

RECEIVED FEB 10 2021

Board of Zoning Appeals  
August 20, 2020  
Minutes

**Meeting called to order:**

Chairman John Feick called the meeting to order at 4:30pm. The following voting members were present: Mr. John Feick, Mr. Dan Delahunt, and Mr. Kevin Zeiher. Mr. Thomas Horsman represented the Planning Department and served as clerk for the meeting. City Commission liaison Dave Waddington was also present.

**Review of minutes from July 16, 2020:**

Mr. Zeiher moved to approve the minutes and Mr. Delahunt seconded the motion. All members were in favor of the motion and the minutes were approved.

**Swear in of audience and staff members that will offer testimony on any agenda items:**

Mr. Feick swore in everyone wishing to do so.

**1<sup>st</sup> application:**

Mr. Horsman introduced the first application on the agenda which was an area variance for 520 Tiffin Ave. The applicant was applying for a variance to the Zoning Code Section 1145.17(d)(2) to allow a pool along the lot line whereas the code requires at least a 3 foot setback from the lot line. The property is located in a R2F Two-family zoning district

Mr. Horsman said this property received a variance in the past to allow for a garage to encroach into the required side yard and that the lot is legally non-conforming, as the rear yard is smaller than what would be allowed by the Zoning Code. He stated that due to this fact, the staff is not opposed to the variance request.

Mr. Horsman stated that two emails had been received from the adjoining property owner and resident regarding this variance. First, John and Diane McCord, the owners of the property at 1717 W. Madison St, who live at 1938 Atlantic Ave, submitted a statement encouraging the variance to be denied due to the fact that the current pool at 520 Tiffin Ave is right up next to the fence dividing their properties, and it causes a lot of noise and a lack of privacy. The next statement came from the resident of the property at 1717 W. Madison St., Kerri Welser, who also stated she opposed the variance due to the noise and commotion that is often present at the pool at 520 Tiffin Ave.

The applicant and property owner at 520 Tiffin Ave, Cynthia Fisk, then spoke to indicate the variance that she had actually intended to seek would be to have an accessory structure covering the pool. Mr. Horsman stated that an enclosed pool would need additional variances in addition to the 3-foot setback variance.

Ms. Fisk said she intended to build an in-ground pool for personal use. Mr. Feick asked if there would be any issues with safety services reaching the property if a building were constructed. After discussion, Mr. Zeiher made a motion to table the application until the applicant can come back with more information related to the proposed pool enclosure. Mr. Delahunt seconded the motion. The motion passed unanimously.

**2nd application:**

Mr. Horsman introduced the second application on the agenda which was a use variance at 512 Tiffin Ave. The applicant was applying for a variance to Zoning Code Section 1129.03 to allow an accessory structure of a two-family dwelling to be used as a single-family dwelling in a R2F Two-Family zoning district. Mr. Horsman explained the property at 512 Tiffin has a two-dwelling house on the lot, as well as a garage with living quarters on the second floor, and that due to the Zoning Code regulations in two-family zoning districts, the accessory garage could not be used as a dwelling unit. Mr. Horsman stated that allowing a residential use in the accessory structure would not be detrimental to the neighborhood, in staff's opinion, and that increasing housing options is something the city supports, however, staff could not argue that an unnecessary hardship exists and was not able to support the variance request. The applicant and owner of 512 Tiffin Ave, Mr. Kenneth Balogh, then gave testimony in support of the variance. Mr. Balogh stated that he recently purchased the property and said he was told when he purchased the property that the third unit could possibly be used as an additional rental. Mr. Balogh said the unit is 1,200 square feet and is well built.

Mr. Feick stated that he had asked Mr. Horsman earlier in the day if there was a building permit on file for the garage structure, and Mr. Horsman had responded that he had not located one in the system and that there he only found an electrical permit.

After discussion, Mr. Zeiher made a motion to approve the variance application, conditioned on the confirmation that a building permit exists, or if not, that the Building Division inspect the structure and issue a building permit. Mr. Delahunt seconded the motion. The motion passed unanimously.

**Next meeting:**

Mr. Horsman has stated that no applications had yet received any applications for the September BZA meeting.

**Adjournment:**

Mr. Zeiher moved to adjourn the meeting and Mr. Delahunt seconded the motion. The meeting ended at 4:57pm.

**APPROVED:**

Thomas Horsman, Acting Clerk



John Feick, Chairman