



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

September 1, 2016

**A. Call to Order – 7:00 p.m.**

1. Roll Call - the following members were present: D. Falcoski, M. Coulter; B. Seitz; L. Reibel and C. Crane. Also present was D. Phillips, Chief Building Inspector and L. Brown, Director of Planning and Building.
2. Pledge of Allegiance
3. Approval of minutes of August 4, 2016 meeting.

Mr. Seitz moved to approve the minutes and Ms. Reibel seconded the motion. All Board members voted “aye”.

4. Affirmation/swearing in of witnesses.

**B. Items of Public Hearing**

**1. Variance** – Front Yard Setback – Wall – **5723 Foster Ave.** (Environmental Management Inc./Ficek) **BZA 47-16**

Findings of fact:

1. This property is an existing lot of record in the R-10 district where the minimum front yard requirement is 30 feet. Fencing and walls are not permitted between the right-of-way line and the building setback line.
2. The applicant is proposing to replace an existing retaining wall along the north property line, 6 feet 6 inches from the right-of-way. The proposed wall is approximately 4.5 feet tall at the setback line and tapers to 0 feet tall towards Foster Avenue. The requested variance is 23 feet 6 inches.

The following conclusions are presented:

1. Fencing and walls are typically not permitted in the front yard and at one time there was an exception for walls constructed to accommodate changes in grade. In this particular case, the retaining wall is existing, in poor repair, and needs to be replaced, creating a practical difficulty for the property owner. The requested variance is not substantial.
2. The essential character of the neighborhood should not be altered.

3. The delivery of governmental services should not be affected.

**Discussion:**

Mr. Phillips stated there was a four or five foot grade difference between the street and the right-of-way line but you cannot see it in the photographs.

Dennis Karem, Environmental Management Inc., 8220 Industrial Parkway, Plain City, said the existing wall was built in the late 1970's or early 1980's by the owner. He was unaware that there was a pre-existing condition to the front yard setback. The property is in disrepair and the owner is elderly, so they are trying to get the property back into shape.

Ms. Crane asked if there was anyone to speak for or against this application.

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY DENNIS KAREM AND JOHN FICEK FOR A VARIANCE FROM CODE REQUIREMENTS FOR SETBACKS TO CONSTRUCT A RETAINING WALL AT 5723 FOSTER AVENUE, AS PER CASE NO. BZA 47-16, DRAWINGS NO. BZA 47-16 DATED JULY 28, 2016 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Falcoski seconded the motion. All Board members voted "aye" and the motion was approved.

**2. Variance – Side & Front Yard Setbacks – Addition – 332 Colonial Ave. (Kristin & Robert Jason Fisher) BZA 48-16**

Findings of fact:

1. This property is an existing lot of record in the R-10 district where the minimum front yard requirement is 30 feet. Corner lots are permitted to reduce the adjacent yard to 20 feet.
2. The Colonial Avenue right-of-way is 60 feet wide and the Greenwich Street right-of-way is 50 feet wide. The existing dwelling and porch is approximately 8 feet from the Colonial Avenue right-of-way and approximately 9 feet from the Greenwich Street right-of-way.

3. The applicant is proposing to construct a second story addition a top the existing garage and dwelling, approximately 18.5 feet from the Colonial Avenue right-of-way and 13 feet 6 from the Greenwich Street right-of-way. The requested variances are approximately 11.5 feet for front yard setback, and 6 feet 6 inches for side yard setback.

The following conclusions are presented:

1. The property is on a corner with additional setback requirements not typically required on other properties in the district, creating a practical difficulty. In this particular case, the property is very narrow, the existing dwelling and porch is in the front and side yard setbacks, the Colonial Avenue right-of-way is 10 feet wider than typically found in the district, and the second story addition is farther from the 2 rights-of-way than the existing dwelling and porch. These factors mitigates the substantial nature of the variance request.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

**Discussion:**

Robert Jason Fisher, 332 Colonial Avenue, had nothing to add.

Ms. Crane asked if there was anyone to speak for or against this application.

**Motion:**

Mr. Seitz moved:

**THAT THE REQUEST BY KRISTIN & ROBERT JASON FISHER FOR A VARIANCE FROM CODE REQUIREMENTS FOR SIDE AND FRONT YARD SETBACK TO CONSTRUCT AN ADDITION AT 332 COLONIAL AVENUE, AS PER CASE NO. BZA 48-16, DRAWINGS NO. BZA 48-16 DATED AUGUST 5, 2016 BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Falcoski seconded the motion. All Board members voted “aye” and the motion was approved.

Mr. Seitz moved to adjourn, seconded by Mr. Coulter. The meeting adjourned at 7:08 p.m.