

**Board of Zoning Appeals  
June 15, 2023  
Meeting Minutes**

**Meeting called to order:**

Chair Feick called the meeting to order at 4:30pm. The following voting members were present: Chair Feick, Mr. Matthews, Vice Chair Semans, and Mr. Peugeot. Mr. Delahunt was absent. Alec Ochs represented the Community Development Department and Sarah Chiappone represented the Law Department; also present were City Commission Liaison, Dave Waddington, and clerk Cathy Myers.

**Review of Minutes from May 18, 2023 Meeting:**

Chair Feick called for a motion on the minutes for the May 18<sup>th</sup> meeting. Mr. Matthews moved to approve the minutes as presented and Mr. Peugeot seconded the motion. All voting members were in favor of the motion and the minutes were approved unanimously, as presented.

Chair Feick swore in all parties that were present to speak about adjudication agenda items.

**Adjudication Hearing:**

**1. 1030 Hayes Avenue- A use variance to Zoning Code Section 1129.03 to allow a physical therapy office as a main- use at this location.**

Chair Feick asked Staff to present the application. Mr. Ochs reported the applicant was seeking a variance to allow a physical therapy practice in an RRB – Residential Business Zoning District. The Zoning Code explicitly outlined the uses that would be allowed and those uses were typically catered toward residents in the nearby neighborhood, such as barber shops, drug stores, dry cleaning, florists, etc. Medical offices / clinics was not an explicitly permitted use at this location, but was allowed in in other districts, such as LB – Local Business and GB – General Business. Planning staff were in support of the requested variance at 1030 Hayes Ave. (57-04721.000) and asks that the following conditions be imposed if approved: All applicable permits were obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency. Chair Feick asked if there was anyone to speak for or against the request. Mr. Lehrer- real estate agent, Mr. Krabill- owner/ seller, and Mr. Healy- tenant/ buyer were present to speak on behalf of the project. Chair Feick asked if any other members had questions of the representatives. There were none.

Vice Chair Semans made a motion to approve the application with Staff conditions. The motion was seconded by Mr. Peugeot. A vote was called, and the motion was approved unanimously.

**2. 1019 Sloane Street- An area variance to Zoning Code Section 1137.08 (a) to allow a minimum front yard setback up to 2 feet. The Zoning Code requires a 30 ft. front yard setback in a Commercial Zoning District.**

Chair Feick asked Staff to present the application. Mr. Ochs stated the applicant proposed to construct a new, single family home, in the same footprint as the current home on the site. The

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front yard set back of the existing house was a legal non-conforming setback. The zoning code required a minimum 30 foot setback from the front property line in a Commercial Service Zoning District. The house at 1019 Sloane Street was setback approximately 2 feet. The new home would remain in the same footprint of the existing house and would be 72 feet wide. The existing and proposed replacement house were set back only 2 feet from the parcel line and public right of way, which was 35 feet from the existing roadway. The applicant proposed to match the existing front yard setback of the existing front yard setback and requested a variance for up to a 2 foot front yard setback = a 28 foot variance. Planning staff support the requested variance at 1019 Sloane St. (58-02909.000) and asked that the following conditions be imposed if approved: All applicable permits were obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency. Chair Feick asked if there was anyone to speak for or against the request. Mrs. Kimberly Go- the homeowner, was present to speak on behalf of the request. Chair Feick asked if any other members had questions of the applicant. Chair Feick asked if the floodplain review would be done by the City. Mr. Ochs stated there would be a floodplain review.

Vice Chair Semans made a motion to approve the application with Staff conditions. The motion was seconded by Mr. Matthews. A vote was called, and the motion was approved unanimously.

- 3. 1214 & 1218 Farwell Street- An area variance to Zoning Code Section 1129.14 to allow the creation of (2) parcels which do not meet the minimum area and yard requirements. The minimum of width of a parcel in a R1-50 Single Family Zoning District is 50 ft. The applicant is proposing to create (2) parcels which are both 45 ft. wide.**

Chair Feick asked Staff to present the application. Mr. Ochs explained the applicant was proposing to split (2) lots along their original platted parcel lines, creating (2) parcels which do not meet the minimum width standards for a buildable lot in the current zoning, R1-50 – Single Family Residential Zoning district. The variance requests would restore the parcels back to a historical footprint and back to a legal conforming use. The current use of two residential dwellings on one zoning parcel contradicted our zoning requirements. Planning staff were in support of the requested variance at 1214 / 1218 Farwell St. (Parcel 57-04311.000) to get the use back to a legal conformity and suggested the following conditions be imposed, upon approval: All applicable permits were obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency. Chair Feick asked if there was anyone to speak for or against the request. Mr. Seavers- the property owner, was present to speak on behalf of the request. Chair Feick asked if any other members had questions of the applicant. There were none.

Mr. Matthews made a motion to approve the application with Staff conditions. The motion was seconded by Mr. Peugeot. A vote was called, and the motion was approved unanimously.

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- 4. 533 Shelby Street- An area variance to Zoning Code Sections 1145.10 and 1145.15 (a) (b) to allow an extension to an existing legally non-conforming garage within side yard and required side yard setback for a corner lot. Accessory structures are not permitted in a side yard or withing the required side yard setback of a corner lot.**

Chair Feick asked Staff to present the application. Mr. Ochs disclosed in this request that the set backs and placement of the existing garage were legally non-conforming. The zoning code required a minimum 12.5 foot side yard setback from the side property line in a Residential Zoning District. The existing garage was setback 4 feet and the new garage proposed to match this 4 foot setback and extend parallel to the street by approximetely 11 feet. The applicant was asking for (2) variances: (1)to allow an accesory structure in a side yard. (2) to allow a 13.5 foot relief to the 17.5 feet side yard setback requirement = 4 foot setback. The applicant installed a new parking pad next to the garage to create additional off-street parking on the property. The applicant has had continuous issues with water intrusion to the existing garage. The applicant stated that numerous repairs have been made to mitigate the issue to no avail. This project will install a new gable style roofing system over the existing garage and extend the roofing system over the concrete pad and enclose this area on two sides, creating a shelter for vehicle parking next to the existing garage. Planning staff does not oppose the requested variance at 533 Shelby St. parcel (59-01299.000) and asked that the following conditions be imposed if approved: All applicable permits were obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency. Chair Feick asked if there was anyone to speak for or against the request. Mr. Kurtz- the homeowner was present to speak on behalf of the request. Mr. Smith and Mrs. Hoffer, neighbors of Mr. Kurtz, spoke on behalf of the request and were in favor of the project. Chair Feick asked if the applicant wanted to enclose the carport would that be allowed. Mr. Ochs stated that the request was for setbacks, so enclosing the space would not be impacted. Chair Feick asked if there were any other questions. There were none.

Vice Chair Semans made a motion to approve the application with Staff conditions. The motion was seconded by Mr. Peugeot. A vote was called, Mr. Matthews abstained from the vote and the motion was approved by the remaining Committee members.

**Other Business:**

There was no other business.

**Adjournment:**

Vice Chair Semans moved to adjourn the meeting and Mr. Peugeot seconded the motion. All members approved the motion, and the meeting ended at 5:10 pm.

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**Next meeting:**  
July 20, 2023

APPROVED:



Clerk



Chair/ Vice Chair