

Board of Zoning Appeals
May 18, 2017
Minutes

Chairman Feick called the meeting to order at 4:30 PM. The following members were present: Mr. Dan Delahunt, Mr. Kevin Zeiher, Chairman John Feick and Mr. Walter Matthews. Casey Sparks represented the Planning Department; Jeff Keefe represented the Engineering Department; Trevor Hayberger represented the Law Department and Debi Eversole, Clerk from Community Development. Dr. Semans was excused.

Mr. Zeiher moved to approve the meeting minutes from the April 20, 2017 meeting as written. Mr. Matthews seconded the motion. With no discussion, the motion carried unanimously.

Chairman Feick swore in audience members and staff that wished to speak on any of the applications on the agenda during the adjudication hearing.

Cedar Point Park, LLC has submitted an application for variances to allow a commercial structure within a special flood hazard area at **One Cedar Point Drive**. Mr. Keefe stated that the four buildings are all within the new Cedar Point Shores waterpark area. This is a creation of a midway, going from one section to the other underneath the Magnum. The elevations are above the 100 year flood elevation, but they are below the 2' flood protection elevation that is in addition to the flood zone. This application is similar to the application that came through in August 2016 at Cedar Point Park.

Chairman Feick asked if there was anyone in the audience that wished to speak in favor of the request. There were none. He then asked if there was anyone in the audience that wished to speak against the request. There were none.

Mr. Zeiher moved to approve the requested variances. Mr. Matthews seconded the motion. With no further discussion, the motion was approved by unanimous vote.

Lori Rickenbaugh, on behalf of the Board of County Commissioners of Erie County has filed an application for a variance of 15' to the required front yard setback for a monument sign within the front yard at **503 Washington Street**. The applicant is proposing a 0' front yard setback for a 5' x 6' monument sign. Currently there is no advertisement for the building and many individuals are finding it difficult to locate the facility. The site also has limited area for signage that is outside the right-of-way. There are also signs located in similar locations within this area. Staff would recommend approval of the 15' variance at 503 Washington Street with the condition that the applicant apply for all necessary permits.

Judge Roger Binette, 323 Columbus Ave, Erie County Common Pleas Court stated that this is the former Columbia Gas building which is now the Adult Probation Department. In the past, there were letters put on the windows stating the name of the building. Unfortunately, defendants are claiming they cannot find the building and for that reason are failing to report to their Probation Officers. This creates a warrant for their arrest and they are put in jail.

Judge Binette stated that the Erie County Sheriff's office obtained their sign from EHOVE so he contacted EHOVE to create a similar sign. Looking at signs within the area, he has a similar design and will add post covers that look like brick.

Marilyn Grey, 512 W. Washington St asked how close to the corner the sign would be. Judge Binette replied that it would be from the edge of the building to the sidewalk. It will only be between the sidewalk and the building on Decatur Street. Ms. Grey asked if there would be any blocked vision of traffic. Judge Binette stated that there should be no blocked traffic.

Chairman Feick asked if the sign would be placed diagonally to be seen from Washington and Decatur Streets. Judge Binette stated that the sign is going to be placed straight for people to view from both sides of Washington Street. The sign placement will be behind the tree lawn and not in the boulevard.

Chairman Feick asked if there was anyone else in the audience that wished to speak in favor of the request. There were none. He then asked if there was anyone in the audience that wished to speak against the request. There were none.

Mr. Zeiher asked to confirm that there are no sightline issues as far as traffic coming from Decatur Street. Ms. Sparks said that Staff believed that there would be no line of site issues because it would be behind the other side of the sidewalk.

Mr. Delahunt moved to accept Staff's recommendation to approve the variance application. Mr. Matthews seconded the motion. With no further discussion, the motion was approved by a 3/0 vote. Mr. Feick abstained.

Conor Whelan has filed for an application for a 3' variance to the required side yard setback to allow construction of a residential addition at **1524 Central Ave.** The property is zoned as R2F Two Family Residential. The applicant has indicated that there is a dilapidated accessory building on the property. The applicant would like to demolish the existing accessory structure and reconstruct a residential addition that will serve as a garage and an exercise room. Both the accessory structure and the main building are located very close to the property line as the lot is very narrow. The applicant will be connecting the addition via breezeway, therefore it is considered a residential addition. Staff would recommend approval of the 3' variance to the side yard with the condition that the applicant apply for all necessary permits.

Conor Whelan, 1524 Central Ave stated that he just wants to add the addition to where the current structure is, connecting it with a breezeway. He stated that he spoke with his neighbor regarding his plans and his neighbor had no objections.

Mr. Matthews wondered when the building would begin. Mr. Whelan stated that he would work on this in the summer, since he is a teacher.

Mr. Hayberger stated that he is a close neighbor and stated that Mr. Whelan bought the property when it was in rough shape and he has fixed it up nicely. Mr. Hayberger stated that

speaking as a neighbor of Mr. Whelan, he felt that this project would be great for the community and is all for the improvement.

Chairman Feick asked if there was anyone else in the audience that wished to speak in favor of the request. There were none. He then asked if there was anyone in the audience that wished to speak against the request. There were none.

Chairman Feick asked if the garage was right on the property line. Mr. Whelan answered yes and that the garage overhang hangs over into the neighbor's property, as it does now.

Mr. Zeiher moved to approve the variance application. Mr. Delahunt seconded the motion. With no further discussion, the motion was approved with a unanimous vote.

Ms. Sparks stated that there are applications for a June meeting and to please notify Staff if you are unable to attend to assure there is a quorum.

Ms. Sparks also stated that there will be a public meeting regarding the East Bay planning process at the Central Fire Station this evening from 6:00 PM – 8:00 PM.

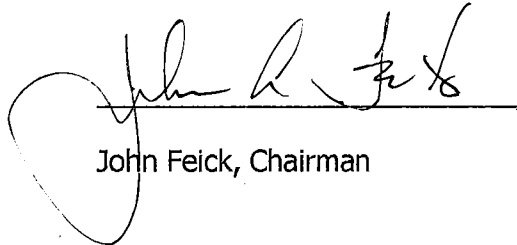
Mr. Delahunt moved to adjourn the meeting. Mr. Zeiher seconded the motion, which was approved through unanimous vote.

The meeting adjourned at 4:50 PM.

APPROVED:



Debi Eversole, Clerk



John Feick, Chairman