

Board of Zoning Appeals  
October 21, 2021  
Minutes

**Meeting called to order:**

Chairman John Feick called the meeting to order at 4:30pm. The following voting members were present: Bill Semans and Dan Delahunt. Alec Ochs represented the Community Development Department. City Commission liaison Dave Waddington and clerk Kristen Barone were also present.

**Review of minutes from June 17, 2021:**

Mr. Delahunt moved to approve the minutes as submitted and Dr. Semans seconded. All members were in favor of the motion and the minutes were approved.

**Swearing in of audience and staff members offering testimony on any agenda items:**

Mr. Feick swore in everyone wishing to do so.

**Adjudication Hearing:**

**1) 1030 Sloane St. – Area Variance**

Mr. Feick stated that the applicant at 1030 Sloane St. has applied for a variance to zoning code section 1145.17 (g) to allow a 6 ft. fence along the southern property line in the front and side yard. The code requires a fence be no more than 4 ft. in side yards and 3 ft. decorated fences in the front yard. Mr. Ochs stated that the applicant has stated that he would like to increase his level of privacy from his neighbor to the south by installing a 6 ft. fence. He said that this property is unique in fact that the applicant's back yard is the neighbor to the south's front yard. The neighbor to the south has expressed concerns to staff about allowing a 6 ft. fence, as this would cause him difficulty in doing regular maintenance on his house such as cleaning out his gutter. The neighbor said he does have an easement agreement between the two property owners for him to be able to do this, but staff does not have the information on this easement. The neighbor was not able to make it to today's meeting, but has sent someone to speak on his behalf today regarding his concerns. Mr. Ochs stated that due to the unique circumstances of the two properties, staff does not have any objection to the variance request. Dante Hernandez of 2220 W. Monroe St, stated that he took down the previous 4 ft. chain link fence for the applicant and would be putting up the new one for him. He said that the applicant would like the higher fence for more privacy and to try to stop the harassment from his neighbor. He also said that the neighbor has gutter guards on his gutters so he does not ever clean them out. Dan Levell Jr. at 1014 Sloane Street, said that he was present to speak on behalf of Stan Fisher, who resides at 1034 Sloane Street, and is not able to make it to the meeting today. Mr. Levell then read aloud a letter that Mr. Fisher had emailed to staff regarding his concerns with this application (see attached email). Mr. Levell then stated that when Mr. Santana was having his garage floor poured, there were some trees and shrubbery in the backyard, that he had a construction company take up, and then he dumped the trees and shrubbery behind 1026 Sloane Street. He said that is a small area owned by Ohio Edison and that Mr. Santana was also charged not too long ago for littering on the street. Mr. Levell then said that regarding the sofa that was mentioned in Mr. Fisher's email, he said that he also witnessed Mr. Santana and his

sons loading that sofa into a truck and also later saw that sofa on Olds Street. Mr. Levell then said that he has also been a witness to verbal abuse and gestures to Mr. Fisher and others. He said any time a woman is outside with her 7 year old granddaughter and a man pulls up in his vehicle and flips you off in front of a 7 year old child, that is a serious issue. Mr. Delahunt asked staff if they are aware of any of the charges that Mr. Fisher or Mr. Levell had mentioned. Mr. Ochs stated that he is not as he wrote the staff report based off of the zoning code. Mr. Delahunt then asked Mr. Santana if he has received some violations in the past for trash, boats, and other items mentioned. Mr. Santana stated that he did get asked to fix his boat and move his vehicles and so he did that. He said that he has not gotten any violations for trash. Mr. Delahunt then asked if there is an easement like Mr. Fisher is stating. Mr. Santana said that there is a 3 ½ foot easement agreement that he let Mr. Fisher have. Mr. Delahunt asked Mr. Santana if the fence that he wants to put up would be a continuation of the fence that is there currently or would it be closer to his house or closer to Mr. Fisher's house. Mr. Santana said that it would be closer to Mr. Fisher's home. Mr. Delahunt then asked if Mr. Santana could clarify if Mr. Fisher's home is already encroaching on his property. Mr. Santana replied that yes Mr. Fisher's overhang is over his property by 3 ½ feet. Mr. Feick stated that when he was out there, he saw survey pins in the ground and the survey pins line up with edge of Mr. Fisher's home. Mr. Feick stated that he is not sure what the easement says, but he would think that Mr. Santana can put the fence up where he is legally allowed, but the Board of Zoning Appeals is to make a decision on the variance request. The Board of Zoning Appeals wants to make sure that the fence is at the easement line. If the board wants to allow the six foot fence, it needs to be 3 ½ feet from the property line. He said that the chain link fence that was there before he does not believe was 3 ½ feet from the property line. Mr. Feick said that it sounds like a six foot fence may help the situation between the neighbors. Dr. Semans stated that on the other hand, he does not want the six foot fence to help the applicant hide trash. Mr. Hernandez added that even if the fence were to be six feet high, he believes Mr. Fisher would still be able to see over the fence and into Mr. Santana's back yard from the inside of his house because his windows go about 8 feet up off the ground. Mr. Feick said that it would cost some money, but he would like a surveyor to go survey the property and be provided a copy of the survey with the easement and mark where the fence can go. Dr. Semans stated that he would also like to see that. Dr. Semans then made a motion to table the application until the board is able to see that drawing. Mr. Delahunt seconded the motion. Mr. Feick asked Mr. Santana if he is able to provide a copy of the easement to the City. Mr. Santana said he is not sure if he has a copy but can look. He said that 20 years ago there was a survey done. Mr. Feick said that he did see pins in the yard and it would be easy to put a stake on each pin, put a string all the way through, and if the easement says that the fence must be 3 ½ feet off the property line, measure 3 ½ feet off, and stick the fence there. Mr. Delahunt said he would like to see that drawing. All voting members were in favor of the motion and the motion passed.

## **2) 635 E. Market St. – Area Variance**

Mr. Feick stated that the applicant at 635 E. Market St. has applied for a variance to allow construction of an attached garage with a three foot side yard setback on both sides. The

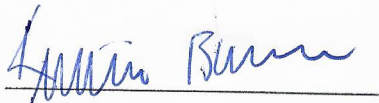


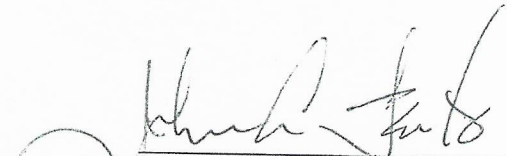
permitted allowance is a combination of ten feet. The combination side yard setback of both sides would be six feet. The variance would also allow for a 12 foot encroachment to the 27 feet of required backyard. The back setback would be 15 feet. Mr. Ochs stated that this address is located in a "R2F" Two Family Residential zoning district. He said that staff does not believe that the garage addition would bring a negative impact to the surrounding properties and an accessory parking area is required in this district. Therefore, staff recommends granting of the variance. Applicant Steve May of 3119 Joti Ave in Huron, OH, stated that the house formerly belonged to his wife's mother who passed a couple of months ago. He said that his wife Linda, and sister-in-law Barbara, would like to keep the home in the family. He said that him and his wife would like to move in there, but they would like to have a garage if they were to live there. Barbara Ott, said that she is trustee of her mother's estate, and she confirmed that she would like to keep the property in the family and added that her sister and brother-in-law would take very good care of the property. Mr. Delahunt asked staff if there are any height issues of the garage. Mr. Ochs stated that since it is an attached garage, it would have to meet the height requirements of the house, so there are no height issues in this case. Mr. Delahunt moved to approve the variance and Dr. Semans seconded. All voting members were in favor of the motion and the motion passed.

**Adjournment:**

Dr. Semans motioned to adjourn and the meeting ended at 5:02 pm.

**APPROVED:**

  
Kristen Barone, Clerk

  
John Feick, Chairman