

Board of Zoning Appeals
October 15, 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, Mr. Walter Matthews, Dr. William Semans and Mr. Kevin Zeiher. Mr. Thomas Horsman represented the Planning Department and served as clerk for the meeting. Mr. Josh Snyder represented the Engineering Division. City Commission liaison Dave Waddington was also present.

Review of minutes from August 20th, 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.

1st application:

Mr. Horsman introduced the first application on the agenda which was an area variance for 520 Tiffin Ave. The applicant, Ms. Cynthia Fisk, was applying for a variance to the Zoning Code Section 1145.15 to allow for the construction of an accessory structure that is 4.5 feet away from the main structure whereas the Code requires 10 feet. The property is located in a R2F Two-family zoning district. This application was tabled by the Board at the August meeting to allow for the applicant to gather more information and refine the scope of the variance request. Ms. Fisk withdrew her previous application and submitted a new application.

Mr. Horsman presented the new application to the board and provided a diagram provided by Ms. Fisk. Mr. Horsman informed the Board that the Fire Marshall had submitted a statement indicating that the Fire Department would not have any issues accessing the property if this structure were constructed. Mr. Zeiher motioned to approve the request. Mr. Matthews seconded the motion. The motion was approved 5-0.

2nd application:

Mr. Horsman introduced the second application on the agenda which was a floodplain variance at 1107 Cedar Point Rd, submitted by Mr. David Jesse. Zoning Code Section 1157.04(e)(2) to allow an accessory structure to be built with a finished floor elevation that is 0.2 feet above the base flood elevation, whereas the Code requires 2 feet. An additional variance to Section 1129.03 to allow an accessory structure as the main building on a lot, whereas the Code requires a single-family dwelling to be the main structure. The property is located in a R1-75 Single-Family zoning district.

Mr. Horsman presented the application and explained that the property received variance in 2018 to build a beach house on Cedar Point Rd. Mr. Horsman told the board that staff's preference was to have the parcels combined into one parcel, as opposed to granting the variance. Mr. Horsman informed the board that no public comments were received.

Mr. Feick said he had concerns about having two separate parcels, and would not support the variance.

Mr. Zeiher asked the applicant why he was opposed to combining the lots.

Mr. Jesse stated that's how the property was originally purchased and that they had no intention of selling the lots separately.

Dr. Semans expressed concern about it being sold in the future under different owners.

Mr. Jesse said he does not believe he negatively impacting the neighborhood if the variance was granted and that precedent was set when the board approved the variance for the beach house in 2018.

Mr. Delahunt stated that he had no conflict with the case as he lives near the property owner.

Mr. Delahunt made a motion to approve both variances. Dr. Semans seconded the motion. The motion was approved 4-1, with Mr. Feick voting No.

3rd application:

Mr. Horsman introduced the third application on the agenda which was for a variance at 1304 C St. for Zoning Code Section 1145.17(G)(1) to allow a 6-foot fence in a side yard in a R1-40 Single-Family Residential zoning district. The applicant was Ms. Lynne Weaver. Mr. Horsman presented the application and staff report to the board and read a public comment against the variance request from Ms. Beverly Comer at 1310 C Street, which is the property immediately adjacent to the subject property. Mr. Horsman stated Staff did not have an objection to the variance.

Ms. Weaver said they wanted to fence in the yard because of their dog. Ms. Weaver said the relationship between her and Ms. Comer, the neighbor, has become strained and they have not spoken since Ms. Comer erected the fence on her property.

The board members asked questions of the applicant regarding details of the property.

Dr. Semans motioned to approve the variance. Mr. Matthews seconded the motion.

Mr. Feick and Mr. Zeiher voted No. Mr. Matthews, Dr. Semans, and Mr. Delahunt voted Yes. The motion passed 3-2.

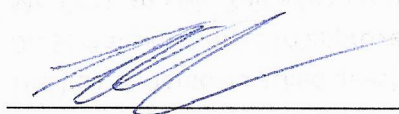
Next meeting:

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

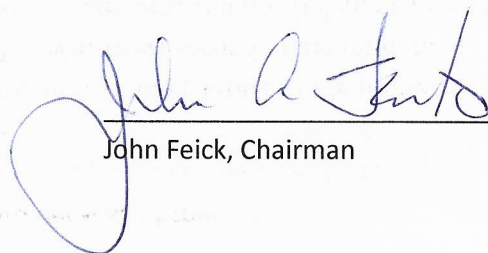
Adjournment:

Mr. Zeiher moved to adjourn the meeting and Mr. Delahunt seconded the motion. The meeting was adjourned.

APPROVED:



Thomas Horsman, Acting Clerk



John Feick, Chairman