

City of Napoleon, Ohio
BOARD OF ZONING APPEALS MEETING MINUTES
Tuesday, April 14, 2020 at 4:30 pm

BZA 20-02 – Variance to the Building Setback – 115 Vincennes Drive

PRESENT

Board Members on WebEx	Tom Mack-Chairman, Steve Small, Lynn Rausch, Larry Vocke
City Staff	Kevin Schultheis-Code Enforcement/Interim Zoning Administrator Joel Mazur-City Manager

Admin. Asst. to Appointing Authority/Clerk of Council	Roxanne Dietrich
Others on WebEx	Chad Moll

ABSENT

Board Member	David Dill
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CALL TO ORDER

Chairman Mack called the Board of Zoning Appeals meeting to order at 4:30 pm

The newest board member, Larry Vocke, was sworn in by the Clerk of Council

APPROVAL OF MINUTES

Hearing no objections or corrections, the minutes from the October 8, 2019 Board of Zoning Appeals meeting were approved as presented.

BZA 20-02 BACKGROUND

Chairman Mack read the background on BZA 20-02:

An application for public hearing has been filed by Chad Moll, 115 Vincennes Drive, Napoleon, Ohio. The applicant is requesting approval for a variance to Section 1147 regarding the building setbacks in an R-2 Low-Density Residential District. The Applicant is requesting a variance to the backyard setback from ten feet (10') to one foot (1'), and the side yard from seven feet (7') to one foot (1') to build a 16'x12'shed, less than 200 square feet.

RESEARCH AND FINDINGS

The Findings were presented by Schultheis. Mr. Moll came in prior to me taking the Zoning Administrator and spoke to Mark Spiess about placing a shed within the variance. It is the understanding upon obtaining approval from the Board of Zoning Appeals that there would be some conditions applied to that. Yesterday it was found there is a 6' utility easement that runs along the back of that property. Mazur asked the board if they can see the drawing on the screen showing the easement. Schultheis continued, after discussions with the City Engineer Chad Lulfs, he said this cannot be done unless Mr. Moll placed stone down instead of a concrete pad and that the shed can be moved in case of an emergency and we need to get back to the utility easements. Also, on the condition if there would be an emergency that would take place on the utility easement back there, any damage to the shed would not be the responsibility of the City or the utility. With that understanding, I spoke to Mr. Moll this morning and he said the shed would be movable and be on skids. That is where we stand right now. I have not received any objections through the mail or by phone from any of the citizens or nearby neighbors. This would also allow for some extra footage for utility poles back there with access with the shed in a different location. The shed would be accessible by pulling it to the north if there was anything that needed to be moved back there.

COMMENTS

Chairman Mack asked Chad Moll if he had any information he would like to share.

Moll stated he spoke to the residential neighbors that are living behind him and they didn't have a problem with it, they said do what you want. I did talk to Greg Kuhlman and he said moving it to the side in particular would give him more access to power pole 282 which is back there. My other concern is, as you can see from the aerial, I do have a fire pit in the backyard. It is a portable insert but it has a stone base and in order to have the distance required by the Zoning Code from the residence which is 15' and then to have 15' to another structure, which would be the shed, is another reason that I am seeking the variance to have that distance between structures for the fire pit. The shed would be movable. The shed that is there now was put on the grass initially and we have actually moved the shed and put a gravel platform under there and moved the shed back. So it has been done before I know it can be done again. The new shed is slightly bigger. Like I said, I've done it before and have access to the equipment to have it done again, if needed. Small asked what is the size of the existing shed? Moll replied it is either an 8'x12' or 10'x12'. The new shed will basically be 2' bigger on the front and 2' bigger on the side. We need more room we are running out of room in the garage. Mack asked if the old shed will remain? Moll said the old shed will be removed, the new shed will be a replacement, an upgrade. I did call and talk Ohio Gas this morning and Teresa Miller told me the gas lines do not run in the back they are all in the front of the residence on the south side of Vincennes, that would be my front yard. I know from watching construction, the sewer and water lines are also in the front yard on the south side of Vincennes. Sewer may be on the north side. I know definitely there are not water, sewer or gas lines back there. Once again, it will not be on a concrete slab it will be on a gravel bed. Mack asked Mazur, I do not remember that we approved one that was on a utility like that. Will this be written in the approval that the City has the right to move the shed if they need to, or who would be responsible for moving it? Mazur responded it is in the Codified Ordinances and the Engineering Rules to allow us to go in and access any of our utilities in the City's easements and if we need to remove structures and/or plants. A lot of times it's plants. A lot of people, like at the roadsides and things like that, don't realize that their easements go further up into the yard than what it appears. In road projects we remove a lot of trees, plants, shrubs and things. It really upsets people but it's part of the City's Codified Ordinances to allow us to go in there and do the work that we need to do and to not have to make any special accommodations for anybody that encroaches into the easements. By allowing this, putting it on a stone pad and allowing it to be moved back and forth yes, this condition would be written into it as a part of this approval. Essentially, what we would do is we would notify the homeowner, Chad Moll or if Chad ever sells the house whoever the new owner would be, to notify them we would be doing work in this area. Whoever the owner is would be required to move the shed or we would do what we have to do to get access to whatever it is that we need to get to. Mack asked Mazur to back the picture away, look at Jim's pool, it looks like we have given variances to that stuff in the neighborhood before, right? Mazur said we have given variances before. In fact, if I'm not mistaken, the October 8, 2019 meeting had a variance or there might have been one last year where there was a shed variance similar to this. I think the shed variances are common. Mack said I think if that's the one I'm thinking of it was on the other side of town. I was just looking in the same area, the same subdivision that we approved before. Moll commented, I don't know if you have an aerial shot of the backyard. If you look along the back property line, it's apparent, presumably a lot of variances have been granted. Most of the sheds back there are either at, over or near the property lines. I would ask for the same consideration that has been extended previously. Small noted he is looking two houses down from Moll's, the back corner of that shed looks like it is sitting right on the property line. Moll added there are quite a few along that same back property line of mine if you would follow it back to where Vincennes curves back around toward Duquesne. Small added actually on both sides of that property line. The houses in that area on Duquesne have some backyard that are up to it as well. Mack commented we don't need to worry

about setting a new precedence. Rausch said he does not see any problem as far as the neighbors are concerned and with his fire pit there, he almost needs to be that close to the line. I don't see any problem with the whole issue.

MOTION TO APPROVE BZA 20-02

Motion: Small
to approve BZA 20-02 as presented

Second: Rausch

Roll call vote on the above motion:

Yea-Mack, Small, Rausch, Vocke

Nay-

Yea-4, Nay-0; Motion Passed

Mack asked Moll if he will be building the shed or moving it in? Moll answered, it is cannot be brought in whole. From what I understand, we are purchasing it and they are going to build the walls and then bring in the walls and then actually construct the shed back there. It will be like a tinker toy or lego set. Moll thanked everyone for their time.

ADJOURNMENT

Motion: Vocke
to adjourn the Board of Zoning Appeals meeting at 4:47 pm

Second: Small

Roll call vote on the above motion:

Yea-Mack, Small, Rausch, Vocke

Nay-

Yea-4, Nay-0. Motion Passed.

Approved

June 14, 2020

Tom Mack, Chairman