

The Board of Zoning Appeals met on Tuesday May 7, 2019 at 4:00 pm in City Hall, 2<sup>nd</sup> floor conference room, 104 E. Main St, Lancaster, Ohio.

Members present were Tim Oatney, Lindy Jackson, Rebecca Anderson and Jim Edwards. Also present was Erica Lanning, Secretary, Stephanie Hall, City Prosecutor's Office and Pete Vail, Zoning Official.

Mr. Oatney called the meeting to order and explained the procedures of the meeting. Mr. Oatney advised that anyone addressing the Board would be sworn in before speaking. All those wishing to speak were sworn in.

Erica Lanning was nominated as The Board of Zoning Appeals Secretary. Mr. Jackson made a motion to approve the nomination. Ms. Anderson seconded the motion. Unanimous vote to approve the nomination.

Mr. Jackson made a motion to approve the minutes from the April 2, 2019 meeting. Ms. Anderson seconded. Minutes were approved.

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#### **BZA CASE #580**

Tim Baden, 720 N. Pierce Avenue, Lancaster, Ohio has applied for two area variances for the property located at 720 N. Pierce Avenue. This property is zoned Residential Single-family Highest Density.

Mr. Baden is requesting an area variance for the square footage of the footprint of the building and the increased use of the required rear yard.

Mr. Baden will demolish the existing garage. The larger garage will provide off street parking for family vehicles and his dump truck as well as storage of tools and a family area.

Mr. Baden stated the garage will be a brick structure. He expressed his neighbors are ecstatic over the new garage. They believe it will be an upgrade to the area and add value to their homes.

The board expressed concern about the family room. Mr. Baden stated he is aware it cannot be a living space. The space will be made into a studio.

Mr. Vail agreed the garage will upgrade the neighborhood.

There were no additional questions from the Board. There were no comments received by the Secretary. The City had no issue with the area variances. There was no one present in the audience to speak for or against the request.

Mr. Edwards made a motion to approve both special exceptions. Mr. Jackson seconded the motion.

Unanimous vote to approve the special exception requests were granted.

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**BZA Case #578**

Lawrence Reams, 749 Lanreco Boulevard, Lancaster, Ohio has applied for a special exception for the property located at 749 Lanreco Boulevard. This property is zoned Residential Single-family Moderate Density.

Mr. Reams is requesting a special exception be granted for the Air BnB operation he is operating in his residence. Mr. Reams has been in business since 2015.

The Board expressed concern over the parking and the number of guests. Code section 1129.02(d)(7c) states parking must be behind or at another designated area. Currently parking is in the driveway of the residence. There is space for four vehicles to park in the driveway however, the two closest to the garage cannot leave without the back vehicles being moved. Code Section 1129.02(d)(7d) states accommodations shall be provided for not more than three guests.

There was discussion regarding not having two exits from the basement. It was decided the basement would be removed from availability.

Mr. Vail suggested to widen the driveway to allow all vehicles to come and go as they desire. Mr. Reams advised there is not enough room to widen the driveway more than half a car.

There were no additional questions from the Board. There were no comments received by the Secretary. The City had no issue with the area variances. There was no one present in the audience to speak for or against the request.

Mr. Jackson made a motion to approve especial exception with the following restrictions, no more than two guest vehicles in the driveway, not to rent more than two rooms at one time, no guests to park on the street and no renting of the basement. Mr. Edwards seconded the motion.

Unanimous vote to approve the area variance and special exception was granted.

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**BZA Case #579**

Robert Engel of 329 S. Columbus Street, Lancaster, Ohio has applied for a use variance for the property located at 722 S. Broad Street. This property is zoned Residential Single-family Highest Density.

Mr. Engel is requesting a use variance be granted for his trash/recycling business. When the property was purchased in 1991 it was zoned industrial. JNR Services started at 722 S. Broad St in 2006. Mr. Engel was not aware of zoning change.

Mr. Engel explained as trash containers and trucks come in he sorts through them. The purpose is to remove all items that can be recycled and items the transfer station does not want. All trash is then taken to the transfer station.

The Board asked what type of business was at the location before becoming JNR Services. Mr. Engel stated it was a tree trimming business before its current use.

The Board questioned when the property got away from him and asked the purpose of all the piles of “stuff”. They also asked what the plan is to clean up the property. Mr. Engel stated when his brother got sick things began to pile up and get away from him. He recognizes this is an issue. The stuff sitting around are items that have been pulled out to recycle. Mr. Engel stated he knows the area needs cleaned up and wants it clean. Advised he has always worked alone. Mr. Engel realizes he cannot complete this task himself. He will hire people to help. He is willing to do whatever is required.

The Board asked if there was anyone in the audience wishing to speak. Paula Debolt, daughter of Raymond Smyers, 714 S. Broad St spoke on her father and stepmother Norma Smyers’ behalf. Ms. Debolt advised Norma did not realize it was not zoned residential when purchased in 1976. She discussed concerns which included, wear and tear on the alley, the large amount of trash, water collecting on the property, the smell and the rodents that come from the property.

The Board asked if something happened that made them not ok with the business. Ms. Debolt stated they have tolerated it in the past out of niceness, however in the last year it has gotten worse. They decided when the notice was sent it was time to share their concerns.

The Board asked Mr. Engel if there was anywhere else he could conduct business. Mr. Engel stated there is not at this time.

Jane Engle-Merrill, 837 Lampton Circle, Lancaster spoke on her Brother Robert’s behalf. She stated her brothers, Jim and Robert were not aware the zoning had changed to residential. She advised had they known the paperwork would have been filled out.

There were no additional questions from the Board. There were no comments received by the Secretary. The City believes the owners were not aware of the zoning change however the business is non-conforming to the neighborhood.

The Board was called into executive session.

Mr. Edwards made a motion to leave executive session.

Mr. Oatney recalled the meeting to order.

Mr. Jackson made a motion to approve the use variance with the following conditions:

1. All recyclables shall be stored in large roll off containers or buildings;
2. Nothing is to be laying on the ground;
3. The hours of operation for the business shall be from 7am to 9pm;
4. No trash or garbage shall be stored on the property;
5. Applicant shall clean up the trash, garbage and recyclables currently on the property within forty-five days;
6. The business shall only be owned and operated by Robert Engel ONLY;
7. No other person/entity can own or operate this or any other business on this property;
8. This use variance shall NOT be deemed to run with the land;
9. Applicant shall erect screening along the entire western property line with a gate that includes screening as well;
10. The fence shall be eight foot chain link with earth tone slats; and
11. The fence shall be erected within ninety days.

Ms. Anderson seconded the motion.

Unanimous vote to approve the use variance was granted with strict enforcement.

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Mr. Edwards made a motion to adjourn. Mr. Oatney seconded the motion

Meeting was adjourned

Respectfully submitted,

**Erica Lanning, Secretary**