

Board of Zoning Appeals  
July 21, 2016  
Minutes

Chairman Feick called the meeting to order at 4:30 PM. The following members were present: Dr. William Semans, Mr. John Mears, Chairman John Feick and Mr. Walt Mathews. Also present were Commissioner Richard Brady, Ms. Casey Sparks and Ms. Angie Byington from the Planning Department, Mr. Trevor Hayberger from the Law Department and Debi Eversole as Clerk. Mr. Zeiher was excused.

There were four voting members present.

Mr. Mears moved to approve the minutes from the June 16, 2016 meeting. Dr. Semans seconded the motion. The motion passed, all in favor.

Chairman Feick swore in audience and staff members that wished to speak for or against any application.

Ms. Sparks briefed the room that Cesare Avallone is requesting a front and side yard variance for his home at **402 46<sup>th</sup> Street**. The variance requested is to permit a 4' to 5' high fence within the front yard and a 5' high fence within the side yard. The applicant was approved through the Board of Zoning Appeals for a 6' vinyl fence within the side yard of the home. However, this application is different from the last request as the property owner is requesting to place the fence adjacent to the sidewalk, the previously approved variance permitted the fence to be placed in line with the front of his home. The applicant has stated that he is constructing the fence for his son and he would like him to be able to utilize as much of the yard as possible. The applicant is proposing a wrought iron fence for the front and side yards. Staff recommends a variance of 1' to construct a 5' high fence within the side yard and a 1' variance to construct a 4' fence within the front yard. The Board of Zoning Appeals has approved other 4' decorative fences within the front yard.

Mr. Cesare Avallone, 402 46<sup>th</sup> Street was sworn in. He explained that the original application was for a 6' fence attached to the house and that he believes that a 4' decorative fence would serve the same security and safety for his autistic child. This would also have a more decorative look to the property.

Mr. Mears asked if Mr. Avallone is aware of Project Lifesaver. Mr. Avallone stated that his son is involved with the program and currently wears an ankle monitor because he has a tendency to wander off of the property.

Mr. Avallone added that the decorative fence is an aluminum material that has the appearance of wrought iron.

There was no participation to speak against this request.

Mr. Mathews moved to approve the application as recommended by Staff. Mr. Mears seconded the motion. Roll was called and the motion passed, all in favor.

Ms. Sparks briefed the room that Jason Hemmer has applied for a variance to permit 6' fence within the side yard of his property located at **1207 Vine Street**. The applicant had an existing 6' fence within the rear and side yard area that had been constructed several years ago. The applicant applied to replace the fence, staff approved the permit after mistakenly interpreting the rear yard. Section 1107.01 states the rear yard to mean the yard extending from the rear wall, this lot is uniquely shaped and is very limited in regards to a rear yard. After the permit was approved the surrounding property owner expressed concern regarding the proposed location. After discussions with the property owner it was determined that the fence would need to be located further into the side yard to accommodate a drainage pipe. The additional area that the applicant would like to extend the fence is approximately 12".

This property does reflect a hardship from its unique shape, Staff recognizes that the majority of the side yard has functioned as the rear yard for years. Staff does not believe that the extension of 12" will be a great impact to the surrounding neighbor and the remaining 6' fence has been at this location for quite some time. For these reasons staff recommends approval of the variance requested.

Chairman Feick asked the applicant whether he has spoken to the neighbor that complained. Mr. Hemmer stated that he had spoken with the neighbor and that he feels that the neighbor is more worried that this fence will go up against his fence. Mr. Feick asked if Staff had heard from the neighbor. Ms. Sparks stated that she has had several conversations with a neighbor and feels that the neighbor's not against having the 6' fence, but rather when they look at their chain-link fence, there is a higher vinyl fence behind it. Ms. Sparks stated that this was a minimal area, approximately 12" where the vinyl fence will show.

There was no participation to speak against the request.

Dr. Semans moved to approve the application as written. Mr. Mathews seconded the motion. Roll was called and the motion passed, all in favor.

Mr. Sparks briefed the room that Ryan Brady, on behalf of Tier III LLC has proposed to construct a 42.7 square foot wall sign at **223 W. Water Street**. The code permits a maximum of 25 square feet at this location. The sign will serve the bar area of Mosley's, which will encompass the rear deck of the 223 W. Water Street and the adjacent building. The applicant has indicated that the large sign will better represent the actual layout of the deck and will be more visible from Jackson Street Pier and the Sandusky Bay.

Staff recommends the approval of the variance to permit the 42.7 square foot sign at 223 W. Water. Staff believes that the property is unique as it will service the deck area for the two buildings. Staff also believes that as this area continues to develop, it would be beneficial to begin discussions regarding increasing the sign area for Shoreline Drive to assure visibility from the Sandusky Bay and the Jackson Street Pier.

Ms. Sparks stated that the sign will serve both buildings but only be for one building. This is why a variance is needed. The two buildings are connected but the sign be at one building.

Ryan Whaley, 316 E. Water Street stated that this will be on the Shoreline Drive side of the Hotel Kilbourne and will help activate that side of the building, which is visible from the Jackson Street Pier and the Sandusky Bay.

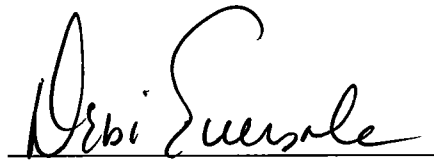
There was no participation to speak against the request.

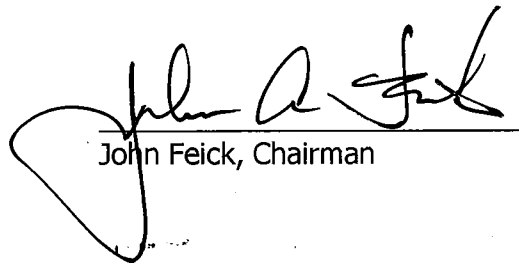
Mr. Mears moved to approve the variance. Mr. Mathews seconded the motion. Roll was called and the motion passed, all in favor.

The next meeting is scheduled for August 18, 2016.

With a motion from Dr. Semans and second from Mr. Mathews, the meeting was adjourned at 4:50 PM.

APPROVED:

  
Debi Eversole, Clerk

  
John Feick, Chairman