

BOARD OF ZONING APPEALS MEETING

TIPP CITY, MIAMI COUNTY, OHIO

February 17, 2016

- Meeting** Chairman McFarland called this meeting of the Tipp City Board of Zoning Appeals to order at 7:30 p.m. which was held at the Tipp City Government Center, 260 S. Garber Drive, Tipp City, Ohio.
- Roll Call** Roll call showed the following Board Members present: Michael McFarland, Isaac Buehler, Steve Stefanidis and Mark Hartman. Others in attendance: City Planner/Zoning Administrator Matthew Spring, Acting Board Secretary Kelly Rowlands and Training Board Secretary Dawn Gross.
- Citizens Signing the Registrar** Citizens attending the meeting: Charles R. (Ron) Davis, Tony Heintl, Matt Collins, Nichole Stockslager and Paul of Heatwave Pools.
- Oath to Office** Mayor Pat Hale administered the Oath of Office to Mark Hartman.
- Election of Officers** Mr. McFarland opened the floor for nominations. Mr. Buehler **moved to nominate Mr. McFarland as Chairman of the Board of Zoning Appeals.** Mr. Stefanidis **moved to close nominations,** seconded by Mr. Hartman and unanimously approved. **Motion carried.**
- Mr. Stefanidis **moved to nominate Mr. Buehler as Vice Chairman of the Board of Zoning Appeals,** seconded by Mr. McFarland. No other nominations, Mr. McFarland asked for a motion to close. Mr. Stefanidis **moved to close nominations,** seconded by Mr. Hartman. **Motion carried.**
- Mr. McFarland stated for the record that Mr. McFarland is re-elected as Chairman and Mr. Buehler is elected as Vice Chairman for 2016.
- Board Minutes 12-16-2015** Chairman McFarland asked for discussion. There being none, Chairman McFarland **moved to approve the October 21, 2015 meeting minutes as written,** seconded by Mr. Stefanidis. **Motion carried.** Ayes: McFarland, Stefanidis, Hartman, Buehler. Nays: None.
- Citizens Comments** There were none.
- Chairman's Introduction** Chairman McFarland explained the guidelines and procedures for the meeting and public hearings. He advised the applicant(s) that any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision to the Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

**Administration of
Oath**

Mrs. Gross swore in citizens and Mr. Spring.

New Business

**Case No. 01-16
Tony Heini –
Repacorp
Landscaping
Barrier Variance
Request**

Case No. 01-16: Tony Heini – Repacorp – Industry Park Court – Lot: IL 3088 – The applicant requests a variance to Code §154.09(F)(3)(b)(ii) to waive the requirement for the 2' tall hedge/wall landscaping barrier along the length of the required landscape strip between the right-of-way and a new off-street parking area.

Zoning District: LI – Light Industrial

Zoning Code Section(s): §154.09(F)(3)(b)(ii)

Mr. Spring provided the following report:

In association with the construction of a new 50-space off-street parking area, the applicant seeks a variance to Code §154.09(F)(3)(b)(ii) to waive the requirement for the 2' tall hedge/wall landscaping barrier along the length of the required landscape strip between the right-of-way and a new off-street parking area.

Regarding landscaping required between parking lots and the street, Code §154.09(F)(3)(b)(i)&(ii) states:

- (i) Parking areas adjacent to public streets shall be separated from the edge of the right-of-way by a perimeter landscape strip no less than six feet in width.
- (ii) The landscape strip shall be planted with one tree for each 50 linear feet or fraction thereof and shall include a hedge, wall, or other opaque durable landscape barrier of at least two feet in height shall be along the entire length of the landscape strip.

The applicant specifically requests a variance to Code §154.09(F)(3)(b)(ii) to waive the requirement for the hedge, wall, or other opaque durable landscape barrier of at least two feet in height shall be along the entire length of the landscape strip.

Review criteria noted by Mr. Spring is stated in his Staff Report. A few basic notes for the case include all other landscaping codes will be met regarding the parking area and on January 12, 2016 the Tipp City Planning Board discussed a Code Amendment to Code §154.09(F)(3)(b)(ii) in a study session the Planning Board was not inclined to amend Code requirement for all properties they did support the variance as requested by the applicant this evening.

Mr. Spring shared a public comment that he received a telephone call on February 9, 2016 from Mr. Keith Kingrey, Owner of SK Mold & Tool located at 955 N. Third Street, who stated he had no problem with the requested variance and he felt that it was not needed on cul-de-sac industrial properties.

Mr. Stefanidis asked if there were any other citizen comments.

Mr. Spring stated there were no other no other citizen comments.

Mr. McFarland asked for any other questions from Staff, There were none.

Mr. McFarland asked the Applicant to step forward and state name and address for the record.

Mr. Tony Heini, 31 Industry Park Court, Tipp City, Ohio approached the dais.

Mr. Heini brought two different pictures, shot with his drone, to share with the Board. He again asked for the variance to be considered in regards to the 2' high shrub that goes across the parking lot that is parallel with the street. They are back in the cul-de-sac by themselves; SK Mold and High Tech are off to the side. The shrubs' main purpose is to block the glare from headlights shining into people's eyes or other cars, and in this circumstance with Repacorp being the only business back there, Mr. Heini feels it does not affect him. Also, without having an irrigation system back there to keep the shrubs/hedges watered, they will die, and it is quite expensive to install a system. This facility runs two shifts and the parking lot is used as an overflow. When the second shift comes in at 4:30 p.m. it will still be daylight, and the headlight issue will not be a concern at this time of the day.

Mr. McFarland asked for any questions of the applicant. There were none.

Mr. McFarland asked for Board Member discussion. There was none.

Mr. Stefanidis made a **motion to grant a variance to Code §154.09(F)(3)(b)(ii)**, seconded by Mr. Buehler. **Motion carried.** Ayes: Stefanidis, Buehler, McFarland, Hartman. Nays: None.

**Case No. 02-16
Nichole
Stockslager –
Swimming Pool
Variance Request**

Case No. 02-16: Nichole Stockslager – 782 Charrington Way – Lot: 1L 3056 – The applicant requests a variance of 5' to Code §154.06(A)(4)(u)(ii) to the minimum setback of 15' for swimming pools, hot tubs, and spas.
Zoning District: R-1C-Urban Residential Zoning District
Zoning Code Section(s): §154.06(A)(4)(u)(ii)

Mr. Spring provided the following report:

The applicant is considering the purchase of the single-family home located at 782 Charrington Way. If purchased, the applicant would like to install an in-ground swimming pool at this location. Accordingly, the applicant requests a variance of 5' to Code §154.06(A)(4)(u)(ii) to the minimum setback of 15' for swimming pools, hot tubs, and spas.

Variance 1

In association with the proposed construction of a 14' X 30' in-ground swimming pool, the applicant seeks a variance of 5' to Code §154.06(A)(4)(u)(ii) to the minimum setback of 15' for swimming pools, hot tubs, and spas.

(u) Swimming Pools, Hot Tubs, and Spas

Any swimming pool, hot tub, or space that has water with a depth of one and one-half feet or more shall be subject to the standards of this subsection including pools that are designed to be temporary in nature.

(ii) The swimming pool, hot tub, or spa shall be set back a minimum of 15 feet from all lot lines as measured from the edge of the water.

The proposed swimming pool will be 10' from the rear property line; therefore a variance of 5' is required.

Review criteria noted by Mr. Spring is stated in his Staff Report. Additional notes include a 10' utility easement along the northern, southern and western property lines and a 5' utility easement along the eastern property line. The proposed pool would not encroach into any of these easements. If approved the applicant would be required to install a 6' tall privacy fence surrounding the pool, rear yard area, and obtain an approved zoning permit prior to construction.

Mr. Stefanidis asked if there were any comments from neighbors. Mr. Spring replied, that no comments have been made. Mr. Buehler asked if neighbors had been notified. Mr. Spring stated our requirements by code for notifying all neighbors prior to the meeting.

Mr. McFarland asked the Applicant to step forward and state name and address for the record.

Nichole Stockslager, 514 Michael Place, Tipp City, Ohio approached the dais. Also, accompanying Ms. Stockslager was Paul of Heat Wave Pools.

Mr. Buehler asked for an explanation of the potential hardship that was being faced.

Paul stated he had installed several pools in this neighborhood. Ms. Stockslager's backyard from the back of the house to the property line is 35' and she wants to install a 14' wide pool. If they do that and they follow the 15' easement, which only puts the pool 6' away from the house. There are no zoning codes that prevent that distance; however, her vision of the backyard is such that she wants the pool to be 10-11 feet away from the house due to comfort and functionality.

Mr. Buehler asked Mr. Spring if there has been any other variance in this subdivision for the same instance. Mr. Spring stated he did not have any specific records nor does he recall this board addressing this particular Windmere neighborhood recently as far as a pool. Paul said that yes the Board had, Andy McGraw about 2 or 3 years ago was granted this same variance. Mr. Spring did remember granting his variance.

Mr. McFarland asked if she was 15' to the back property line, how close does that put them to the house? Paul answered "6' from water's edge."

Mr. McFarland stated it was not in a high traffic area and it is in a cul-de-sac.

Mr. Stefanidis inquired about the fence going through the utility easement. Mr. Spring said that fences are allowed to go through utility easements and the residence signs off knowing that the utility company can remove the fence if needed at the resident's expense. No permanent structures are allowed within the easements.

Mr. McFarland asked for any questions of the applicant. There were none.

Mr. McFarland asked for Board Member discussion. Mr. Buehler stated that we have already set a precedent. Mr. Stefanidis stated that no one is going to see anything with the fence. Mr. McFarland agreed.

Mr. McFarland **moved to grant a variance to Code §154.06(A)(4)(u)(II)**, seconded by Mr. Buehler. **Motion carried.** Ayes: McFarland, Buehler, Hartman, Stefanidis. Nays: None.

Old Business

There was none.

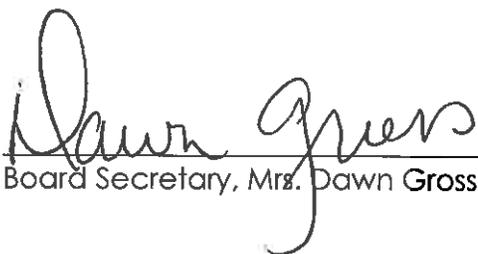
Miscellaneous

There was none.

Adjournment

There being no further business, Mr. Buehler **moved to adjourn the meeting**, seconded by Mr. Stefanidis and unanimously approved. **Motion carried.** Chairman McFarland declared the meeting adjourned at 7:52 p.m.


Michael McFarland, Board Chairman

Attest: 
Board Secretary, Mrs. Dawn Gross