



**BOARD OF ZONING APPEALS
MEETING MINUTES
AUGUST 4, 2022**

CALL TO ORDER/ROLL CALL

Chairman Jim Hrivnak called the Board of Zoning Appeals meeting to order at 6:30 p.m. Board Member present included: Jim Hrivnak, Randy Duncan, Janice Hitzeman, and Ryan Brickner. Staff present were: Elise Schellin, Development Planner; Peyton Kaman, Development Technician; Pam Friend, Administrative Assistant, and interested parties.

APPROVAL OF MEETING MINUTES

The June 2, 2022 minutes are being review by Staff and Legal Counsel. The minutes will be presented for approval at the September 1, 2022 Board of Zoning Appeals meeting.

HEARING OF VISITORS FOR ITEMS NOT ON AGENDA

Chairman Hrivnak opened the floor for visitors wanting to address issues not on this evening's agenda. Hearing none, Chairman Hrivnak closed this portion of the meeting.

NEW CASES

VARIANCE REQUEST (2022-17V)

Applicant: Harpers Pointe Land Company, LLC

Location: Parcel 31942513047000, NW corner of Beech Ridge Dr. and W. Olentangy St.

Zoning: PC - Planned Commercial District

Request: Review and approval of a variance to code section 1151.06(b)(4) to allow an off-premise temporary new development construction sign for Harper's Pointe.

1. Harpers Pointe - BZA Staff Report.pdf
2. Harpers Pointe Sign Variance Request.pdf

Peyton Kaman presented the staff report. He advised Staff is recommending approval of a Variance to Code Section 1151.06(b)(4), to allow an off-premise temporary new development construction sign for Harper's Pointe with the condition that the sign be removed once the development achieves 80 percent completion as determined by the Zoning Administrator or after 3-years from permit approval, whichever comes first.

Chairman Hrivnak asked for Staff to clarify the location of the sign because he wants to be sure the sign does not hinder drivers pulling out of Beech Ridge Drive on to W. Olentangy. Mr. Kaman informed the Board that before the sign would be installed the applicant would submit a sign permit. Staff would verify the site distance is met and the sign would not block visibility.

Board Member Duncan asked Staff if the sign permit process would be required to comply with all the other sign regulations. Mr. Kaman said it does and what the applicant submitted does comply with Code.

Board Member Hitzeman asked if Staff received any comments from adjacent land owners. Mr. Kaman responded they did not.

Chairman Hrivnak swore in the applicant, David LaRue, 21186 Avalon Drive, Rocky River, Ohio. He stated he is the managing member for Harper's Pointe Land Co., LLC, which is the applicant. Mr. LaRue talked about the project and the goal of this variance is to increase visibility to the project.

Chairman Hrivnak opened the floor for visitors wishing to comment on this variance request. Hearing none, Chairman Hrivnak closed public comment.

Board Member Brickner said he is pleased with the presentations and it appears all the variance standards have been met.

Board Member Duncan said the presentations were thorough and it is easy to understand the request.

Board Member Hitzeman said the variance is not substantial, given the temporary nature of the sign and the sign removal condition from Staff, which she feels should be included in the motion. She shares the concern that the sign not block visibility to W. Olentangy Street and appreciates that it will be reviewed by Staff before it goes in.

Chairman Hrivnak said with a 4-foot sign 270 feet from the road he agrees most people will not see the sign and it makes sense to move it closer. He said the City is anxious to have that residential district completed and this will help the applicant in the effort.

MOTION: Board Member Hitzeman made a motion to approve a variance as presented to allow Harper's Pointe to install an off-premise temporary new construction sign in the planned commercial district subject to the condition presented by Staff that the sign be removed once the development achieves 80 percent completion as determined by the Zoning Administrator or after 3 years from permit approval. Board Member Duncan seconded the motion.

VOTE: Y – 3 N – 0

Motion passed.

VARIANCE REQUEST (2022-18V)

Applicant: John & Dana Diedrichs
Location: 185 Trail Edge Circle
Zoning: PR - Planned Residence District
Request: Review and approval of variances to code sections 1145.11, 1145.34(d), and 1145.34(e) to allow a 6 foot privacy fence, encroaching 11 feet into the required front yard setback.
1. 185 Trail Edge Cir - BZA Staff Report.pdf
2. Diedrichs Fence Variance Request 7.5.2022.pdf

Elise Schellin, Development Planner presented the Staff Report recommending the Board of Zoning Appeals make three separate motions of approval, one for each variance requested: 1145.11, 1145.34(d), and 1145.34(e), to allow a 6-foot tall privacy fence, encroaching 11 feet into the required front yard setback.

Chairman Hrivnak asked staff about the existing fence encroaching into the required setback and the 2.5 foot height requirement, as well as a sketch that shows 4.5-foot high fence instead of the 6 foot high requested.

Chairman Hrivnak swore in the John Diedrichs, 185 Trail Edge Circle, Powell, OH. Mr. Diedrichs gave a presentation on the variance request.

Board Member Hitzeman asked Mr. Diedrichs if the current fence is 6 foot high all the way around the yard. Mr. Diedrichs responded that it is.

Chairman Hrivnak asked Mr. Diedrichs if they considered lowering the fence to the required 5 foot height. Mr. Diedrichs said for financial reasons they considered 4 foot and 6 foot fence, however the 4 foot would put their dog at risk. If they went to a 5 foot high fence the cost goes up because it is not a standard size.

Chairman Hrivnak opened the floor for visitors wishing to comment on this variance request.

Chairman Hrivnak swore in the following neighbors that testified in favor of the variance:

Anthony Shumick, 131 Trail Edge Circle, Powell, OH 43065
Brian Sullivan, 295 Muladore Drive, Powell, OH 43065
Tim Sullivan, 9636 Fair Oaks Drive, Powell, OH 43065
Bruce Runyon, 37 Trail Edge Circle, Powell, OH 43065
Benjamin Paumier, 320 Village Ridge Drive, Powell, OH 43065

No one came forward to testify in opposition.

Mr. Diedrichs addressed the Board that several other neighbors are supportive of the replacement of the fence but could not be at this evenings meeting.

Board Member Hitzeman asked if the City received any comments in opposition of the variance. Ms. Schellin replied they did not.

Board Member Hitzeman said in considering the factors the Board is required to answer and she does find that the variance is substantial in the height and distance within the setback. However, she finds more persuasive factors 3, 5, and 6 which were addressed by testimony and the applicant.

Board Member Duncan said it makes sense to him since they are replacing what is already there.

Board Member Brickner he agrees it is the same structure as what is there already and is supported by the neighbors.

Chairman Hrivnak echoed that the presentation by the owner and testimony of the neighbors it is overwhelming evidence that it is supported by the neighborhood and will improve the character. He feels there is a special condition because it is a corner lot.

MOTION #1: Board Member Brickner moved to approve a variance to code section 1145.11, to allow a 6 foot tall privacy fence, encroaching 11 feet into the required front yard setback. Board Member Duncan seconded the motion.

VOTE: Y – 4 N – 0

Motion passed.

MOTION #2: Board Member Hitzeman moved to approve a variance to code section 1145.34(d), to allow a 6 foot tall privacy fence, encroaching 11 feet into the required front yard setback. Board Member Brickner seconded the motion.

VOTE: Y – 4 N – 0

Motion passed.

MOTION #3: Board Member Duncan moved to approve a variance to code section 1145.34(e), to allow a 6 foot tall privacy fence, encroaching 11 feet into the required front yard setback. Board Member Hitzeman seconded the motion.

VOTE: Y – 4 N – 0

Motion passed.

STAFF COMMUNICATIONS

Ms. Schellin announced the June 2, 2022 Minutes are drafted and will be reviewed with legal counsel to create a redlined draft for the Board to review at a future meeting. She also informed the Board an application has been received for the next meeting of the Board of Zoning Appeals, which will be held on Thursday, September 1, 2022 at 6:30 p.m. [this application was withdrawn]

ADJOURNMENT

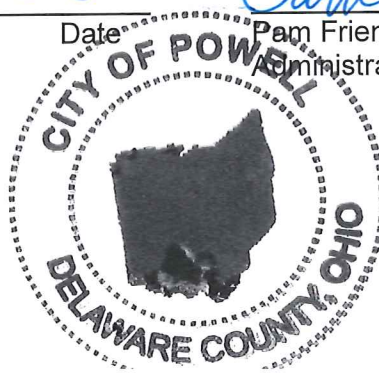
Chairman Hrivnak moved to adjourn the meeting at 7:18 p.m. Board Member Duncan seconded the motion. By unanimous consent the meeting was adjourned.

MINUTES APPROVED: October 6, 2022



Jim Hrivnak,
Chairman

Date





Pam Friend,
Administrative Assistant

Date

10-6-22