



BOARD OF ZONING APPEALS MEETING MINUTES

January 18, 2022 at 6:30 PM in Council Chambers

The meeting was called to order by Mr. Jaskiewicz at 6:31pm.

Roll call:

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

Members absent –Diana McCoy

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

Mr. Lafayette swore in Mr. Hundley.

APPROVAL OF MINUTES

Mr. Jaskiewicz noted approval of the meeting minutes for November 23, 2021 would need to be tabled until a quorum of member present during the meeting were in attendance. Mr. Jaskiewicz motioned to table approval of the minutes, seconded by Mr. Metzger. All yeas.

APPOINTMENT OF CHAIR AND VICE-CHAIR

Mr. Metzger motioned to appoint Mr. Jaskiewicz as chairman, seconded by Mr. Eudaily. All yeas.

Mr. Jaskiewicz motioned to appoint Mr. Eudaily as vice-chair, seconded by Mr. Metzger. All yeas.

SWEARING IN OF SPEAKERS

Mr. Lafayette swore in Myron Yutzy, Bobbie Yutzy, and Mark Troyer.

COMMUNICATION

Ms. Brill stated on the agenda tonight the board will be asked to consider adopting rules and procedure. Mr. Jaskiewicz stated the board is authorized to adopt rules and regulations to help govern how the board operates. The board is asked to look over the document and provide feedback.

PUBLIC COMMENT

NONE

OLD BUSINESS

None

NEW BUSINESS

CU-21-5; 261 Gay St: Conditional Use- Duplex; Applicant: Mark Troyer

Mr. Jaskiewicz confirmed that 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 that the property in question was located at 261 Gay St. The parcel does not have frontage on Gay St. but rather through an alley. The surrounding used are residential and within the Old Town Residential District. The current structure on the property has received numerous code violation in the past for maintenance of premise. The applicant plans to demolish the existing structure to build a duplex on the property. The applicants conditional use is accompanied by a variance request due to the lack of frontage.

Mr. Jaskiewicz asked the applicant had anything to add. stated that he knew when he purchased the property that it was in disrepair and in violation. It is his desire to redevelop the property to bring it into compliance and to make it more pleasing to the eye.

Mr. Jaskiewicz noted that the property does not currently have adequate frontage for development. He confirmed that the property is in disrepair and noted that the applicant has other properties within the Village that he has improved. Mr. Jackiewicz inquired as to the options for frontage/driveway access. Ms. Brill indicated that there would have to be measurements to determine if there is sufficient space between 265 and 269 Gay Street. Mr. Troyer advised that there is roughly 65 feet of space to permit the access drive. He owns 265 Gay Street where the access would be made.

Mr. Metzger questions whether the Postal Service would have any difficulties in providing service. Mr. Jaskiewicz clarified to Mr. Metzger that the proposal would be providing access to the property off of Gay Street and this would remedy any issues with Postal Service. There is a utility pole that would be at the access point of the proposed drive onto Gay Street. Mr. Troyer believes that there is sufficient space around the pole to permit access but acknowledged that the guide-wire for the pole would have to be moved. There is one large tree that Mr. Troyer stated he does not believe that it would have to be removed.

Mr. Jaskiewicz confirmed with Mr. Troyer that the rear of the building would be facing Gay Street. Mr. Troyer confirmed this and noted that his application did not include a rear elevation layout.

Mr. Metzger raised the issue as to the definition of an "alleyway" under the Village Zoning Code which is defined as being 20 feet or less in width which affords "only a secondary access" to abutting property.

Mr. Jaskiewicz drew attention back to the scope of the hearing to determine the issue of the conditional use as opposed to the pending variance application.

The board moved into deliberations based on section 1138.06(c)(3)(A)-(C) of the Zoning Code. The board confirmed that the proposed use was a conditional use in the zoning district. Mr. Jaskiewicz, Mr. Metzger and Mr. Eudaily acknowledged that there are other duplexes in the district. Mr. Jaskiewicz believes that the application is consistent with the development standards in the area. Mr. Eudaily, Mr. Hundley and Mr. Metzger each agree that the proposed development is better than what is there presently. Mr. Metzger believes this is appropriate but if in a district not in an RS3, it would not be appropriate. Mr. Jaskiewicz and all members concur that the development is in keeping with the proposed land use character in the area.

Mr. Jaskiewicz noted the conditions recommended by staff, to include those set forth in the Code such as parking, setbacks set forth in Ordinance 1151.03 must be met.

Mr. Jaskiewicz motioned to approve application CU-21-5 with the following conditions, seconded by Mr. Eudaily. All yeas.

1. The variance for the deviation from the required frontage shall be granted, prior to zoning approval;
2. The applicant, if perusing a private access easement, must provide documentation to the Village prior to the issuance of a zoning permit;
3. The applicant must provide adequate parking on the site to satisfy the required parking requirements;
4. The orientation of the structure, shall comply with all of the required setback requirements;
5. Any alterations to the approved building plan or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning and Zoning Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.

VAR-21-6; 261 Gay St: Variance- A deviation from the frontage requirement in Chapter 1151.04(d) which states, "... For a dwelling there shall be a lot width of fifty (50) feet or more at the front line of the dwelling, and such lot shall have access to and abut on a public right of way for a distance of fifty (50) feet or more." Applicant: Mark Troyer

Mr. Jaskiewicz noted the application was for the same property as before, but for a variance. Ms. Brill provided that the variance was requested to accommodate the lack of frontage as required per the zoning code. Mr. Troyer had nothing additional to add to the application. Mr. Jaskiewicz raised the issue that in the event that the variance was to be granted, it would have to meet other zoning requirements with respect to setbacks.

Mr. Eudaily questioned whether there is sufficient space for the proposed drive. Mr. Troyer believes that there is sufficient space. Mr. Jaskiewicz noted that the property as it exists today is non-conforming. The problem therefore already exists and this improves on it. Also, creating access away from an unknown unimproved alley is also an improvement. The only issue is the frontage of the property.

The board moved into deliberations based on section 1138.05(c)(3)(A)-(E) of the Zoning Code. Mr. Jaskiewicz believes that the proposed plan is not contrary to the public interest. Mr. Eudaily notes that there is no existing access, except for the un-named alley. Mr. Jaskiewicz stated that currently the property is in disrepair and unoccupied. The property can still be occupied and thus there remains a beneficial use but questions the degree to which this is beneficial. Mr. Jaskiewicz does not believe that there is any significant alteration of the character of the neighborhood. He noted that the surrounding properties are residential and consistent. Mr. Jaskiewicz believes that the approval of the application improves services. It is adverse now and will be suitable going forward. Mr. Eudaily noted that placement of the mailboxes on the curb will improve the condition. Mr. Jackiewicz notes that there is still a lot of work for Mr. Troyer to do to comply with the development standards but this variance is simply to waive the frontage requirement.

Mr. Metzger questions what the purpose the existing unnamed alley would serve if the variance is granted. Mr. Jaskiewicz stated that the rear of a number of properties permit access. He noted also that the house to the south, while having frontage, does not have a driveway except in the back.

Mr. Metzger states that if this was not in RS3 he would be inclined to deny but because it is just one property, then it is fine to approve. Mr. Jaskiewicz points out that the property has not been in compliance because of trash and he states that compliance with zoning will be necessary and the applicant agrees. Mr. Eudaily notes the question as to how trash pickup is currently occurring and that providing access to Gay Street will provide a means for trash collection. Mr. Myron Yutzy, a resident, points out that Gay Street is now one-way to the south. Mrs. Bobbie Yutzy states that if Mr. Troyer puts the drive on Gay Street it will reduce traffic concerns down Napa Alley.

Mr. Jaskiewicz motioned to approve application VAR-21-6 with the following conditions, seconded by Mr. Metzger. All yeas.

1. The Conditional Use for the duplex shall be granted;
2. The applicant, if perusing a private access easement, must provide documentation to the Village prior to the issuance of a zoning permit;
3. Any alterations to the approved building plan or site plan, other than those required by the Board of Zoning Appeals (BZA), shall be submitted to the Planning and Zoning Department prior to the alterations being made, and if necessary, a BZA hearing shall be held to review such changes.

The Board was presented the Findings of Fact for application CU-21-5. The board provided a few corrections which were edited during the meeting. Mr. Jaskiewicz motioned to adopt the findings of fact for application CU-21-5, seconded by Mr. Metzger. All yeas.

The Board was presented the Findings of Fact for application VAR-21-6. The board provided a few corrections which were edited during the meeting. Mr. Jaskiewicz motioned to adopt the findings of fact for application VAR-21-6, seconded by Mr. Eudaily. All yeas.

DISCUSSION

The Board reviewed the Rules and Regulations document and elected to have more time to review on their own and revisit at the following meeting.

ADJOURNMENT

Public hearing was closed and meeting was adjourned at 8:12pm