

Board of Zoning Appeals  
January 20, 2022  
Minutes

**Meeting called to order:**

Chairman John Feick called the meeting to order at 5:21pm. The following voting members were present: Bill Semans and Dan Delahunt. Alec Ochs represented the Community Development Department. Brendan Heil represented the Law Department. City Commission liaison Dave Waddington and clerk Kristen Barone were also present.

**Election of Officers:**

Mr. Delahunt made a motion to elect Mr. Feick for Chairman and Dr. Semans seconded. All voting members were in favor of the motion. Mr. Delahunt made a motion to elect Dr. Semans for Vice Chairman and Dr. Semans seconded. All voting members were in favor of the motion.

**Review of minutes from December 16, 2021:**

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

**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) 521 East Adams Street Area Variance**

Mr. Ochs explained that the applicant had a medical emergency today and therefore would not be able to attend. He stated that the applicant would like to construct a semi-permanent carport in the existing front yard and the code does not allow for accessory structures in the front yard. The property is zoned R2F Two Family Residential and surrounding zoning is Two Family Residential. The existing use is boat storage/personal storage and the proposed use is the same. The proposal is 3 feet off of the side yard setback and ten feet from the garage. The garage was constructed in 1990. At the time of construction two residential structures existed, one per parcel (521 & 525). The garage is currently a legal non-conforming structure. The proposed car port is far behind the front yard requirements of the pre-existing home and the R2F zoning (roughly 50 feet). The zoning code does not allow a car port to be detached from a feature or building. Due to the fact that the proposed structure is only semi-permanent, aligned with the legal non-conforming garage use on the site and by other legal non-conforming commercial uses despite the R2F zoning, staff believes the accessory structure addition would not bring a negative impact to the surrounding properties. Staff does not oppose the granting the variance with the following conditions: the height at the pitch of the roof does not exceed 15 feet, all required setbacks are met of code section: 1145.15, and all applicable permits are obtained. Mr. Feick asked what the applicant and staff mean when they say semi-permanent. Mr. Ochs said that the code does not give a definition, but the way staff interprets it is that if the use of the site were to change, is the structure easily removed and



not have to go through a demolition process. Mr. Feick stated that his concern is that if this is approved and then a year from now the applicant decides he wants to put sides on the carport, that would be different. Mr. Ochs stated that if that is a concern, the board could make a motion approving the structure with a condition that they cannot enclose it. Mr. Heil stated that the board could also make a motion to approve the structure as proposed and further changes would need further approval from the board. Dr. Semans asked if there was any discussion on rezoning the parcel. Mr. Ochs stated that there was but staff did not want to create an island affect since the surrounding zoning is Two Family Residential. Mr. Delahunt made a motion to approve the application with staff's recommendations and the additional condition that if the applicant would like to make changes to the carport they would need to come back to the board for approval. Dr. Semans seconded the motion. All voting members were in favor and the motion passed.

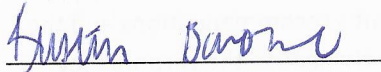
## **2) 1211 Central Avenue Area Variance**

Mr. Ochs explained that the applicant would like to construct a back deck entrance feature within the required two foot side yard setback. The combination side yard setback of both sides would be over ten feet, exceeding the combined requirement. The house currently has a one foot setback on the south side and ten feet on the north side. This exceeds the 10 foot minimum combination requirement. Because the house was built prior to 1980 the house is grandfathered in and the one foot setback is legally non-conforming. However, the Planning Code prohibits the expansion of a legal nonconforming use. For this reason the code requires the three foot setback requirement to be met, unless a variance is obtained. The code requires a combined 10 feet of setback from the side property lines and a minimum three foot setback for any individual side yard setback. Also, an entry feature is allowed to encroach on required setbacks as long as the projection is at least two feet from the side lot line. In this instance, the applicant is requesting an estimated two feet relief for the existing requirement of two feet for a single property line set back for an entrance feature resulting in a setback up to the applicants existing fence. The applicant has stated the fence may be on or just inside the property line, no specific number was given. Mr. Feick asked if the pool already exists. Mr. Feick stated that it does and that was approved this past summer. Mr. Delahunt stated that he drove by and it looked like the deck was already there. Mr. Ochs stated that he is not sure and the applicant is not present to confirm or deny that. Dr. Semans made a motion to table the applicant until next month's meeting so that they applicant can come and answer any questions the board members have. Mr. Delahunt seconded the motion. All voting members were in favor of the motion.

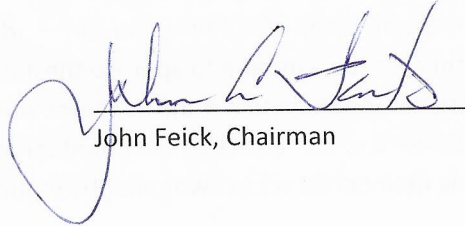
**Adjournment:**

Mr. Delahunt made a motion to adjourn and Dr. Semans. The meeting ended at 5:36pm.

**APPROVED:**

A handwritten signature in blue ink, appearing to read "Kristen Barone", written over a horizontal line.

Kristen Barone, Clerk

A handwritten signature in blue ink, appearing to read "John Feick", written over a horizontal line. The signature is stylized with a large loop on the left.

John Feick, Chairman