

**BOARD OF ZONING APPEALS
MINUTES OF MEETING
JUNE 9, 2014**

MEMBERS PRESENT: Carl Zani, Eric Moulton, Dick Mickley, Alex Kessler, Scott Zwiezinski, and Harry McMannis. Barbara Taylor was excused.

OTHERS PRESENT: Steve Walker, Connie Sabins, Paul Kelly, Amanda Kelly, Skylar Martin, Karen Reynolds, Ken Reynolds, Code Enforcement Officer Derek Hutchinson, City Planner Greg DeLong, and Secretary Barb McCoy.

MEETING CALLED TO ORDER: The meeting was called to order at 7:00 p.m.

APPROVAL OF MINUTES: The minutes of the meeting of May 12, 2014, were approved as presented. Voice vote was unanimous.

AGENDA ITEMS:

OLD BUSINESS: None.

NEW BUSINESS:

To hear a request for a variance to permit 19'8" front setback for construction of new covered porch vs. 25' minimum front setback required; to be located at 1023 Rosewood Drive; R-2 zoning district. Filed by Steve Walker, 15000 Fladt Road, Marysville, Ohio 43040

COMMENTS OF ZONING INSPECTOR AND/OR CITY PLANNER: Mr. DeLong stated the house is in the front setback. It is a legal nonconforming setback which is a hardship. R-2 zoning setbacks have changed throughout the years. It appears the submitted request meets the finding under Section 1129.13 of the zoning code.

COMMENTS OF REQUESTER: Steve Walker stated his client would like to remove the existing porch and replace porch with concrete and a roof. It will only be one foot wider than the existing porch. It will have brown vinyl railing, which matches the house. It will not be enclosed. The house behind this house has very similar setback. The house was built in 1979.

COMMENTS OF CITIZENS: No comments.

DISCUSSION BY BZA MEMBERS: Mr. Mickley made the motion to approve the request with the conditions the covered porch is maintained in good condition and the materials match the house; seconded by Mr. Kessler. Question put, stood:

Mr. Kessler Yes
Mr. Zani Yes

Mr. Zwiezinski Yes
Mr. Moulton Yes

Mr. McMannis Yes
Mr. Mickley Yes

The variance was approved with the condition above.

To hear a request for a variance to permit 45’ front setback for construction of new covered porch vs. 50’ minimum front setback required; A-R zoning district. Filed by Kenneth Reynolds, 14275 SR 38, Marysville, Ohio 43040.

COMMENTS OF ZONING INSPECTOR AND/OR CITY PLANNER: Mr. DeLong stated this house is in the A-R zoning district, which contains the largest setback in the residential zoning districts. Most residential has a 25’ front setback. There is an existing porch they want to cover. It appears the request meets the findings under Section 1129.13 of the Zoning Code.

COMMENTS OF REQUESTER: Mr. Reynolds stated they wish to install a covered porch over the existing porch. The way it is constructed, the slab allows water to run into the basement and this cover will help prevent that from happening in the future. It will be white to match the house. It will have a gable end roof with shingles to match the existing roof to the house. The house was constructed in 1949. A building permit is already issued through Union County Building Department.

COMMENTS OF CITIZENS: None.

DISCUSSION BY BZA MEMBERS: Mr. McMannis made the motion to approve the variance; seconded by Mr. Moulton. Question put, stood:

Mr. Zwiezinski Yes	Mr. McMannis Yes	Mr. Zani Yes
Mr. Moulton Yes	Mr. Mickley Yes	Mr. Kessler Yes

The agenda item was approved.

To hear a request for a variance to permit 0’ side setback for a new driveway vs. 3’ side setback required; R-2 zoning district. Filed by Skyler K. Martin, 315 Sycamore Street, Marysville, Ohio 43040.

COMMENTS OF ZONING INSPECTOR AND/OR CITY PLANNER: Mr. DeLong stated the plot plan appears to show the proposed driveway will only be 4’ in width. He stated the width of the lot is only 40’ wide as it is in older neighborhood. The driveway is required to be paved. It does appear the variance request meets the findings under Section 1129.13 of the Zoning Code.

COMMENTS OF REQUESTER: Ms. Martin stated the neighbor put in a fence that stopped her from using the driveway on the south side of her property. The plot plan is wrong – there is actually 9.5’ on the north side and only 4.5’ on the south side. She plans on paving to the center of the house.

COMMENTS OF CITIZENS: None.

DISCUSSION BY BZA MEMBERS: Mr. Mickley made the motion to approve this agenda item; seconded by Mr. Moulton. Question put, stood:

Mr. McMannis Yes
Mr. Mickley Yes

Mr. Zani Yes
Mr. Kessler Yes

Mr. Moulton Yes
Mr. Zwierzinski Yes

The agenda item was approved.

To hear a request for a variance to permit 1' front setback for construction of a fence vs. 25' front setback required; R-2 zoning district. Filed by Paul and Amanda Kelly, 1313 Valley Drive, Marysville, Ohio 43040.

COMMENTS OF ZONING INSPECTOR AND/OR CITY PLANNER: Mr. DeLong stated the applicant would like to construct a picket fence, 4' in height in the required front setback, which is a corner lot. Chapter 1139.21 states the fence shall not extend past the front façade of the home. The applicant would like to place it 2' from the sidewalk, which is 1' from the right of way. It appears the variance request does not meet the findings under Section 1129.13 of the Zoning Code.

COMMENTS OF REQUESTER: Mr. Kelly stated they would like the fence to provide a safe place for their young children. The yard is small and extending the fence provides additional space. There is a large tree in the corner of the yard with large roots and if they place the fence 25' back it would cause a problem for the tree.

COMMENTS OF CITIZENS: None.

DISCUSSION BY BZA MEMBERS: Mr. McMannis states you see lots of fences like this throughout the City. There have been quite a few variances for fences. Mr. Kessler made the motion to approve the variance; seconded by Mr. Zani. Question put, stood:

Mr. McMannis Yes
Mr. Mickley Yes

Mr. Zani Yes
Mr. Kessler Yes

Mr. Moulton Yes
Mr. Zwierzinski Yes

The agenda item was approved.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Appeals, the meeting adjourned at 7:30 p.m.

