

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 2-5-2020

The meeting was called to order at 7:00 P.M. by Chairman Chauncey Miller.

Present: Michael Bulger; Bruce Klingshirn; Mark Ladegaard; Chauncey Miller; Kurt Schatschneider; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING – JANUARY 8, 2019

A motion was made by Mr. Klingshirn, seconded by Mr. Schatschneider to dispense with the reading of the regular minutes of Wednesday, January 8, 2020 and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

ADDITIONS/DELETIONS

MICHELE BREARLY APPEAL

James Adkins representing Michele Brearly is requesting a 4’ rear yard setback variance from C.O.1262.04(d)(4) Lot and Yard Requirements to allow the construction of a covered deck off the rear of the house at 2516 Seton Drive.

James Adkins is sworn in by Mr. Gasior. Mr. Adkins explains their proposal is to put a roof over the deck on the back of the house and zoning code says they can only go so far from the house. Mr. Adkins says the roof is 18’x18’ and the variance they are looking for is that the darker (showing the drawing) part to be covered. Mr. Adkins says the north side neighbors house is angled at the back of their house and he doesn’t believe they will be able to see it and the other side is far enough away. Mr. Adkins says behind them is empty space and the school. Mr. Adkins says he builds a lot of decks and the houses that have the back part facing west, it gets so hot you can hardly use them and would like to cover a portion of the deck. Mr. Miller asks if they considered moving it behind the house more. Mr. Adkins says the lay out of the house is kind of set up for the deck to be in the proposed location.

A motion was made by Mr. Schatschneider, seconded by Mr. Ladegaard to approve requesting a 4’ rear yard setback variance from C.O.1262.04(d)(4) Lot and Yard Requirements to allow the construction of a covered deck off the rear of the house at 2516 Seton Drive. The vote was: “AYES” All. The Chair declared the motion passed.

JOHN JAMESON APPEAL

John Jameson is requesting a 1’ height variance from C.O. 1294.08(a) Fence Location, Height and Opacity to allow the installation of a 5’ high vinyl fence in the front yards of a corner lot to be located at 4297 Gatwick Dr.

Pam Fechter says the Homeowner’s Association asked the applicant for more information and they have not rendered a decision and asks that this be tabled until March.

A motion was made by Mr. Ladegaard, seconded by Mr. Schatschneider to table until the March meeting. The vote was: “AYES” All. The Chair declared the motion passed.

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 2-5-2020

JAMES AND KAREN CONANT APPEAL

James Conant is requesting a variance from C.O.1262.04(c)(3) to allow two dwellings on an R-1 lot while a new home is constructed and existing home is torn down, a 4' side yard variance for eastside barn and a 42' side yard variance for westside barn from C.O. 1262.08(b)(2)(B) Accessory Building Setback Requirements and a variance from C.O. 1262.08(a)(3) Maximum Number of Accessory Buildings to allow 3 additional existing buildings to remain making the total number of 7 buildings located at 34390 Detroit Road.

Pam Fechter asks that this be tabled until the March meeting to allow the Landmark Preservation to hear his request to demo the existing house that is on the Historical list.

A motion was made by Mr. Ladegaard, seconded by Mr. Schatschneider to a table until the March meeting at the applicants request to allow time for Landmark Preservation to decide. The vote was: "AYES" All. The Chair declared the motion passed.

ZOOM EXPRESS APPEAL

Mark Bailin of Diamond Signs and Graphics is requesting a 3' height variance from C.O. 1290.07(e)Maximum Height of Freestanding Signs, a 36 sq. ft. variance from C.O. 1290.05(f)Maximum Sign Area and a variance from 1290.06(c)(2) Regulations for Freestanding Signs to allow a directional sign to be 4'x10' and 1' from the Right of Way to be located at the entrance for Zoom Express Car Wash on Chester Road.

Harvey Wasserman is sworn in by Mr. Gasior. Mr. Wasserman says they are looking for two variances for the sign for the new Zoom Car Wash. The variance would be a variance in the height of the sign and the placement of the sign within the right of way. Mr. Miller says they are now requesting the sign be one foot from the right of way and it was confirmed. Mr. Miller says he doesn't have an issue with that, but the sign size is excessive. Mr. Miller says he thought what was proposed last month was excessive and this is larger. Mr. Wasserman says this will be one, double sided sign that will direct traffic off Chester Road. Mr. Miller says the 16 sq. ft. he would consider better than what is submitted with a one-foot height. Mr. Miller says the car wash is highly visible. Mr. Wasserman says they have another option of a 9' wide sign and a 3' high sign and he shows that drawing, giving the sign 27 sq. ft. total. Mr. Miller asks how far off the ground it would be and it was determined the total height of the sign from ground level to top of sign is 5' off the the ground, the sign itself is 3 feet. Mr. Wasserman asks if the issue is the size of the sign or from the height from the ground down. Mr. Miller says the issue is square footage and height, the location is ok now. Mr. Klingshirn says he wants to see the sign kept lower and would like to see it 2' off the ground and a 2' sign. Mr. Schatschneider asks what the height is for directional signage and it was determined 4 feet. Mr. Klingshirn says the signs at Pilot aren't that big. Mr. Wasserman says this sign is to direct traffic into that access road into the car wash, its different than an in and out sign. Mr. Klingshirn says there is a lot of signage on the building. Mr. Schatschneider says he believes the biggest directional signs they gave a variance for was for the hospital on Healthway and that's a 2'6"x4' sign- 3 foot off the ground, 3' in off the right of way and Mr. Schatschneider says they granted that because it's a hospital and feels this is very excessive. Mr. Schatschneider says if you go one foot off the property line and you had a sign that was 2'x3' he would be ok with that. Mr. Ladegaard says he agrees these proposed signs are excessive, it's a huge variance request from what can what is proposed. Mr. Ladegaard says he

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 2-5-2020

would be ok with something 2'x8' and Mr. Wasserman asks if he would accept a 2'x8' that is 2' off the ground. Mr. Miller says your allowed 3, that would be at 4' so that's not too bad. Mr. Ladegaard says last month was 2'x8' and they thought that was excessive now they come in bigger and the Board would prefer smaller and discusses the 2'x8' sign.

A motion was made by Mr. Klingshirn, seconded by Mr. Bulger to approve a 1' height variance from C.O.1290.07(e)Maximum Height of Freestanding Signs, to allow a 2'x8' sign, two feet off the ground to be located at the corner of Chester and the access road for the entrance of Zoom Car Wash. The vote was: "AYES" All. The Chair declared the motion passed.

A motion was made by Mr. Klingshirn, seconded by Mr. Ladegaard to approve a 12 sq. ft. variance from C.O. 1290.05(f)Maximum Sign Area to allow a 2'x8' sign, two feet off the ground to be located at the corner of Chester and the access road for the entrance of Zoom Car Wash. The vote was: 4 "AYES", 1 "NAY". The Chair declared the motion passed.

A motion was made by Mr. Ladegaard, seconded by Mr. Bulger to approve a 4' setback variance from the Right of Way to allow a 2'x8', two feet off the ground, one foot from the right of way sign to be located at the entrance for Zoom Express Car Wash on Chester Road. The vote was: 4 "AYES", 1 "NAY". The Chair declared the motion passed.

AUTUMN GROVE APPEAL

Matt Garland of Garland New Homes, Inc is requesting a 141' variance from C.O. 1246.04(a)(14) Maximum length of a cul de sac is 600 feet to allow the length of the cul de sac to be 741' in the proposed Autumn Grove Subdivision located on the south side of Riegelsberger Road.

Kevin Hoffman is sworn in by Mr. Gasior. Mr. Hoffman says they are requesting the variance on the cul de sac length larger than 600 feet. Mr. Hoffman says the code says the maximum length is 600 feet and its ambiguous as to where that measurement is from. Mr. Hoffman says Ms. Fechter said it was from the edge of the pavement to the end of the cul de sac and that puts them at 741' feet long. Mr. Hoffman says they are 591' to the beginning of the cul de sac. Mr. Klingshirn says you can make another entrance and you wouldn't have the issue. Mr. Hoffman says that is true, but they are trying to keep the number of access drives limited and that is why they chose this layout. Mr. Hoffman says the previous plan from Planning Commission when they were working with the Metro Parks and were going to put their basin on that property, but they were having issues with Army Corps and they pulled back and reduced the lots from 28-20 and feel this is a good layout. They are doing a large compensatory storage area and there are a lot of benefits in this plan and they are still working all those details with the engineer. Mr. Hoffman says the previous plan did have two entrances but since they squeezed it, this was good lay out. Mr. Klingshirn says it would still be better with two entrances for safety and school busses. Mr. Hoffman says the Ohio Fire Code allows cul de sacs up to 750 feet on an access road and they are within that measurement from the Ohio Fire Code. Mr. Schatschneider says they have granted two variances for cul de sacs and this is 141' and he doesn't feel this is excessive. Mr. Ladegaard says he doesn't have an issue.

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 2-5-2020

A motion was made by Mr. Ladegaard, seconded by Mr. Schatschneider to approve a 141' variance from C.O. 1246.04(a)(14) Maximum length of a cul de sac is 600 feet to allow the length of the cul de sac to be 741' in the proposed Autumn Grove Subdivision located on the south side of Riegelsberger Road. The vote was: 4" AYES", 1" NAY". The Chair declared the motion passed.

COMMENTS

Mr. Gasior says more details need to be brought out in the record on the reasons why they are approving the variances.

Marla DiFilipo. 3940 Center says she is concerned with the new development and more traffic going onto 83 from Riegelsberger Road. Mrs. DiFilipo says the traffic keeps coming and the roundabout has been great, but people do crazy things at that intersection. Mr. Schatschneider says they will have to do a traffic study and Ms. Fechter says they are not at that point, its more preliminary and storm water but says she will take the concerns back to the Planning Commission.

ADJOURN

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirm to adjourn. The vote was: "AYES" All. The Chair declared the motion passed.

ATTEST

CHAIRMAN

DATE