

BOARD OF ZONING APPEALS
MOTION SUMMARY
November 13, 2019

ITEM 1. Roll Call

Vice-Chairman Junk called the meeting to order at 6:30 p.m.

Members Present: Beth Fisher, Adam Vaughn, Todd Daughenbaugh, Robert Whitmore, Councilman George Hellinger, and Vice-Chairman Paul Junk

Member Absent: Chairman Matt Dick

Staff Present: Jordan Selmek, Zoning Officer

Motion to Excuse: Councilman Hellinger motioned to excuse Chairman Dick, seconded by Ms. Fisher. Motion approved by a 6-0 vote.

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on September 11, 2019, as recorded and transcribed.

Motion: Councilman Hellinger moved to approve the Motion Summary for the Board of Zoning Appeals held on September 11, 2019 meeting, seconded by Mr. Vaughn. Motion approved by a 6-0.

Vice-Chairman Junk swore in the following participant from the public throughout the meeting:

Johnathon Dandera
102 Old Colony Drive
Delaware, Ohio

ITEM 3. REGULAR BUSINESS

A. 2019-2394: A request by Johnathon Dandera for approval of a front yard setback variance for a fence at 102 Old Colony Drive on approximately 0.201 acres on property zoned R-4 with Text Limitations (Medium Density Residential District).

Mr. Selmek reviewed the location of the request and the zoning around the area. The applicant proposes a six-foot privacy fence to enclose their backyard, which is a corner lot. The southern section of the fence encroaches approximately 3.6 feet into the technical front yard setback along Bowtown Road. Corner lots have two front yards and the Zoning Code does not allow a privacy fence within the front yard. The proposed fence would require the approval of a variance. Mr. Selmek also discussed that the property has neighborhood signage on the property and there is a public bike path that extends through the southern portion of the property. Staff determined that the public bike path and entry

features meet the criteria for special circumstances, as today's development standards these features would be built on Home Owner's Association property.

APPLICANT:

Johnathon Dandera
102 Old Colony Drive
Delaware, Ohio

Mr. Whitmore informed the Board that he visited the property and that he believes that the applicant has a valid issue with exposure to the street and bike path and recommends the privacy fence.

Mr. Dandera informed the Board that he did receive approval from the Home Owner's Association to have a 6 ft, white vinyl, privacy fence. Mr. Selmek reviewed the condition to have a gap at the bottom of the fence to allow for drainage.

Motion: Ms. Fisher moved to approve 2019-2394, along with all staff conditions, finding beyond a reasonable doubt that the decision factor necessary for approval of a variance according to Chapter 1128 of the Planning and Zoning Commission are met, with the staff conditions as noted, seconded by Mr. Daughenbaugh. Motion approved by a 6-0 vote.

ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION

Ms. Fisher requested an update regarding the status of the Flax Street building and if the building had meet requirements to not be condemned.

ITEM 5. NEXT REGULAR MEETING: December 11, 2019.

ITEM 6. ADJOURNMENT

Motion: Mr. Daughenbaugh moved to adjourn the Board of Zoning Appeals meeting, seconded by Mr. Vaughn. The Board of Zoning Appeals meeting adjourned at 6:44 p.m.



Matt Dick, Chairman



Elaine McCloskey, Clerk