



BOARD OF ZONING APPEALS REGULAR MEETING MINUTES

May 17, 2022 at 6:30 PM in Council Chambers

The meeting was called to order by Mr. Jaskiewicz at 6:37pm.

Roll call:

Members present – Tom Jaskiewicz (Chair), Jim Eudaily, Nate Metzger

Members absent – Curtis Hundley, Diana McCoy

Also present: Taylor Brill (Village Planner), Paul-Michael Lafayette (Solicitor)

APPROVAL OF MINUTES

Mr. Eudaily motioned to approve the meeting minutes for April 19, 2022, seconded by Mr. Jaskiewicz.

All yeas

SWEARING IN OF SPEAKERS

Mr. Lafayette swore in Mr. Craft, Mr. Thomas, Ms. Selyer, and Ms. Proffit

COMMUNICATION

Ms. Brill communicated to the board that the zoning code process was still underway and in informal review. She stated the Zoning inspector interviews were underway and were hoping to extend an offer soon.

PUBLIC COMMENT

NONE

OLD BUSINESS

None

NEW BUSINESS

VAR-22-2: 250 WASHINGTON AVE (PARCEL 04-00285.000): VARIANCE FROM SECTION 1151.04(E) DEVELOPMENT STANDARDS FOR PERMITTED USES, REAR YARD SETBACK; APPLICANT: JOE CRAFT

Mr. Jaskiewicz asked if all the proper notices were set out. Ms. Brill confirmed. Mr. Jaskiewicz opened the public hearing and asked Ms. Brill to give a summary.

Ms. Brill stated the site is located at 250 Washington Ave. and is currently situated on a parcel with three other single family residential structures. The lot is an existing non-conforming due to more than one principal use existing on the lot. The applicant has requested a lot spit for the parcel to create two

parcels, the resulting lot being fronted on Washington Ave. The previous lot will remain in its current non-conforming condition. Lot splits of five or less parcels can be approved administratively, but due to the fact that the resulting lot will not be in compliance with the rear setback requirement for the RS3 district, a variance was requested. The proposed lot split will create a new lot with one existing single-family structure. The lot will have 83.7' of frontage on Washington Ave. The total lot area will be 5,365sf. Only one principal use will persist on the newly created parcel. The existing structure will be at least 5ft from the side property line and in excess of 20ft from the Right of Way line. The rear yard setback of the structure with the resulting lot split will be less than the required 15ft, at roughly 7 1/2ft.

She stated the staff report noted comments on each of the criteria is section 1138.05(c)(3) and based on that staff recommends approval of the application.

Mr. Craft stated he spoke with Ms. Brill regarding his request for a lot split which it was believed could be done administratively. However, after the survey came but the issue with the setback requirement became evidence and required the variance.

Mr. Jaskiewicz asked if there were any comments from the public.

Barry Thomas, resident of 269 Washington Avenue, is supportive of any efforts of Mr. Craft to clean up and improve the property. He stated that this property has been a "disaster" for years. He views it as anything being an improvement and supports the application.

Emma Selyer, 249 East Main Street, her property abuts right up to the area. She has lived there since 1973. She states that the people that live in the "shed" actually park further down the avenue. She wants to know where they will park if the split is approved. She states that the property has not always been a mess and as much as she would want to have the property improved, she would hate for these people to lose their homes. She is concerned about the parking. It is an eyesore. She would be happy if the houses were repaired and cleaned up but questions whether the people can afford it. The people live at 245 and live in the "shed". She was thrilled that Mr. Craft bought the property with the hope that the property would be improved.

Kimberly Profit, 275 East Bigelow, she agrees with what the other witnesses stated as to the property being an eyesore. She noted that the parking configuration has resulted in problems with such a narrow road. She has seen folks parking partly into the alleys.

Mr. Jaskiewicz hearing no further public comments asked the board for their feedback.

Mr. Jaskiewicz inquired as to a structure on the rear side of the property. Mr. Craft indicated that it appears from the overhead photo to be a shed but it is actually part of the dwelling. He believes that it may be a wash room. The current parcel inclusive of all 4 structures and is designated 250 Washington Avenue. Mr. Jaskiewicz asked what the purpose beyond the lot split. Mr. Craft indicated that he was considering after a lot split potentially placing a fence and having this as a separate dwelling with a new address. Mr. Craft stated that each of the structures are occupied and he wants to fix them up. He wants to put work into them to clean up the properties and to increase the rental value. Right now, it is multi-family with 4 different tenants living in 4 different places.

Mr. Metzger references the overhead photo to clarify the location of the property line for the setback at issue. Ms. Brill indicates that the 7 1/2 feet is measured from the back of the home to the property line as indicated in the overhead photo. Mr. Metzger asked the basis for setback requirements of the Law

Director. He was advised of the several reasons for them. Mr. Metzger inquired as to the location of windows and doors at the rear of the property facing the proposed lot line.

Mr. Eudaily inquired as to something located on the photograph and whether there was an additional structure present. Mr. Eudaily questions whether there would be enough parking to accommodate all of the structures with the lot split. Mr. Craft believes there will be. There should be sufficient room for 8 cars with 83 ½ feet of frontage.

Mr. Jaskiewicz inquired as to how long Mr Craft has owned the property. Mr. Craft stated that he purchased the property roughly 1 year ago.

Mr. Metzger inquired as to the parking and whether it is gravel or pavement. Mr. Craft stated that it is gravel. Mr. Metzger was curious as to whether parking lines could be drawn. Mr. Craft agrees that it would be a good idea to identify the respective residents parking spots in the lease.

Mr. Jaskiewicz has concerns with the property as to its present condition and recognizes that Mr. Craft purchased the property not too long ago and hopes that it will be improved. He further believes that the parking issue will have to be addressed with the landlord and the tenants. His primary concern is that we already have 4 residences on this non-conforming lot. The proposal creates a second non-conforming parcel. His strong desire would be to make this a conforming lot. He is not suggesting that people should be displaced. If there is only 15 feet between the structures, he would prefer extending the property line so that the one lot is conforming and leaves only one non-conforming lot. He would much prefer a conforming lot over 2 non-conforming lots.

Mr. Jaskiewicz believes making the lot split along a 15-foot setback that complies with the current zoning would be preferable. Mr. Eudaily believes that there are issues with a “zero offset” to which there would need to be evaluation of the foundation of the smaller property. Mr. Jaskiewicz’s preference would be, if there is sufficient room between the two properties, would be to extend the 15 feet to the northern lot to have one fully conforming lot. Ms. Brill notes that there is no measurement from the survey that indicates the distance between the two structures.

Mr. Eudaily does have a problem with a zero offset because it makes one lot good but with no setback, there is no access to the back-side of the house and cannot do maintenance.

Mr. Metzger sees the 245 Washington creates a difficult situation because of the non-conformity and would hope that with improvements that are planned it could resolve the issues. Mr. Metzger asked Mr. Craft about the turnover of the residents on this property. The folks at 250 Washington have lived there their entire lives with their parents renting the property. He is not sure how the 245 lot came to be. Ms. Selyer stated that the yellow house was brought in as a modular and the trailer that is there has always been there. It has always been poor people and, when they first lived there it has always been taken care of.

The board moved into deliberations based on the factors in 1138.05(c). Upon consideration of the factors, staff drafted the Findings of Fact.

Mr. Jaskiewicz recessed the meeting at 7:52pm to allow staff time to finish drafting the Findings of Fact. Meeting called back to order at 8:02pm. The board reviewed the Findings of Fact and upon review Mr. Jaskiewicz motioned to adopt the Findings of Fact, seconded by Mr. Metzger. All yeas

Mr. Jaskiewicz motioned to approve the variance application, as submitted. The motion was seconded by Mr. Eudaily. All yeas.

ADJOURNMENT

Public hearing was closed and meeting was adjourned at 8:16pm.