

BOARD OF ZONING APPEALS
Minutes of Meeting
April 20th, 2021 Rescheduled for May 4th, 2021
4:30 pm

Attendance: Members Dave Lundgren, Chairman; Mike Aeling, and Billy Ray; Zoning Inspector Shane Howard, Assistant Law Director William Morris, Engineering Clerk Candice Martin.

Meeting held by telephone conference due to COVID-19 pandemic: The meeting was called to order by Chairman Lundgren at 4:33 pm. Due to the COVID-19 pandemic, BZA members participated by Zoom conference. Dave Lundgren, Mike Aeling, Billy Ray were present. Eddie Williams absent.

Virtual Kiosk:

No one attended.

1. Minutes from the March 16th, 2021 meeting:

Aeling makes the motion to approve the minutes with Ray seconding. All are in agreement. Minutes approved.

Chairman Lundgren reads the Board of Zoning Appeals procedures including appellant recourse.

2. Dan Snyder – 332 W. Perry St -- Appeal #21-013

Accessory Bldg. on a Corner Lot Sec.1130.08 (c)

Shane Howard is sworn in: Zoning Inspector, 504 E. Main St. Alliance, OH 44601. Howard explains that this appeal is for a garage to be built on the lot. On the plans it is going out past the side building lot of the house and per section 1130.08 (c) it says it cannot come past the side building line of the property. That is the reason why it was turned down for approval.

Lundgren asks how far past the building line it goes.

Howard replies that the lot itself is 130 ft. wide. He doesn't have that measurement. The house is clear in the Northeast corner and the garage would be on the Southwest corner of the lot. It would be 21 ft. from the West lot line. The way the house is widthwise there is no way that the garage could fit behind the side bldg. line of the house.

Lundgren asks if there is anyone to speak in favor of the appeal.

Reijo Saari owner of 332 W. Perry St. is sworn in. Mr. Reijo explains that as one pulls around the house it used to be a church so the driveway goes behind the house into a parking lot situated up on a hill. The garage he wants to put on the Southwest corner would be 11 ft. away from his property line. The neighbor's sidewalk is his property line. He wanted to build the garage in line with the house on North Lincoln so it wouldn't be protruding. It would be a 24 x 32 building with 2 bays and 8 ft. on the North end would be an overhang for a patio. It's in a location up on a hill so it will not block the line of sight or anything else.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward.

Declares this public portion of the meeting now closed.

Board Members Begin Discussion

Ray says he is not protruding out onto Lincoln farther than the house next to him. He agrees with the owner that it is up off the road and it will not be blocking sight. It is a former parking lot and he does not know what else they would be able to do with it.

Lundgren states that he looked at it and it is a unique location. It seems that if you are going to do something there it makes the most sense to place it where it is proposed.

Aeling feels that it is a great use of the property. It would be difficult to put anything there with the current Zoning.

Lundgren agrees with Aeling.

Aeling makes the motion to approve the accessory building. Ray seconds. Roll call vote. All are in agreement. Motion passes.

3. Alan L. & Constance L. Houk – 1231 Parkway Blvd. – Appeal #21-014

Rear Yard Set-back Sec.1124 Table and Sec. 1130.13(b)(i)

Howard explains this appeal is for an addition on the rear of the property. Sections 1130(b)(i) talks about rear yard encroachment. The City requires that we have a 40 ft. rear yard setback. This lot does not. It also says one can go 15 ft. into the rear yard as an encroachment and they will be exceeding that. They are also asking to be 4 ft. from the lot line. We allow 5 ft. for a side lot line at a minimum on one side. This is the reason that their application was turned down.

Lundgren asks if there is anyone to speak in favor of the appeal.

Alan Houk owner of 1231 Parkway Blvd. is sworn in. Mr. Houk explains that they would like to extend their house with a sunroom on the back. There is currently a patio there surrounded by bushes. The footprint of what they want to put in is the size of the patio and the bushes with a little more length to it. Mr. Houk further explains that they chose 16 x 24 but 15 x 24 could be made to work as well to come closer to the figures that Mr. Howard had given him. It will not extend pass the edge of the garage. It will just go along the West side of the garage on the Southwest corner for multi-season use.

Lundgren says that he took a look at the property and he understands the application and what they are asking for.

Ray asks how long they have owned the home.

Mr. Houk replies since October of 2017.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward.

Declares this public portion of the meeting now closed.

Board Members Begin Discussion

Aeling comments that it is kind of a unique property. They have a lot of frontage but nothing in the rear.

Ray agrees with Aeling that they are getting really close to the rear lot line. They aren't going to be able to do much landscaping at the back of that building. It is also pretty close to the home behind them.

Aeling says that if they could cut it back to 5 ft. for the rear lot line that would be better. Aeling asks if there is one variance or 2.

Howard replies that regardless they do not meet any of the regulations because of the size of the rear lot. The encroachment nor the rear lot line so those are basically thrown out the window. Therefore, it is the fact that there is not enough rear yard for what they are asking for because of the encroachment. It says you can't go any more than 15 ft. into the minimum rear lot which is required to be 40 ft.

Howard also mentions that in regards to room left in the rear yard a detached accessory 24 x 36 building for example can go 5 ft. from the rear lot line.

Aeling asks if that is attached or detached.

Howard replies detached.

Lundgren adds that it is a huge front yard and a tiny backyard. He says that is the way the houses were laid out on Parkway. The lot is plenty big it is just where the homes are sitting. Lundgren further states that with regards to what is currently there with the existing bushes, he thinks this will look better with the addition. This is unique and that is what we deal with here: the uniqueness of a circumstance. If every lot was the same and the homes were all set a certain way it would be easy. This is why we go out and look at it. We want to see what will be the impact on the neighbors or future residents of the street.

Aeling asks if they are removing the bushes.

Mr. Houk replies yes. They will be removing the bushes and the cement pad that is there and the awning. They will be expanding the roof line out to look like what the rest of the house has and building the room.

Aeling asks how much further out they are planning on going past the existing awning.

Mr. Houk replies that he did not measure that exactly but if he had to guess about 4 to 6 ft.

Lundgren comments that the bushes must be pretty wide.

Mr. Houk replies yes.

Aeling doesn't think the addition would be too far out of line. It is closer to that back yard but they are on Parkway with lots of frontage.

Ray says that he was hoping that neighbors would have had an opinion about it.

Lundgren feels that it will look better. He feels that it will be more open for the neighbors than what is currently there. Also the uniqueness of this property is a factor. There is a lot of front yard but no place to put it in the back and one couldn't put it on the front. This is the choice if it is going to be done.

Aeling makes motion to grant the appeal based on them not coming back over more than 4 ft. from the property line. Ray seconds. Roll call vote. All in favor. Motion passes.

4. Gary Bagley II—250 E. Main St.—Appeal #21-015

Tattoo Parlor in a B-1 Sec. 1122 Land Use Table

Howard explains that this appeal is for a tattoo parlor located in a B-1 zone. Sec. 1122 land use table states that a tattoo parlor is not permitted in a B-1 zone therefore requiring a use variance.

Lundgren asks if the prior use of the building was Williamsburg Press: a printing company.
Howard replies yes.

Lundgren says this is the north side of Main St. in the 200 block.

Lisa Trummer with Tanner Real-Estate is sworn in. 1965 Glamorgan St. Alliance, OH. Mrs. Trummer says she feels that this business will be a good fit for Main St. In the past, there have been prior tattoo shops on Main St. Additionally, they have been in business for over three years and are doing very well and feels that they would be a good asset for Main St.

Lundgren asks if there is anyone else to speak in favor or in opposition. – No one else comes forward.
Declares this public portion of the meeting now closed.

Board Members Begin Discussion

Lundgren corroborates with Mrs. Trummer that he remembers 1 and maybe 2 tattoo parlors in the past on Main St.

Aeling says that he is not sure the stigma around tattoo parlors. He knows what it was in the 50s and 60s and earlier, but lately it is more of an artist shop and since downtown Alliance is more of an art district he doesn't think it would be out of place. It would bring in foot traffic.

Lundgren says that his business has been on Main St. for over 40 years. He can say that there is not a huge movement into Main St. in Alliance. He feels that it is still an effective place to have a business. He also agrees with Aeling that it is more artistic and it fits in with what Main St. is. It is also a pretty light use. He doesn't think people will be lining up waiting to get in. It is not the type of business that does that.

Aeling said that in his experience it is probably 3 or 4 customers per day. People mostly sit for an hour or two and there will not be people stacked up unless you get a lot of good artists, then people are going to line up to get in and get them to do their work for them.

Ray mentions that Aeling brought up earlier that this issue has come up two or three times in the past. He asks about the process of who determines what is allowed within the Zoning areas, Zoning designations, and so on so that these could be changed and people don't have to go through a variance.

Lundgren says that a list is being kept of potential issues that can be presented to council when the time comes to go through an update of the code. He agrees with Ray that it makes sense if we are going to approve it each time that it might be time to review the use section of the code as far as Main St. is concerned. That periodically happens where the code is updated based upon real use, real people, and real situations.

Ray feels that since there is a line item for tattoo parlors within the Zoning table at least it should be changed to be conditional for that Zoning district.

Aeling makes motion to approve use variance. Ray seconds. Roll call vote. All are in agreement. Motion passes.

5. Other Business

Lundgren mentions that due to technical difficulties we have another meeting in just a couple of weeks.

Aeiling makes motion to adjourn. Ray Seconds. Roll call vote. Motion passes. The meeting adjourned at 5 pm.

Respectfully Submitted by:
Candice Martin
Engineering Clerk