

**Board of Zoning Appeals
October 19, 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, Vice Chair Semans, and Mr. Peugeot. Mr. Delahunt, Mr. Matthews, and Mr. Waddington were absent. Alec Ochs represented the Community Development Department, Sarah Chiappone represented the Law Department, and clerk Quinn Rambo was also present. Mr. Waddington notified Staff in advance that he was unable to attend the meeting.

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

Review of Minutes from September 21, 2022, Meeting:

Chair Feick called for a motion on the minutes from the September 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.

Adjudication Hearing:

- 1. 122 Greenbrier Lane- An area variance to Zoning Code Section 1129.14 to allow the construction of a new attached lean-to on the southwesterly side façade of the house which creates a combined side yard setback of less than the required 15 feet in an R1-75 Single Family Zoning District.**

Chair Feick asked Staff to present the application. Mr. Ochs stated the applicant was in the process of building an attached enclosed storage space on the west side of the existing garage. The west side of the home currently has a 10 foot 2 inch setback and the easterly side has a 7 foot 7 inch setback. The zoning code required a minimum 15 foot combined sideyard setback. The proposed combined sideyard setback is 12 feet 7 inches. The west side of the home would have a 5 foot setback and the easterly side will remain at a 7 foot 7 inch setback. The applicant was seeking a variance of 2 feet 5 inches for a combined sideyard setback of 12 feet 7 inches. Staff recommend approving the variance 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 application. Mr. Sharrah, the property owner, was present to answer any questions the Board may have for him. Chair Feick asked if Mr. Sharrah had spoken to his neighbor that would be impacted by this request. Mr. Sharrah stated he had spoken to the neighbor and there was no issue with that neighbor about the request. Chair Feick asked if Staff had been contacted by any concerned citizens. Mr. Ochs stated there had been no inquiries regarding the application. Chair Feick asked if the homeowner association in the Cove had approved of the project. Mr. Sharrah stated they were good with the project. Mr. Peugeot asked if there was a way to accomplish this project and stay within the original setbacks. Mr. Sharrah stated it would be less than 3 feet to stay within the

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original setbacks and the storage would not be usable. Chair Feick asked if there was anyone present to speak on behalf of the request, there was no response.

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

2. 1015 Buchanan Street- An area and use variance to Zoning Code Section 1129.03 to allow an accessory structure and use without a main structure and use on a parcel in an RMF Multi-Family Zoning District.

Chair Feick asked Staff to present the application. Mr. Ochs reported the applicant proposed to place a 10-foot x 16 foot shed as the main structure and use of this parcel. The proposed shed would be in the northeast corner, three feet from the side and rear property line and approximately 145 feet from the front property line. The applicant was seeking two variances: (1) to allow an accessory structure without a main structure, and (2) to allow an accessory use without a main use. The property currently functioned as one parcel but was split in two. Staff observed that the shed, as proposed, would be permitted if the home on this lot had not been removed. All other zoning code standards for an accessory structure besides the requirements in this report were met. The shed could be placed on this lot if the church lot and the vacant lot were combined. Staff investigated this approach, but the vacant lot was zoned multi-family and would be buildable per zoning code section 1129.14. A recent study by Firelands Forward Workforce Development discovered that Erie County is 1,637 units below the housing needs of the region. Combination of the vacant/ buildable RMF - Residential Multi-Family lot with the adjacent parcel reduced the ability to serve as a potential location for residential infill development, and Staff recommended the applicant keep the property as a separate parcel. Staff was not opposed to the requested variances at 1015 Buchanan St. parcel (58-01563.000) and suggested the following conditions if approved, that all necessary permits were obtained through the Building, Engineering, Division of Planning, and any other applicable agency prior to any construction. Chair Feick asked if there was anyone present to speak on behalf of the application. Mr. Matthews, the applicant's representative, was present to speak on behalf of the application. Chair Feick asked the applicant that the church was not going to build a house on the site and that they might expand the parking lot onto this parcel. Mr. Matthews stated that was correct. Chair Feick asked if there was anyone present to speak for or against the request, and no one came forward. Vice Chair Semans asked why Staff chose to keep the parcel separate. Mr. Ochs stated that because of the study, Staff would like to keep buildable parcels separate because future developmental trends could change, and this site could be a viable site for development in the future. Chair Feick stated that he would rather see the lots combined. Mr. Ochs stated that although there was an influx of properties a shift in the market may increase demand for development and this site would be a viable option for such development if it is kept separate.

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

3. 918 W. Monroe Street- An area variance to Zoning Code Section 1145.17 (d) & (g) to allow the placement of a 6-foot-tall fence/ gate in a side yard in an R2F- Two Family Residential District.

Chair Feick asked Staff to present the application. Mr. Ochs reported the applicant wished to build a 6 foot privacy gate into the eastern side yard at 918 W. Monroe St. The zoning code restricted “fences, walls and yard structures” to a height of 4’ along the sideyard of a house. The reason for the 6’ gate in the sideyard would be to provide privacy and restrict access onto the property from pedestrians. The fence would be setback an estimated 60’ from the front property line. Staff determined that the fence placement would not negatively impact the neighboring property. The applicant stated that pedestrians had walked up his driveway to the rear of the house while they had been working outside. These instances caused privacy and safety concerns for the owner. Due to the large setback of the proposed gate from the front property line, Staff supported the requested variance at 918 W. Monroe St. parcel (58-01405.000) and suggested the following conditions upon approval. That all necessary permits were obtained through the Building, Engineering, and Planning departments prior to construction. Chair Feick asked if there was anyone to speak for or against the application and no one came forward. Chair Feick stated he had driven past the property on multiple occasions and where the applicant was proposing the fence and gate would not be readily visible from the street. Mr. Ochs stated that was correct, the fence would be approximately 60 feet from the front property line. Chair Semans asked if there would be anything extending into the front yard. Mr. Ochs stated that there would not be anything extending north from the proposed location of the gate, per the applicant’s drawing.

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

4. 433 Anderson Street- An area variance to Zoning Code Section 1137.08 (a) to allow a residential building addition within the minimum front yard setback in a Commercial Recreation District.

Chair Feick introduced the application and let Staff know that he could not vote on this application. Mr. Ochs stated the item would have to be tabled. Ms. Chiappone confirmed that the codified ordinances that regulate the Board of Zoning Appeals stated that three members constituted a quorum, but all three members must vote in favor of an application to grant a variance. Chair Feick asked the homeowners to table the application and called for a motion. Vice Chair Semans made a motion to table the application and the motion was seconded by Mr. Peugeot. A vote was called the application was tabled, unanimously. Mr. Ochs stated the Staff

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would look into scheduling a special meeting (2) weeks out. The Board agreed with this sentiment.

Other Business:

There was no other business.

Adjournment:

Mr. Peugeot moved to adjourn the meeting and Vice Chair Semans seconded the motion. All members approved the motion, and the meeting ended at 4:43 pm.

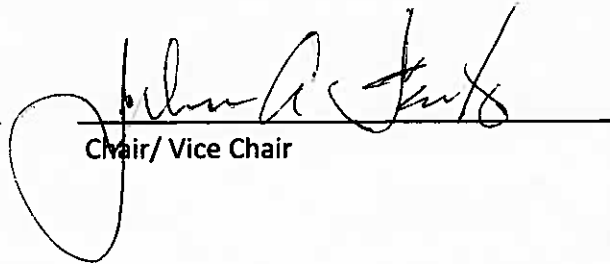
Next meeting:

November 1, 2023

APPROVED:



Clerk



Chair/ Vice Chair