

**Board of Zoning Appeals
July 20, 2023
Meeting Minutes**

Meeting called to order:

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

Review of Minutes from June 15, 2023 Meeting:

Chair Feick called for a motion on the minutes from the June 15th meeting. Vice Chair Semans moved to approve the minutes as presented. 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. 1636 Haye Avenue- an area variance to Zoning Code Section 1139.08 to allow a new storage building within the minimum front yard setback in a Limited-Manufacturing District.**

Chair Feick asked Staff to present the application. Mr. Ochs reported the applicant proposed to construct a new, storage building on the property. The applicant was seeking a 5 foot front yard setback to match the setback of the existing building to the east. The required front yard setback was 30 feet. The variance requested was a 5 foot setback = a 25 foot relief. Planning staff supported the requested variance at 1636 Hayes Ave. parcel (57-05666.000) and suggested the following conditions upon approval: all applicable permits must be obtained through the Building Department, Engineering Department, Division of Planning and any other applicable agency and a site plan review by the Planning Commission. Chair Feick asked if there was anyone to speak for or against the request. Mr. Matt Ruff, one of the property owners, spoke on behalf of the application and presented a photo album to the Commission that had pictures of the property, the improvements that had been made so far and presented their plan for a new building with 26 storage units. Chair Feick asked if any Board Members had questions of the applicant. Vice Chair Semans asked if the applicant was keeping the new building in line with existing buildings. The applicant stated it would be 5-feet back from existing structures. Mr. Peugeot asked if there were any concerns from Staff about traffic issues and Mr. Ochs stated the Engineering Department did not have any concerns. Chair Feick asked if the applicant could push the building back any further. The applicant stated there was little room to move the building back further but that would cause issues with rear access to the building.

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Chair Feick called for a motion. Mr. Delahunt made a motion to approve the application as proposed. The motion was seconded by Vice Chair Semans. A vote was called, and the motion to approve the application, as proposed, was approved unanimously.

2. 325 West Perkins Avenue- an area variance to Zoning Code Section 1143.09 to allow construction of a pylon sign within the required 15' setback in a General Business District.

Chair Feick asked Staff to present the application. Mr. Ochs stated the applicant proposed to install a pylon sign at 325 West Perkins Ave. The sign would be double sided extruded aluminum cabinet signage. The installation would be the main signage to attract drivers off of Perkins Ave. The sign would be approximately 17' 2" tall and roughly 13' 4" wide. The sign would be out of the right-of-way and placed in a proposed grass area. The variance being requested was a 13 foot allowance into the minimum 15 foot front setback = 2 foot setback. Planning Staff supported the requested variance at 325 West Perkins Avenue with the following conditions: (1) all applicable permits are obtained through the Building Department, Engineering Department, and any other applicable agency prior to construction, (2) shall not interfere with the line of sight for any vehicle. Chair Feick asked if there was anyone to speak for or against the request. Mr. David Mack of Brady Signs spoke on behalf of the request. He stated the variance was being requested to match the placement of the existing/ nearby business signs. Chair Feick asked if the Board had any questions. Vice Chair Semans asked where the Autozone sign sat on its property. Mr. Ochs stated the Autozone sign was on the property line and the applicant's sign would be further back than the Autozone sign. Chair Feick stated he went out to the property and took pictures this morning and emailed Staff about the existing signs in the area and their status. Staff answered the email that the existing signs were all established before the current standards for signs and were legal nonconforming uses. Chair Feick stated he was reluctant to have the sign that close to the street because of the congested area. Mr. Delahunt asked what happened to nonconforming signs when a business goes out of business. Mr. Ochs stated that after a year of vacancy, Staff could request the sign to be removed. Mr. Delahunt voiced his concern about not getting businesses to change sign placement if the Board was unable to push the signs back from the road. Mr. Delahunt made a motion to table the request for Mr. Mack to return to his client to discuss a request that was 5 feet from the property line. Mr. Mack asked if the Board would approve the 5 feet, so that they didn't have to come back in 30 days, and asked if the client didn't agree, would the client be able to reapply and ask for the additional 2 feet. The Board looked for Staff to answer that question. Mr. Ochs stated that he believed they could reapply but asked the Law Department to confirm. Mr. Heil stated if the application was not denied that there was no waiting period to reapply, the Board had the right to make a motion to grant the 5 feet tonight, and if the applicant reapplied for a different request, that would be handled as a new application.

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Mr. Delahunt rescinded his initial motion to table the application and made a new motion to approve the application with Staff condition and grant a 10 feet allowance to allow a 5 feet setback. A vote was called, and the motion to approve the application with conditions was approved unanimously.

3. Parcel 56-000983.001- an area variance to Zoning Code Section 1137.08 (a) to allow a new residential building within minimum front yard setback in a Commercial Service District.

Chair Feick asked Staff to present the application and stated he went out to the properties to measure the setback and noted it was consistent to the existing homes to the east. Mr. Ochs asked Ms. Blair to present to the Board. Ms. Blair stated she had provided a memo regarding the next three applications that explained the special circumstances of these lots. Staff supported these requests that would more closely follow the traditional layout of the city. The applicant was in the process of the pre-development of a single family home for the site. The zoning code required a minimum 30 foot setback from the front property line in a Commercial Service Zoning District. The applicant was seeking a variance of 15 feet to allow a 15 foot front yard setback. Planning Staff supported the variance request at parcel (56-00983.001) and suggested the following conditions upon approval, all applicable permits must be obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency prior to any construction. Chair Feick asked if there was anyone to speak for or against the request. Mr. Dan Singler, the applicant, was present to speak on behalf of the request. Chair Feick asked if any Board Members had questions for the applicant. There were none.

Vice Chair Semans made a motion to approve the request. The motion was seconded by Mr. Delahunt. A vote was called, and the motion to approve the application passed, unanimously.

4. Parcel 56-000983.003- an area variance to Zoning Code Section 1137.08 (a) to allow a new residential building within minimum front yard setback in a Commercial Service District.

Chair Feick asked Staff to present the application. Mr. Ochs explained the applicant was in the process of the pre-development of a single family home for the site. The zoning code required a minimum 30 foot setback from the front property line in a Commercial Service Zoning District. The applicant was seeking a variance of 15 feet to allow a 15 foot front yard setback. Planning Staff supported the requested variance at parcel (56-00983.003) and suggested the following conditions upon approval, all applicable permits must be obtained through the Building Department, Engineering Department, Division of Planning, and any other applicable agency prior to any construction. Chair Feick asked if there was anyone to speak for or against the request. Mrs. Christine Mack, the applicant, spoke on behalf of the request. Chair Feick asked if any Board Members had questions for the applicant. There were none.

Vice chair Semans made a motion to approve the variance request. The motion was seconded by Mr. Peugeot. A vote was called, and the motion to approve the application passed, unanimously.

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5. Parcel 56-000983.002- an area variance to Zoning Code Section 1137.08 (a) & (b) to allow a new residential building within minimum front yard, secondary street, and combined setbacks of a corner lot and in a Commercial Service District.

Chair Feick asked Staff to present the application. Mr. Ochs explained the applicant was in the process of pre-development of a single family home for the site. The zoning code required a minimum 30 foot setback from the front property line and a combined side yard setback of 15 feet. This yard was on a corner lot. Side yards of a corner lot require a minimum of 10 feet in a Commercial Zoning District, the combined side yard setbacks must be a minimum of 15 feet. The applicant is seeking 3 variances: (1) front yard setback – A relief of 15 feet to allow a 15 foot front yard setback, (2) side yard setback – A relief of 2 feet to allow an 8 foot side yard setback, (3) combined side yard setback – A relief of 4 feet to allow an 11 foot combined side yard setback. The City acquired this land in 2009 and has maintained ownership until 2023. The City was requiring an 18-foot access agreement on the south end of the 3 parcels on the 500 block that face East Market Street. which was not buildable. Zoning Code section 1145.08 Front Yards of Partially Built-Up Blocks does not apply to this application, but if so, would allow a 15-foot setback minimum. Staff determined that the proposed front yard setback request better suited the setbacks of the homes to the east and would more closely match the historic standards of East Market Street for residential development. A corner lot has more restrictive setback requirements than an interior lot, further restraining buildable area for the applicant. The current code permits side yards for corner lots to be a minimum of 10 feet in along the secondary street of a Commercial Zoning District. The side setback at 8 feet is close to the minimum requirement outlined in the code. Staff were happy to see development at this site which has been vacant for almost 2 decades. Chair Feick asked if there was anyone to speak for or against the request. Mr. Brian Kauffman, the applicants' architect and builder was present to speak on behalf of the application. Chair Feick asked if any Board Members had questions of the applicant. There were none.

Vice Chair Semans made a motion to approve the variance application. The motion was seconded by Mr. Peugeot. A vote was called, and the motion to approve the application passed, unanimously.

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.

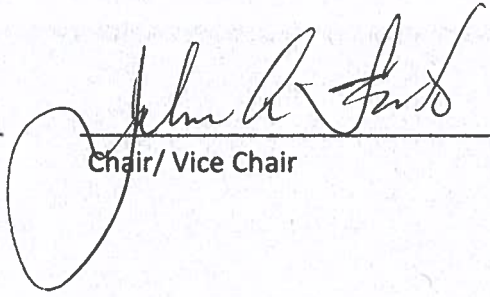
Next meeting:

August 23, 2023

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APPROVED:


Clerk


Chair/ Vice Chair