

**Board of Zoning Appeals
August 24, 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, and Mr. Peugeot. Mr. Matthews and Dr. Semans were absent. Alec Ochs represented the Community Development Department, Sarah Chiappone represented the Law Department; also present were City Commission Liaison, Dave Waddington, and clerk Quinn Rambo.

Review of Minutes from July 20, 2023 Meeting:

Chair Feick called for a motion on the minutes from the July 20th meeting. Mr. Delahunt 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. 2035 Frist Street- An area variance to Zoning Code Section 1137.08 (a) to allow a new boat storage building within the minimum front yard setback in a Commercial Recreation Zoning District.**

Chair Feick asked Staff to present the application. Mr. Ochs reported the applicant was in the process of pre-development of a boat storage facility on this site. The zoning code required a minimum 30 foot front yard setback from the front property line in a Commercial Service Zoning District. The front yard set back would be subject to change per Zoning Code section 1137.08 (a) " unless shown on otherwise on the Zone Map". The Zone Map indicated a front yard setback allowance of 25 feet at this location. The applicant was seeking a variance of 14 feet to allow a 11 foot front yard setback. Planning Staff was not opposed to the requested variance at 2035 First St. parcel (57-02639.000) 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 prior to any construction. Chair Feick asked if there was anyone to speak on behalf of the request. Ms. Lynch was present to speak on behalf of the request. She gave an overview of the project and history of the property. She explained there was a vacated railway spur of 15', a parcel owned by the City that changed the distance from the right-of-away; but that 15' wide parcel was not previously considered City property when buildings were built previously. Mr. Delahunt asked if the mural would be like the one down the street. Ms. Lynch stated no, they considered the mural down the street, a form of advertising and the one on the proposed new building would be more artistic. She added that they would also be removing the barbed wire fence and would be replacing it with a more aesthetically pleasing fence. Chair Feick asked what the distance was between the proposed building and building #3. Mr. Hoty, another representative of the application- sitting in the audience, answered that the distance between the buildings was 60 feet. Chair Feick asked if there was anyone else to speak against the request. There was no one present to speak against the request.

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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 Mr. Peugeot. A vote was called, and the motion to approve the application, as proposed, was approved unanimously.

2. 412 Fulton Street- An area variance to Zoning Code Section 1129.14 to allow the creation of a parcel that does not meet the area standards for a new parcel in a R2F-Two-Family Residential Zoning District and does not meet the back yard setbacks standards for an existing building in a R2F-Two-Family Residential Zoning District.

Chair Feick asked Staff to present the application. Mr. Ochs stated the applicant proposed to split the existing lot at 412 E Fulton St. along the existing rear fence line. The owner planned to combine the split rear end of the existing parcel with the parking lot parcel behind the home. The owner then planned to combine the new 412 Fulton St. parcel with the empty grass lot to the north. The new parcel created for 412 Fulton St. would not meet the minimum area standards for a new lot in the current zoning, R2F – two Family Residential Zoning District or the yard standards for a rear setback. The minimum rear setback was 20 feet in this case (30% of parcel length). The proposed rear setback would be 7 feet. Minimum area per unit requirement for a new lot in and a two family use in an R2F – two Family Residential Zoning District: 2,750 sq. ft. per unit for a 2 unit. The structure has historically been a 4 residential unit use according to the applicant. The use was presumed to be a legal non-conforming. The applicant stated that the home has been a 4 unit structure prior to their purchase of the property over 20 years ago. Zoning Code section 1129.14 did not indicate a date that the ordinance was enacted. Because of this, Staff has determined the 4-unit would be a legal non-conforming use until the structure was vacant voluntarily for more than a 1 year period starting on August 7, 2023. There were two variances being requested with this application: (1) minimum Area per unit requirement – a relief of 950 sq. ft. (2) back yard setback – a relief of 13 feet. The backyard of the existing lot was cut off by a fence approximately 7 feet behind the house. This proposal would give this residential structure more green space than it currently has. Planning Staff supported the requested variances at 412 Fulton St. (parcel 59-00563.000) and suggested the following condition if approved, that all applicable permits must be 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. Rev. Hoyle, the applicant, spoke on behalf of the request. Rev. Hoyle stated the church would like to make the parking lot portion of 412 Fulton part of the church parking lot. The Church then proposed to combine the vacant lot of 410 Fulton with 412 Fulton to sell the house and vacant lot as one. Chair Feick asked if the lot split and combo complete. Mr. Ochs answered it was not complete and was contingent on the approval of the variance application.

Chair Feick called for a motion. Mr. Peugeot made motion to approve the application with all variances and Staff conditions. The motion was seconded by Mr. Delahunt. A vote was called, and the motion to approve the application with Staff conditions was approved unanimously.

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- 3. 123 Division Street- Area variances to Zoning Code Section 1129.14 to allow the creation of a parcel that does not meet the area standards for a new parcel in an R2F- Two-Family Residential Zoning District and does not meet the front yard/ back yard setback standards for an existing building in a potential R2F- Two Family Residential Zoning District.**

An area variance to Zoning Code Section 1133.11 to allow the creation of a parcel that does not meet the side yard setback standards for an existing building in a potential LB- Local Business Zoning District.

Chair Feick asked Staff to present the application. Mr. Ochs stated the applicant proposed to split the existing lot at 123 E. Division St. The owner planned to create two lots, one for the residential structure (parcel 1) and one for the structure housing the *Halo Live* venue (parcel 2). As part of this proposal, the applicant has an application to re-zone both the proposed parcel 1 and parcel 2 which was approved at the 8.23.23 Planning Commission meeting. Parcel one was proposed to be re-zoned to R2F – Two Family Residential. Parcel 2 was proposed to be re-zoned to LB – Local Business. Parcel 1 does not meet the minimum area standards of a new lot for the proposed R2F – two Family Residential Zoning District or the front setback requirements. Minimum area per unit requirement for a new lot in an R2F – two Family Residential Zoning District was 4,300 sq. ft. for a (1) unit. The structure has historically been a (1) unit residential use according to the applicant. The proposed lot was 3,004 sq. ft. The existing setback along Division St. was approximately 6 feet. The minimum front setback in this case would be 25 feet. The new parcel created for parcel 2 does not meet the side yard setback standards for a new lot for the proposed LB – Local Business Zoning District. Buildings in a Business Zoning District, when located on a lot adjoining a residential district, should have a side yard of not less than 12 feet on the adjoining side. The existing setback is approximately 6 feet. There are three variances being requested with this application: Parcel 1: (a) minimum area requirement – a relief of 1,296 sq. ft., (b) front yard setback – A relief of 19 feet. Parcel 2: (a) side yard setback – a relief of 6 feet. Chair Feick asked if there was anyone to speak for or against the request. Mr. Daley, one of the property owners/ applicants, was present to speak on behalf of the request. He explained that this same request was approved back in 2017 but due to a mistake at the County, it was not recorded correctly. The applicant and his business partner would like to get this corrected. Chair Feick asked if the house was a single family or two-family home and if there was parking available. Mr. Daley stated the house was a single-family home, that they intended to keep it that way and the home did have off-street parking in a carriage house and a driveway.

Mr. Delahunt made a motion to approve the request as proposed. The motion was seconded by Mr. Peugeot. A vote was called, and the motion to approve the request as proposed passed, unanimously.

Other Business:

There was no other business.

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Adjournment:

Mr. Delahunt moved to adjourn the meeting and Mr. Peugeot seconded the motion. All members approved the motion, and the meeting ended at 5:00 pm.

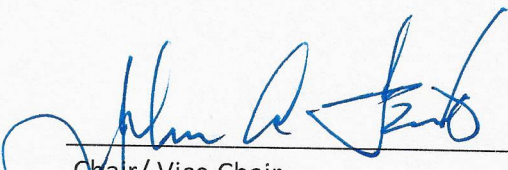
Next meeting:

September 21, 2023

APPROVED:



Clerk



Chair/ Vice Chair