

**BOARD OF ZONING APPEALS AGENDA  
MINUTES OF MEETING  
May 11, 2015**

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

**OTHERS PRESENT:** City Zoning Administrator Derek Hutchinson, Clerk of Council Kristina Jones.

**CITIZENS PRESENT:** Judie Float, Caitlin Miller, Kyle Miller, Nathan Overfield, Steven Peck, Kent Weakley, Catherine Cunningham

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

**APPROVAL OF MINUTES:** The minutes from March 9 were approved as submitted.

**AGENDA ITEMS:**

**To hear a variance request to permit a 7'-4" front yard setback for a fence vs. fences not permitted to extend closer to the street than the front of the main building, for property located at 1499 Mill Park Drive. Filed by Caitlin Miller.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Hutchinson said according to zoning code 1129.13 the findings were not met.

**Comments of Requester:** Mrs. Miller said they are requesting this variance because they own a corner lot and most of their yard space is beside the house. Since the yard space is beside the house and near the road it is not safe for her children or dog to play, with this fence the dog and children would have a lot more room to play. She also said her neighbor owns a pitbull, who has been known to get away from its owner. The dog has already attacked her dog and she is worried about the safety of the children, if the dog gets loose. This fence would keep her children and dog safe. She said she has contacted her neighbors and everyone was in agreement with the fence. Mrs. Miller said they even offered to pay for the part of fence they will be using of their neighbors, he did not see that necessary. Her neighbor is going to go to Lowes with her and help them pick out the same fence that he used so it will match.

**Comments of Citizens:** None.

**Discussion by BZA Members:** Mr. McMannis 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;	Mr. Zwiezinski YES	

The variance was approved 7-0.

**To hear a variance request to permit a 22'-8" rear yard setback for a deck and steps vs. 30' minimum rear yard setback required, for property located at 1617 Milington Way. Filed by Nathan Overfield.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Hutchinson said regarding 1129.13 the variance request does meet the findings.

**Comments of Requester:** Mr. Overfield explained that this lot slopes and there is no even ground to put patio furniture. He started this project last year and had to stop it because the materials did not come in time. He has the materials devlievered now, and would like to put a deck on the back of the house that is big enough to put patio furniture on.

Mr. Zani asked if his property backed into the Moose Lodge area. Mr. Overfield said yes. Ms. Taylor asked if Mr. Overfield was planning on putting a roof on the deck. He said not right now he would like to get the deck up first. Mr. Overfield was asked if he planned on staining the deck. Mr. Overfield answered yes, he will stain it something to match the house.

Mr. Mickley requested to amend the variance by requiring the deck to be stained or painted to match or be complementary to the house.

**Comments of Citizens:** None.

**Discussion by BZA Members:** Mr. Mickley moved to amend the variance, seconded by Mr. McMannis. Question put, stood:

Mr. Mickley YES;	Mr. McMannis YES;	Mr. Zani YES;	Mr. Moulton YES;
Ms. Taylor YES;	Mr. Zwiezinski YES;	Mr. Kessler YES;	

The amendment was approved.

Mr. Moulton moved to approve the variance with the amendment, seconded by Ms. Taylor. Question put, stood:

Mr. McMannis YES;	Mr. Zani YES;	Mr. Moulton YES;	Ms. Taylor YES;
Mr. Zwiezinski YES;	Mr. Kessler YES;	Mr. Mickley YES	

The variance was approved with conditions.

**To hear a variance request to not provide landscape areas within vehicular use areas vs. a minimum 3% of vehicular use area to be devoted to landscape areas, for property located at 835 E. Fifth Street. Filed by Kyle Miller of M+A Architects.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Hutchinson said 1129.13 the findings are met.

**Comments of Requester:** Mr. Miller explained that this is where the U-Co industries use to be. This building will now be the Board of Elections and the Veteran Service office. He explained that they do not want to put trees up in the devoted area because of drain issues. He said they are adding a planting strip around the walk way. The Board of Elections entrance is on the Westside and the Veterans office will be on the east facing Columbus Avenue. Ms. Taylor asked where the parking is for the veterans. Mr. Miller said there will be four spaces up front by the building and one handicap, and the van parking

will be right across from the building. Mr. Miller said when it comes to planting they will work with the City on what should be planning.

**Comments of Citizens:** None.

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

Mr. Zani YES;                      Mr. Moulton YES;      Ms. Taylor YES;  
Mr. Zwiezinski YES;              Mr. Kessler YES;      Mr. Mickley YES;      Mr. McMannis YES

The variance was approved 7-0.

**To hear a variance request to not provide landscape areas within vehicular use areas vs. a minimum 3% of vehicular use area to be devoted to landscape areas, for property located at 835 E. Fifth Street. Filed by Kyle Miller of M+A Architects.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Hutchinson said regarding 1129.13 the variance request does meet the findings.

**Comments of Requester:** See comments from first request by Mr. Miller.

**Comments of Citizens:** None.

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

Mr. Moulton YES;                      Ms. Taylor YES;                      Mr. Zwiezinski YES;  
Mr. Kessler YES;                      Mr. Mickley YES;                      Mr. McMannis YES;                      Mr. Zani YES

The variance was approved 7-0.

**To hear a variance request to permit off-street parking spaces at 18'-6" in length vs. minimum 19' in length required, for property located at 835 E. Fifth Street. Filed by Kyle Miller of M+A Architects.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Hutchinson said 1129.13 this variance does not meet the findings.

**Comments of Requester:** See comments from first request by Mr. Miller.

**Comments of Citizens:** None.

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

Mr. Zani YES;                      Mr. Moulton YES;                      Ms. Taylor YES;                      Mr. Zwiezinski NO;  
Mr. Kessler YES;                      Mr. Mickley YES;                      Mr. McMannis YES

The variance was approved 6-1.

**To hear a variance request to permit 24'-3" vehicular drive aisles vs. minimum 25' vehicular drive aisles required, for property located 835 E. Fifth Street. Filed by Kyle Miller of M+A Architects.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Hutchinson said under 1129.13 the variance request does meet the findings.

**Comments of Requester:** See comments from first request by Mr. Miller.

**Comments of Citizens:** None.

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

Mr. McMannis YES;            Mr. Zani YES;            Mr. Moulton YES;            Ms. Taylor YES;  
Mr. Zwiezinski YES;            Mr. Kessler YES;            Mr. Mickley YES

The variance was approved 7-0.

**To hear a variance request to not curb vehicular use areas vs. vehicular use areas required to be curbed, for property located at 835 E. Fifth Street. Filed by Kyle Miller of M+A Architects.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Hutchinson said under 1129.22 the conditional use does meet the findings.

**Comments of Requester:** See comments from Mr. Miller's first request.

**Comments of Citizens:** None.

**Discussion by BZA Members:** Mr. Zwiezinski moved to approve the variance, seconded by Mr. Mickely. Question put, stood:

Mr. Mickley YES;            Mr. McMannis YES;            Mr. Zani YES;            Mr. Moulton YES;  
Ms. Taylor YES;            Mr. Zwiezinski YES;            Mr. Kessler YES

The variance was denied 7-0.

**To hear a conditional use request to permit multi-family dwelling units (2-units) on property located at 322 W. Ninth Street. Filed by Judie Float of the Mental Health and Recovery Board of Union County.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Hutchinson said the first request is to approved to conditional use for multi-family, the property has a garage they would like to turn it into a studio apartment under 1129.22 the conditional use does meet the findings.

**Comments of Requester:** Ms. Float said they purchased the property in January, 2015 to be used as a recovery house for some of our clients. She said research shows that a recovery house is the best way to

sustain recovery. The Department of Mental Health and Recovery Board was given a grant to build this recovery home. There is four bedrooms for patients and then a bedroom for resident manager. She said separate from the house is a detached garage that was being used a residence, even though it was not zone for it. She said the recovery house is for women, she wanted to make the garage into a studio apartment for a person recovering with children. This way she can still be a part of the recovery house community.

Mr. Mickley asked if she was going to have another house. Ms. Float said yes, in the future as long as this goes well. He wished her good luck.

Mr. Kessler asked if these neighbors were just notified by mail of this proposal. Mr. Hutchinson said yes. Mr. Kessler asked if the Board ever closed this house down would the variance still stay with the property. Mr. Hutchinson said yes, the variances will stay. Ms. Float said the grant they are receiving requires them to keep the recovery residence for the next 20 years. Mr. Kessler asked if there have been any problems or complaints from the neighbors. Ms. Float said no the reception has been very warming. Mr. Kessler asked Mr. Hutchinson, if there was any feedback from the letters mailed out. Mr. Hutchinson replied no. Ms. Float said on the outside very few people will know what is going on at the residence.

**Comments of Citizens:** None.

**Discussion by BZA Members:** Mr. Mickley moved to approve the request for conditional use, Mr. McMannis seconded. Question put, stood:

Mr. Kessler NO;	Mr. Mickley YES;	Mr. McMannis YES;	Mr. Zani YES;
Mr. Moulton YES;	Ms. Taylor NO;	Mr. Zwiezinski –excused.	

The request was denied 4-2.

**To hear a variance request to permit two (2) single unit dwelling on a single lot vs. one (1) two (2) unit building required, for property located at 322 W. Ninth Street. Filed by Judie Float of the Mental Health and Recovery Board of Union County. *Withdrawn at the request of the applicant (vote 7-0).***

**To hear a variance request to not pave the required off-street parking area vs. off-street parking area to be paved, for property located at 322 W. Ninth Street. Filed by Judie Float of the Mental Health and Recovery Board of Union County. *Withdrawn at the request of the applicant (vote 7-0).***

**To hear a variance request to permit two additional business wall signs for a total of five business wall signs vs. maximum of two business signs permitted, and a request to permit a total sign area of 257.56 square feet vs. 247.2 square feet permitted for property located at 100 Coleman’s Crossing Blvd. in the TOC (Traffic Oriented Commercial) zoning district. File by Signcom Inc.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Hutchinson said the Nationwide Children’s hospital would like to put two additional signs on the east side of the building, it would be visible from US 33. He said they will be doing a rebranding so these signs will shrink a little bit. The findings under Section 1129.13 are not met.

**Comments of Requester:** Mr. Weakley with Nationwide Children’s hospital said there are no signs on the eastside of the building. We would like to put a sign up that states Nationwide Children’s and under it would read urgent care. We have had many people mistake us for emergency room services. He said this signage would be consistent with the facility that just opened in Hilliard. Bruce with Signcom was present. He said that we are only over a little bit and with the rebranding the sign will be smaller.

**Comments of Citizens:** None.

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

Mr. Zwiezinski YES;            Mr. Kessler YES;            Mr. Mickley YES;  
Mr. McMannis YES;            Mr. Zani YES;            Mr. Moulton YES;    Ms. Taylor YES

The variance was approved 7-0.

**To hear a variance request to permit a total lot coverage of 25.5% vs. a maximum of 25% lot coverage for property located at 817 Arabian Circle (Lot #5459) in an R-2 (Medium Density Residential) zoning district. Filed by Catherine Cunningham of Pulte Group.**

**Comments of Zoning Inspector and/or City Planner:** Mr. Hutchinson said this is a request to increase 5% for the maximum lot coverage. The findings in Section 1129.13 are met.

**Comments of Requester:** Ms. Cunningham who represents Pulte Group. Mr. Peak with Pulte Group said since the acquisition last August, they have been working on new plans. He said they are going to start dropping lots in order to fit that 25% rule going forward. He said this house is in contract, and has a buyer, if this variance is approved they will be back in this week for permits.

**Comments of Citizens:** None.

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

Ms. Taylor YES;            Mr. Zwiezinski NO;            Mr. Kessler NO;            Mr. Mickley YES;  
Mr. McMannis YES;            Mr. Zani YES;            Mr. Moulton YES

The variance was approved 5-2.

**ADJOURNMENT:** The meeting was adjourned at 8:01 p.m.