



Engineering, Planning and Zoning
City Hall, 209 S. Main Street
Marysville, Ohio 43040-1641
(937) 645-7350
FAX (937) 645-7351
www.marysvilleohio.org

LEGAL NOTICE

Notice of Public Hearing for the Board of Zoning Appeals in the City of Marysville. The Public Hearing will be held on October 17, 2016 at 7:00 p.m., in the Council Chambers on the second floor located at 209 S. Main Street, Marysville, Ohio 43040.

1. To hear a variance request to permit a new rear yard setback of 30 (thirty) feet for a house vs. a minimum rear yard setback of 40 (forty) feet required in a PUD Planned Unit Development, for property located at 955 Walker Woods. Filed by Neil and Julianna Niemi, Resident.

Copies of the above application are on file and may be viewed in the office of Engineering, Planning and Zoning, 209 S. Main Street, Marysville, Ohio 43040.

If you have any questions, you may also contact Marysville Zoning Administrator at (937) 645-7359 or rtodd@marysvilleohio.org



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BOARD OF ZONING APPEALS AGENDA
Monday October 17th, 2016 7:00 p.m.
Council Chambers, 209 S. Main Street, 2nd Floor

CALL MEETING TO ORDER:

ROLL CALL:

Carl Zani ____ Richard Mickley ____ Eric Moulton ____ Mary Lou Ranney ____
Jason Moore ____ Barbara Taylor ____ Scott Zwiezinski ____

APPROVAL OF MINUTES: September 19, 2016

AGENDA ITEMS:

1. To hear a variance request to permit a new rear yard setback of 30 (thirty) feet for a house vs. a minimum rear yard setback of 40 (forty) feet required in a PUD Planned Unit Development, for property located at 955 Walker Woods. Filed by Neil and Julianna Niemi, Resident

COMMENTS OF ZONING ADMINISTRATOR AND/OR CITY PLANNER:

COMMENTS OF REQUESTER:

COMMENTS OF CITIZENS: Citizen speaking is limited on comments to five minutes, unless written permission prior to the meeting. (If the chair feels that they would like to authorize them to speak another five minutes later in the item, they may allow them to do so).

DISCUSSION BY BZA MEMBER: Preliminary discussion on BZA code.

ADJOURNMENT:

**BOARD OF ZONING APPEALS AGENDA
MINUTES OF MEETING
September 19, 2016**

MEMBERS PRESENT: Eric Moulton, Dick Mickley, Barbara Taylor, Scott Zwiezinski, Jason Moore, and Carl Zani.

OTHERS PRESENT: City Zoning Inspector Ron Todd

CITIZENS PRESENT: Stephen Butler, Dustin Dematteo, Garrett Andrews, Joseph Chapman, David Perry

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

APPROVAL OF MINUTES: The minutes from July 18, 2016 were approved as submitted.

AGENDA ITEMS:

To hear a variance request to permit a residential fence to extend past the rear corner of the main structure located on a corner lot vs. fences not permitted to extend closer to the street frontage than the main structure in 1139.21 of the codified ordinance, for property located at 253 W. 9th St. Filed by Dustin DeMatteo, Resident

Comments of Zoning Inspector and/or City Planner: Mr. Todd explained that this is a common variance for fencing. Staff is in support of the variance that is being proposed.

Comments of Requester: Mr. DeMatteo spoke to the board.

Ms. Taylor asked what materials would be used for the fence. He answered it would be made out of wood.

Mr. Mickley asked if the color of the fence would match the house. Mr. DeMatteo answered stain color compatible to the house.

Mr. Zani asked if they were going to do any type of landscaping or keep with the fencing. Mr. DeMatteo said he is not sure if they will do landscaping all the way around it. Mr. Zani asked if it will be as wide as the house. Mr. DeMatteo answered just the side of the house.

Comments of Citizens:

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

Mr. Zwiezinski YES;	Mr. Moore YES;	Mr. Mickley YES;
Mr. Zani YES;	Mr. Moulton YES;	Ms. Taylor YES

The variance was approved 6-0.

To hear a variance request to permit a residential fence to extend past the rear corner of the main structure located on a corner lot vs. fences not permitted to extend closer to the street frontage than the main structure in 1139.21 of the codified ordinance , for property located at 769 Wedgewood Ct. Filed by David Perry, Resident.

Comments of Zoning Inspector and/or City Planner: Mr. Todd said this is another fence variance. Staff has reviewed this and is in support of the variance.

Comments of Requester: Mr. David Perry said they are requesting the fencing to extend past the back part of the house because they have two young dogs.

Ms. Taylor asked if they had a homeowners association, because she did not see any other privacy fences. Mr. Perry stated they bought the house a month ago and were given the option to join the homeowners association.

Mr. Todd stated that he has met the City's codes. If there are any problems with the Homeowners Association it would be between them.

Comments of Citizens:

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

Mr. Moore YES; Mr. Mickley YES; Mr. Zani YES;
Mr. Moulton YES; Ms. Taylor YES; Mr. Zwiezinski YES

The variance was approved 6-0.

To hear a variance request to permit a residential fence to extend past the rear corner of the main structure located on a corner lot vs. fences not permitted to extend closer to the street frontage than the main structure in 1139.21 of the codified ordinance , for property located at 516 Parkway Dr. Filed by Lenard Andrews, Owner

Comments of Zoning Inspector and/or City Planner: Mr. Todd said this is for another fence variance, Staff has reviewed this and is in support of the variance.

Comments of Requester: Mr. Andrews spoke to the Board. He said this is a rental property and the tenants have dogs. The property backs up to the railroad tracks. He would like to put in a four foot chain link fence.

Comments of Citizens:

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

Mr. Mickley YES; Mr. Moulton YES; Ms. Taylor YES;
Mr. Zwiezinski YES; Mr. Kessler YES; Mr. Moore YES;

The variance was approved 6-0.

To hear a variance request to permit a second free-standing identification sign vs the standard one free-standing identification permitted in 1143.18 SD-1 (Special District) of the codified ordinance, for property located at 1255 Columbus Ave. Filed by Joe Chapman, Owner.

Comments of Zoning Inspector and/or City Planner: Mr. Todd said staff has reviewed this and is in support of the variance.

Comments of Requester: Mr. Chapman spoke to the Board. He stated the sign was there before he was born. They are asking to keep the sign there after they finished the remodel.

Comments of Citizens:

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

Mr. Zani YES; Mr. Moore YES; Mr. Moulton YES;
Ms. Taylor YES; Mr. Zwiezinski YES; Mr. Mickley YES

The variance was approved 6-0.

To hear a variance request to permit five additional business signs vs the standard two business signs permitted in 1143.18 SD-1 (Special District) of the codified ordinance, for property located at 1255 Columbus Ave. Filed by Joe Chapman, Owner.

Comments of Zoning Inspector and/or City Planner: Mr. Todd said staff has reviewed this and is in support of the variance.

Comments of Requester: Mr. Chapman spoke on this item on the agenda as well. He explained that the garage doors will have a sign on it to state what is going on behind that door. This would be on the Clymer Road side.

Comments of Citizens:

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

Mr. Moore YES; Mr. Zani YES; Mr. Moulton YES;
Ms. Taylor YES; Mr. Zwiezinski YES; Mr. Mickley YES;

The variance was approved 6-0.

To hear a variance request to permit a second free-standing identification sign vs the standard one free-standing identification permitted in 1143.18 B-1 (Business District) of the codified ordinance, for property located at 1600 Cobblestone Way. Filed by Stephen Butler, Civil Engineer.

Comments of Zoning Inspector and/or City Planner: Mr. Todd explained that the second sign will be on Mill Road so the entrances are marked. Staff has reviewed and in support of the variance.

Comments of Requester: Mr. Butler stated that he wants to be able to identify that you can enter the facility from either Cobblestone or Mill Road.

Comments of Citizens:

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

Mr. Moulton YES; Ms. Taylor YES; Mr. Zwiwinski YES;
Mr. Moore YES; Mr. Mickley YES; Mr. Zani YES

The variance was approved 6-0.

To hear a variance request to permit a fence construction in the front of the main building vs fences located in the side and rear of properties permitted in 1139.21 of the codified ordinance, for property located at 1600 Cobblestone Way. Filed by Stephen Butler, Civil Engineer.

Comments of Zoning Inspector and/or City Planner: Mr. Todd explained that the building will be turned and main entrance will be off of Cobblestone Way. The fence is for the safety of the children. Staff has reviewed and in support of the variance.

Comments of Requester: Mr. Butler stated that it is aluminum fence, in the side yards they normally have a playground for the children, and this will fence in the area to keep them safe. This fence will be of high quality materials.

Comments of Citizens:

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

Mr. Zani YES; Mr. Moulton YES; Ms. Taylor YES;
Mr. Zwiwinski YES; Mr. Moore YES; Mr. Mickley YES

The variance was approved 6-0.

To hear a variance request to permit a reduction of parking spaces from sixty six (66) spaces to forty three (43) spaces vs the parking space/stacking requirements in 1141.12 of the codified ordinance, for property located at 1600 Cobblestone Way. Filed by Stephen Butler, Civil Engineer.

Comments of Zoning Inspector and/or City Planner: Mr. Todd explained the variance and stated that the Staff was in support of the variance.

Comments of Requester: Mr. Butler explained that during the public school calendar there will not be very many students there, only PreK students.

Comments of Citizens:

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

Mr. Moore YES; Mr. Zani YES; Mr. Moulton YES;
Ms. Taylor YES; Mr. Zwiezinski YES; Mr. Mickley YES;

The variance was approved 6-0.

Comments of Zoning Administrator and/or City Planner:

ADJOURNMENT: The meeting was adjourned at 7:52 p.m.



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October 17, 2016

To: City of Marysville
Board of Zoning Appeals Members

From: Ron Todd
Zoning Administrator

RE: **Planning Staff Report: 955 Walker Woods.**

Surrounding Land Use/Zoning: North: PUD (Planned Unit Development)
South: PUD (Planned Unit Development)
East: PUD (Planned Unit Development)
West: PUD (Planned Unit Development)

Planning Staff Analysis:

1. The applicant is requesting a variance to permit a new 30 foot setback for the installation of an in ground pool. Due to the pool being considered a permanent accessory structure The PUD subdivision zoning requires a 40 foot rear setback. There will be 17 foot left of available easement from the rear property line. The Walker Meadows Master Association has also approved the new setback for the pool.

Planning & Zoning Code: 1145

Staff recommendations;

Staff has reviewed the proposed variance request and is in support of the variance request.

If you have any questions or comments, please feel free to contact me at (937) 645-7359 or via email at rtodd@marysvilleohio.org

RECEIVED

SEP 19 2016

CITY OF
MARYSVILLE



209 South Main Street • Marysville, Ohio 43040

Phone: (937) 645-7350 • Fax: (937) 645-7351 • www.marysvilleohio.org

**BOARD OF ZONING APPEALS
REQUEST FOR VARIANCE**

*** IMPORTANT INFORMATION ~ Please read before completing the application***

- **Required** – Submission of a complete application, including all of the items listed in the application checklist.
- Applications and applicable fees shall be submitted by no later than 5:00 p.m. on the application deadline date.
- Submitted applications and all checklist items shall be reviewed by City staff for completeness. Submittals found to be incomplete will be rejected and the application will not be placed on the Board agenda. If an application is found to be incomplete, the applicant may submit the missing materials by the application deadline date to complete the application.
- No late submittals or additional information will be accepted after the application deadline.
- Any construction and/or occupancy of the site for which the variance is being requested for shall not commence until approval is granted by the Board of Zoning Appeals and all appropriate approved permits are obtained by the City and the County Building Department.

Project Site Information (Please print clearly)

Project Street Address: 955 Walker Woods Lane Property Zoning District: _____

Company / Business Name: _____

Description of Proposed Project: In ground swimming pool

Description of the nature of the variance:

What is allowed by code: Maintain backyard 40 foot building set-back

Requesting: Allow pool to infringe upon setback by 3-5 feet

Owner of Property: Neil Niemi

Owner's Address (Street): 955 Walker Woods Lane

City, State and Zip Code: Marysville, OH 43040

Owner's Telephone Number: (937) 309-4522

Applicant Information (Please print clearly)

Applicant: Neil Niemi Owner Agent Representative Other

Company: _____

Address (street): 955 Walker Woods Lane

City, State, and Zip Code: Marysville, OH 43040

Telephone Number: (937) 309-4522

E-mail Address: neilniemi@gmail.com

Please contact the City Zoning Administrator or the City Planner or the prior to making your application submittal. City Staff are available to assist you in reviewing all application requirements to ensure your application is complete.

Applicant Checklist of required documents

<i>Applicant Check</i>		<i>Staff Check - Yes / No</i>
✓	REQUIRED FOR ALL SUBMITTALS:	
✓	One (1) original signed application	✓
✓	One (1) copy of the Site Plan drawn at a suitable scale and at 11 x 17 inches or 24 x 36 inches in size (unless staff grants an alternative size)	✓
✓	One (1) copy of the written statement answering the facts and circumstances listed in Section 1129.13 of the Planning and Zoning Code. <i>The facts and circumstances are attached to this application or can be found on the City's website at http://www.marysvilleohio.org/DocumentCenter/Home/View/304 Please be sure you answer all of the questions as these are the questions that the Board reviews when making a determination on the application</i>	✓
✓	One (1) set of mailing labels or a printed word template (5160 in size) containing the names and addresses of the property owner(s) contiguous to or directly across the street from the property. <i>Please refer to the County website http://www.co.union.oh.us/ to get this information and please make sure you go to the link for tax mailing address</i>	✓
✓	DIGITAL SUBMITTAL REQUIRED:	
✓	All applications require a digital (.pdf) submittal (applications, plans, renderings, text etc.) to be included with the completed application. Any application that does not include a digital submittal will be considered incomplete.	✓
	SITE PLAN DRAWING: (Shall include the following information that is applicable to your project)	
✓	Location of all adjoining properties	✓
✓	Lot size of the subject property	✓
✓	Location and setbacks of existing and proposed structures	✓
via	Location and setbacks of all existing and proposed off-street parking and loading areas	✓
via	Location of all existing and proposed traffic access and circulation areas	✓
via	Location of all existing and proposed open spaces	✓
✓	Location of all existing and proposed landscape areas	✓
via	Location of all existing and proposed refuse and service areas	✓
via	Location of all existing and proposed utility lines	✓
via	Location and size of all existing and proposed signage	✓

I hereby attest to the truth and exactness of all information supplied on and with this application.

Applicant's Signature: [Signature] Date: 9/18/16
Owner's Signature: [Signature] Date: 9/18/16

FOR OFFICE USE ONLY

Received (stamp): _____ Fees: _____

The application has been reviewed and is found to be complete.

City Staff Date

DECISION OF THE BOARD OF ZONING APPEALS

- Approved
- Disapproved
- Approved with conditions (provided below)

Specific Stipulated Conditions for Approval:

Chairperson, Board of Zoning Appeals Date

Board of Zoning Appeals Request for Variance

Neil and Julianna Niemi

955 Walker Woods Lane

Section 1129.13 (b)

(1) We are requesting a variance to the 40 foot building set back in our backyard for placement of an in-ground pool. 10 years ago we put in a stone paver patio, and landscaping beds around it, immediately off of the back of our house. The landscaping has now grown into mature shrubs, plants, and trees. We would like to preserve these beds and plant material and place a pool immediately behind these entities. As such, the pool will infringe upon the 40 foot building set back by 3-5 feet (it is a curvilinear line in the backyard). We could choose a pool shape that would lend itself to staying within the building set back, however, we are needing to choose a rectangular shape (which is the only pool that will easily accept a safety cover) to meet the requirements of the Marysville building/pool code (any pool area that uses the house as one of the 4 sides of the fence must have a safety cover). If we do not use our house as one of the fence sides, the pool will need to be pushed back further into the set back.

(2) A literal interpretation of the building set back would cause us to need to remove mature trees and shrubs in order to bring the pool close enough to our patio to stay within the set back. From past experience, if the pool building permit is granted, we will be required to replace all trees that were removed in the process. If this is true, we would then be removing trees and shrubs to replace them on the back side of the pool – all to save 3-5 feet of infringement on the building set back.

(3) I do not believe that any special conditions or circumstances will result from these actions.

(4) I do not believe that a variance will be of any detriment to adjacent property or impair public interest. Our property is bordered by lot 959 which has a single family dwelling on it. No aspect of our backyard is visible to either their house or backyard due an existing tree line between our properties. On the other side, is lot 949. This is currently an empty lot with no dwelling on it. As our property sits on a curve, our backyard is not visible by any other lots in the neighborhood. Behind our lot is our HOA Reserve F, which is a retention pond. There are no other dwellings beyond this reserve which can view our backyard. In addition, we have already received written and verbal confirmation from our HOA that they would fully agree with a 5 foot variance to our building set back and raise no objection whatsoever in the matter.



Neil and Julianna Niemi
955 Walker Woods Lane
Marysville, Ohio 43040

Re: Building setback variance request
955 Walker Woods Lane
Marysville, Ohio 43040

Dear Dr. and Mrs. Niemi:

Thank you for your request for an in-ground swimming pool at the above referenced address. It is our understanding that the proposed swimming pool may encroach the 40' building setback from the rear of the property line required by the Walker Meadows Master Association covenants.

On behalf of the Walker Meadows Master Association, we have received your written request for a letter from the Walker Meadows Master Association approving the variance request and hereby acknowledge our acceptance and approval per the site plan survey dated 10-14-05 and the approval of the two adjacent property owners:

- The Weavers (or the current property owners) of 959 Walker Woods Lane
- The Northwood Land Corporation, owners of 949 Walker Woods Lane.

As the Walker Meadows Master Association Declarant, we hereby authorize the use of this letter as evidence of our approval by the City of Marysville.

Please let me know if you have any other questions.

Sincerely,

A handwritten signature in blue ink that reads "Page M. Vornbrock". The signature is written in a cursive style and extends across the width of the page.

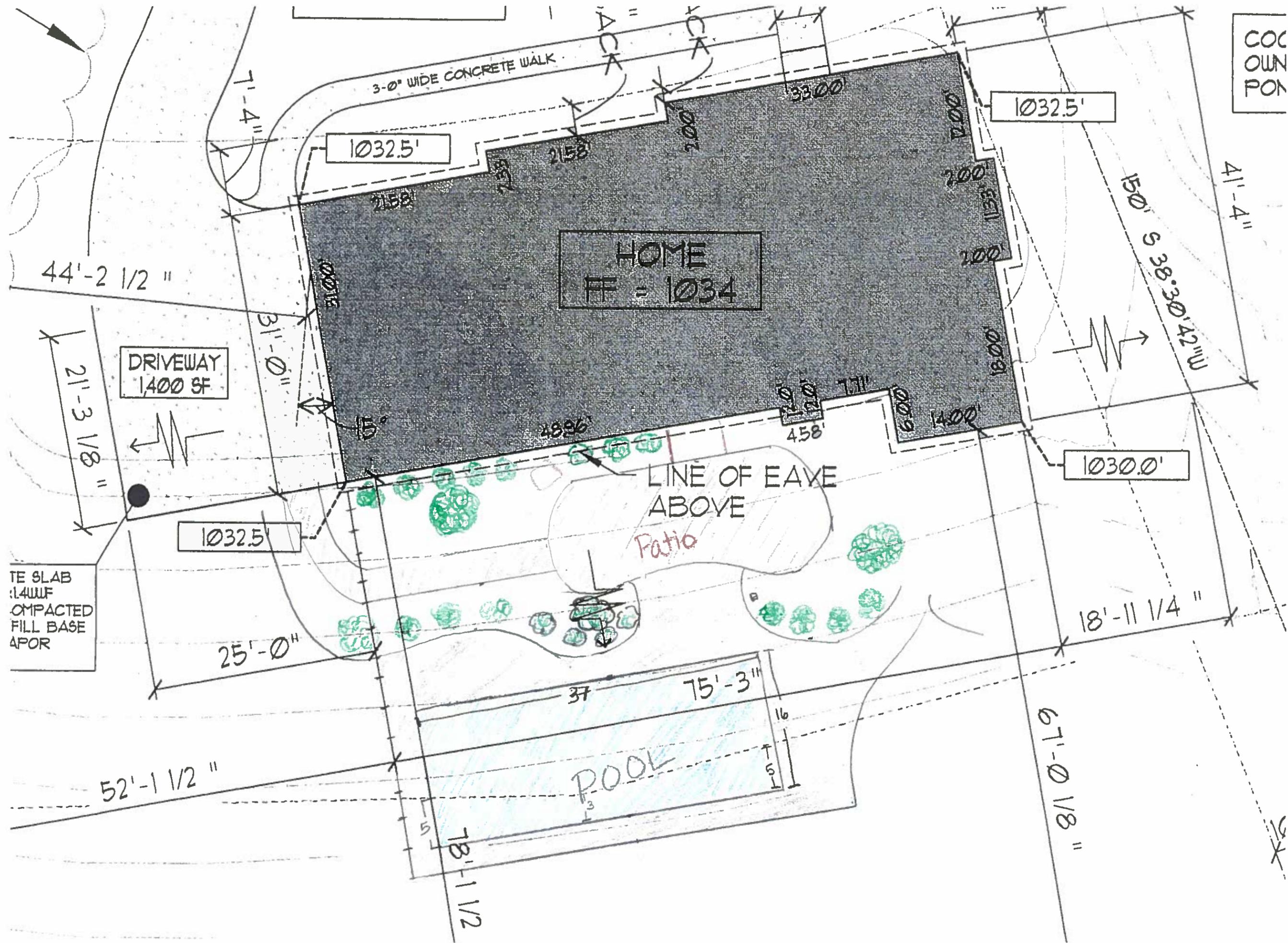
Page M. Vornbrock, Secretary
Walker Meadows Master Association



City of Marysville Zoning Viewer

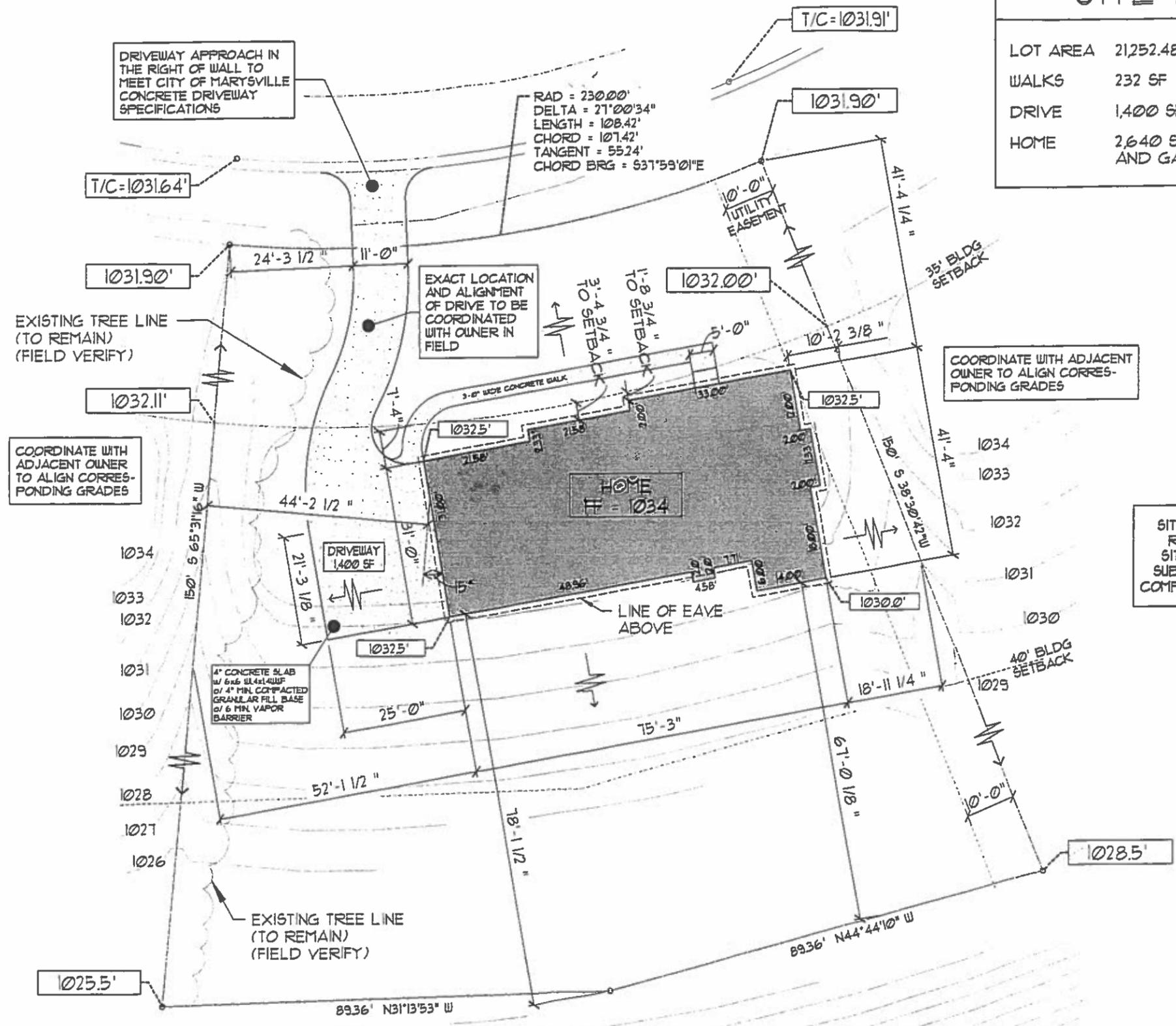


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SITE DATA

LOT AREA	21,252.480 SF = 0.488 ACRES
WALKS	232 SF
DRIVE	1,400 SF
HOME	2,640 SF (INCLUDES PORCH AND GARAGE)



SITE PLAN SHOWN FOR REFERENCE ONLY
 SITE PLAN HAS BEEN SUBMITTED FOR ZONING COMPLIANCE SEPARATELY

DATE	REVISION
SEPTEMBER 01, 2005	REVISED
SEPTEMBER 14, 2005	REVISED
SEPTEMBER 27, 2005	REVISED
OCTOBER 14, 2005	REVISED
OCTOBER 14, 2005	REVISED

COORDINATE WITH ADJACENT OWNER TO ALIGN CORRESPONDING GRADES

THE NIEMI RESIDENCE
 955 WALKER WOODS LANE
 LOT 5575 WALKER MEADOWS
 MARYSVILLE, OHIO

SITE PLAN - REFERENCE ONLY

USE OF THESE DRAWINGS IS LIMITED TO THE CLIENT FOR THE SUBJECT PROJECT. COPYRIGHT AND ALL RIGHTS RESERVED BY THE OWNER. COPIES OF THESE DRAWINGS MAY NOT BE USED, REPRODUCED, OR ALTERED WITHOUT THE WRITTEN CONSENT OF THE OWNER.

SITE PLAN

SCALE: 1" = 10'-0"

