

Board of Zoning Appeals
April 15, 2021
Minutes

Meeting called to order:

Chairman John Feick called the meeting to order at 4:30pm. The meeting took place virtually via Microsoft Teams. The following voting members were present: Mr. Walt Matthews and Mr. Gregg Peugeot. Mr. Thomas Horsman represented the Planning Department. City Commission liaison Dave Waddington and clerk Kristen Barone were also present.

Review of minutes from February 18, 2021:

Dr. Semans moved to approve the minutes as submitted 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.

Adjudication Hearing:

1) 412 Bay Breeze Drive

Mr. Feick stated that the applicant Joseph and Barbara Groscost have applied for a variance to Zoning Code Section 1129.03 to allow construction of a single-family home that encroaches into the required rear yard on an irregular lot, in accordance with Section 1145.13. The property is located in a RMF Multi-Family zoning district. Mr. Horsman stated that staff did receive one comment regarding this application. He said that Ken Smith, whom owns two properties to the south of this property, said that he had no objection to the requested variance. Ms. Groscost stated that the plan for this lot with the condo association has always been to be a condo instead of a single family home, but now that plan has been dropped. The house is angled on the lot so that the front porch and dining area is looking out to the view of the coal docks and the west cove. She said that originally they wanted to put a third garage stall in, but they no longer plan on doing that, so the plans that the board has is bigger than what would actually be built. She said that she talked with Mr. Smith, who owns the two lots to the south, and he said that he is building his home in the middle of his two lots, so their homes would not be close together at all. Mr. Peugeot asked Ms. Groscost if the contractor has a design that would fit within the lot that would not require a variance. Ms. Groscost stated that the contractor has said that they could build them a two story, but that they did not want a two story home as they are getting older. As far as building a one story home within the lot that would not require a variance, she is not sure about that. Mr. Feick stated that the setback is actually quite substantial. He said that if the home was squared up parallel to the south property line, that would seem to be the least required variance. Ms. Groscost said that if they did that, they would not get the view they wanted, and would instead get a view of the condos. Ms. Groscost asked what the concern is if it is okay with the neighbor. Mr. Matthews said that he does not have a concern and made a motion to approve the application. Mr. Peugeot asked if it was possible to get some drawings on what it would look like if the home was squared up to the back property line. Mr. Feick said that we could table this application until next month if in the meantime Mrs.

Groscost could ask the builder to put stakes into the yard with the home squared up to the back property line and then everyone could go take a look to see what the view would look like. Mrs. Groscost said that she is deeply disappointed to hear that, as they know what the view will look like with the house squared up like that and will probably not end up going through with the build. However, said she will talk with the builders and ask them to do that and get back with staff so that the board can also go out to take a look. Mr. Peugeot made a motion to table the application until the May BZA meeting and Mr. Matthews seconded that motion. All voting members were in favor of the motion.

2) 1017 Shelby Street

Mr. Feick stated that the applicant Danielle Vice has applied for a variance to Zoning Code Section 114.17 (g)(1) to allow construction of a 6 foot fence in the side yard. The code requires fences to be no more than 4 feet in side yards. The property is located in a R1-40 Single-Family zoning district. Mr. Horsman stated that staff did receive one comment from Dale Peirce who lives at 1015 Shelby Street, which is directly to the north. Dale stated that he had no objection to a six foot fence being constructed. Ms. Vice said that they have young children, so they would like the six foot fence so that the neighborhood kids cannot just jump over into their yard and help themselves to their things. She said that they already run back and forth through their yard as it is right now. They would also like to put a pool in the back yard. She said that the code allows a six foot fence in the back yard, but only a four foot fence in the side yard. After talking with the neighbors, they all agreed they would prefer for the fence to be one length on all sides and would not mind that length to be six feet. Mr. Matthews made a motion to approve the application and Mr. Peugeot seconded. All voting members were in favor of the motion.

Adjournment:

Mr. Matthews made a motion to adjourn and Mr. Peugeot seconded. The meeting was adjourned at 5:01pm.

APPROVED:



Kristen Barone, Clerk



John Feick, Chairman