

**BOARD OF ZONING APPEALS
MINUTES OF MEETING
December 8, 2014**

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

OTHERS PRESENT: City Zoning Inspector; Derek Hutchinson, City Planner; Greg DeLong

CITIZENS PRESENT: Todd Valentine, Rod Siddons, Bob Barton, Sue Borawski, Johann Wasik, Nicole Bailey, Bethany Bentz, Bob Bentz, and Bill Holloway

MEETING CALLED TO ORDER: The meeting was called to order at 7:03 p.m.

APPROVAL OF MINUTES: The minutes from November 10, 2014 were approved as submitted.

AGENDA ITEMS:

An application has been submitted for conditional use permit to allow for low-density multi-family residential in the R-2 and R-3 zoning districts on a 10 acre portion of land known as Chestnut Park, which is located south of Eljer park, north of the future Professional Parkway and along the east side of Walnut Street to a distance of 540.54 feet east. The applicants are Todd D. Valentine of LW Associates and Rod Siddons of Frontier Community Services. Property owner is Chestnut Crossing Developers, LLC.

Comments of Zoning Inspector and/or City Planner: Mr. DeLong said 1129.22 the findings are met. They will be required to do any required infrastructure improvements that will come along with the project.

Comments of Requester: Rod Siddons of Frontier Community Services spoke. He said they are looking at a 50 unit senior development on the property. There will be a 435 feet extension on Professional Parkway, and they will be improving the full length of Walnut Street along their property.

Comments of Citizens: Mr. Mickley asked if the developers are comfortable with putting a condition on it to only 5 units per acre. Mr. DeLong said he is not sure what they are planning on doing with the property if the tax credits do not go through, but conditional use does expire after two years if nothing has been started. Mr. Valetine said the residency of the development will be restricted to 55 years and older and they will have to meet income and rent requirements as well. The project will have a community room, shelter house, community gardens, and fenced in Dog Park. Mr. Zani asked if the units are handicap accessible. Mr. Valentine said that the units are designed to accommodate handicap access. Average age of moving in is 74.

Discussion by BZA Members: Mr. Mickley moved to approve the application for conditional use with the stipulation that there is only 5 units per acre, seconded by Mr. Zani. Question put, stood:

Mr. Moulton YES
Mr. Mickley YES

Ms. Taylor YES
Mr. McMannis YES

Mr. Kessler YES
Mr. Zani YES

The application for conditional use was approved with the following condition:

- *Proposed development shall not exceed 5-units per acre.*

To hear a variance request to permit a 13' front yard setback for installation of a fence vs. fences not to extend past the front façade of the main building, for property located at 1874 Deer Crossing Drive in the R-2 zoning district. Filed by Bill Holloway of Ultimate Concepts, LLC. Property owner is Sharon Kitchen.

Comments of Zoning Inspector and/or City Planner: Mr. DeLong said unfortunately this fence was installed without permits. The findings were not met in accordance with Section 1129.13.

Comments of Requester: Mr. Holloway said we are requesting for a fence for the above property around the back of the property. The landowner is going to eventually put in a swimming pool.

Comments of Citizens: Mr. Hutchinson said that if the variance is passed it would be ok for a pool to be installed. Bethany Bentz, (neighbor to property owner) the fence sticks out too far, and if you come in it takes away from our property value. The fence is large, white and bold. The fence does not fit the neighborhood. Mrs. Bentz said the way the fence is placed it is an eye sore. Sue Borawski said the property owner did not go through the Homeowners Association to get approval of the fence. Ms. Borawski stated that Ms. Kitchen use to be the president of the Homeowners Association and she knows the processes and she refused to follow them. Johann Wasik who is also a neighbor called the Homeowners Association and they told her the same thing that the property owner did not go through the Homeowners Association and that there is currently litigation going on between the property owner and the Homeowners Association. Mr. DeLong explained to the neighbors that the City does not enforce the Homeowners Association regulations and that they are policed by the Homeowners Association.

Discussion by BZA Members: Mr. Mickley moved to approve the variance, seconded by Mr. Kessler. Question put, stood:

Ms. Taylor NO

Mr. Kessler NO

Mr. Mickley NO

Mr. McMannis NO

Mr. Zani NO

Mr. Moulton NO

The variance was denied.

To hear a variance request to permit a freestanding identification sign to be located 15' from a side lot line vs. minimum 60' side yard setback for property located at 925 Delaware Avenue in the B-1 zoning district. Filed by Nicole Bailey of Sign Vision. Property owner is JAF Investments, LLC.

Comments of Zoning Inspector and/or City Planner: Mr. DeLong said they had this in the original application and the Zoning Administrator missed it, so we apologize to the applicant for having to return with the subject request.

Comments of Requester: Mr. Moulton asked if there was anyone in the audience wishing to speak, there was none.

Comments of Citizens: None.

Discussion by BZA Members: Mr. Mickley moved to approve the variance, seconded by Mr. Zani. Question put, stood:

Mr. Kessler YES

Mr. Mickley YES

Mr. McMannis YES

Mr. Zani YES

Mr. Moulton YES

Ms. Taylor YES

The variance was approved as submitted.

To hear a variance request to permit total of 102.97-sq. ft. of total signage, 4.33-sq. ft. freestanding directional signs and a second ID sign at 32.5-sq.ft. to be wall mounted vs. a total of 85-sq.ft. of signage, maximum 2-sq.ft. freestanding directional sign and 1 ID sign permitted for property located at 1105 West Fifth Street in the TOC zoning district. Filed by Bob Reed of Custom Sign Center, Inc. Property owner is BOB Land Company, LLC.

Comments of Zoning Inspector and/or City Planner: Mr. DeLong said the Design Review Board approved the building with a few conditions to dress it up at their November 12, 2014 meeting. When Mr. Hutchinson reviewed the signage, he noticed that we issued the permits for signage and unfortunately some of these signs required variance approval.

Comments of Requester: Mr. Reed said the signage is the same, but the spacing. Ms. Taylor said this Wendy's is going to look like the one down on 161. Mr. Reed said yes, a lot like that one.

Comments of Citizens: None.

Discussion by BZA Members: Mr. Moulton moved to approve the variance, seconded by Mr. Kessler. Question put, stood:

Mr. Kessler YES

Mr. Mickley YES

Mr. McMannis YES

Mr. Zani YES

Mr. Moulton YES

Ms. Taylor YES

The variance was approved as submitted.

ADJOURNMENT: The meeting was adjourned at 7:46 p.m.