the Planning Department; Mr. Trevor Hayberger represented the Law Department.

Dr. Semans moved to approve the minutes from the August 16th, 2018 meeting as written. Mr. Delahunt seconded the motion. The motion carried with a unanimous vote.

Mr. Zeiher swore in those giving testimony.

Mr. Horsman presented that John Critchfield, as the authorized agent for Robert Critchfield, has applied for multiple variances for the property at 731/ 733 Cedar Point Road for the purposes of building a structure on the proposed 735 Cedar Point Road lot. The current zoning of the properties are R1-75 Single- Family Residential. The applicant currently owns all the parcels. The purposes of the variances are to combine and split the lots that would coordinate with three different addresses. The following variances are requested:

1. A variance of 17 feet for the width of a new lot at 735 Cedar Point Road currently the site of the water tower.

2. A variance of 3,000 square feet for the area of the lot at 733 Cedar Point Road.

3. A variance of 35 feet for the width and 7,520 square feet for the area of the lakeside lot of 733 Cedar Point Road.

4. A variance of 40 feet for the width and 8,080 fee for the area of the lakeside lot of 731 Cedar Point Rd.

Mr. Horsman stated that staff recommends approval of the requested variances. Staff recognizes that the lot split/ combination will create non-conforming lots, however the result will create more uniform parcels and allow for the lot located at 735 Cedar Point Road to be built upon. Staff also recognizes that the creation of the nonconforming lots would not be out of the character of the residential lots in the zoning district on Cedar Point Road.

Mr. Horsman stated that per Public Works the water tower is not set to come down until sometime in 2019.

John Critchfield, stated the lots are currently a hodgepodge of parcels, this layout would be more of a common sense layout. The proposed layout would be beneficial for the owners and the neighbors.

Mr. Zeiher stated that as he understands it we will have six lots into one.

Mr. Horsman stated that no, it will be three lots on one side and three on the other side.

Mr. Delahunt ask if the lot located at 733 Cedar Point Road on the south side stays the same.

Mr. Horsman stated that it will be reduced in size, the lot line will be heading to the south to give more room to 735 Cedar Point lot.

Mr. Matthews ask what the applicants intentions are for these lots.

Mr. Critchfield stated that he is renovating the Ritter home, once the water tower lot is approved he would like to build a home on it.

Dr. Semans asked if there had been an issue with the beach usage between the different owners on this property.

Mr. Critchfield stated that he had received an easement for the beach with the former owners, each home will have beach usage once this is split.

Dr. Semans ask if they currently live on the property.

Mr. Critchfield stated that they live at 733 Cedar Point Road.

Mr. Delahunt ask if the applicant would be required to build a certain size home on the property.

Ms. Byington stated that the code does not set minimum sized for the house, it only sets certain setbacks. Ms. Byington stated that the setbacks are 5' and 10' on the side for a total of 15'. Fifty foot for rear yard, or 30% of total lot length and 35' on front.

Mr. Semans stated the only restriction would be on the side, leaves you a 43' wide building without having to get a variance.

Mr. Semans made a motion to approve four variances for the properties at 733/ 731 Cedar Point Road; Mr. Mathews seconded the motion.

With no additional discussion the motion was approved with a 4/0 vote.

Mr. Horsman presented that the applicant, Esther Colvin has applied for a variance to split her lot at 1316 Pierce Street. The current zoning of the property is RMF Multi- Family Residential. The applicant is looking to split her lot into two lots, similar to the property on the right. The structure is one row house structure with four separate units. The applicant currently owns the parcel. The survey of the proposal has been submitted within the packet. The following variance is requested, relief from the requirements in Section 1129.13(b) that a zoning lot have street frontage. Planning staff has recommended approval of the variance for the proposed lot split with the condition that the applicant grant an unobstructed 10-foot easement across the northern end of the eastern parcel to allow access to the new western parcel and submit documentation of the easement to the Planning Department before it is recorded.

Mr. Zeiher ask if there was a commercial lot on lot 37, as referenced in the survey.

Mr. Horsman stated that all the immediate lots are multi-family residential.

Mr. Semans asked what the parking situation is within the neighborhood.

Ms. Colvin stated that there is a parking area and a car port on the site. The tenants also park on the parking lot off Buchanan Street.

Mr. Matthews ask the applicant why she is requesting the variance.

Ms. Colvin stated that she would like to get her will and everything in order for her children and grandchildren in case something happens to her. She also stated that this has been done before within the neighborhood and she would like to get this done as soon as possible.

Mr. Delahunt ask if she had any issues with granting the ten foot easement along the property.

Mr. Horsman stated that the easement is along the northern edge of the property.

Ms. Colvin stated that they have no issue with this condition.

Mr. Voltz stated that they would need to have a legal description created for the easement.

Mr. Matthews moved to approve the variance at 1316 Pierce Street; Mr. Delahunt seconded the motion.

Mr. Zeiher stated that they do have a tabled item from the previous meeting.

Mr. Voltz stated that staff has reached out the applicant regarding their intent for the application however they were not successful for this meeting. Mr. Voltz recommended that they continue to carry the tabled item.

Mr. Semans ask if City Commission denied the applicants request for rezoning.

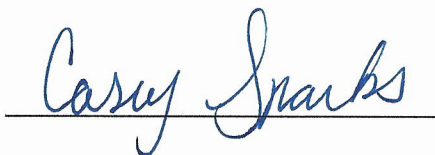
Mr. Voltz stated that they are requesting a fence to protect the trees, however they may request a use variance as well.

Ms. Byington stated that if the variance is substantially different than what was submitted a new application would be required.

Mr. Semans moved to adjourn the meeting; Mr. Matthews seconded the motion.

The meeting was adjourned at 4:50pm.

APPROVED:



Casey Sparks, Clerk



Kevin Zeiher, Vice Chairman