

**BOARD OF ZONING APPEALS**  
**MOTION SUMMARY**  
**September 9, 2020**

ITEM 1. Roll Call

Vice-Chairman Junk called the virtual meeting to order at 6:35 p.m.

Members Present Virtually: Todd Daughenbaugh, Robert Whitmore, Councilman Cory Hoffman, and Vice-Chairman Paul Junk and Chairman Matt Dick

Members Absent: Beth Fisher and Adam Vaughn

Staff Present Virtually: Jordan Selmek, Zoning Officer and Lance Schultz, Zoning Administrator

**Motion to Excuse:** Chairman Dick motioned to excuse Ms. Fisher and Mr. Vaughn, seconded by Mr. Daughenbaugh. Motion approved by a 5-0 vote.

ITEM 2. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on June 10, 2020, as recorded and transcribed.

**Motion:** Mr. Daughenbaugh moved to approve the Motion Summary for the Board of Zoning Appeals held on June 10, 2020 meeting, seconded by Councilman Hoffman. Motion approved by a 5-0.

Vice-Chairman Junk swore in the following participants from the public for Case 2020-1633:

Terry and Carol Kee  
451 West William Street  
Delaware, Ohio

ITEM 3. REGULAR BUSINESS

A. 2020-1633: A request by Mr. & Mrs. Kee for approval of a front yard setback variance for two detached garages at 451 West William Street on approximately 0.227 acres on property zoned R-3 (One-Family Residential District)

Mr. Selmek reviewed the staff report. He discussed the property location and description, as well as current zoning. The owners are proposing to construct two detached 264 square foot garages and a new driveway. Mr. Selmek discussed that there is currently a shed placed in the proposed location and no existing complaints have been received on the current shed. The garages will be

pushed as close to the home as possible to reduce any impact to surrounding neighbors. The proposed garages will match the existing house in relation to design and materials. Staff has received 6 letters from surrounding neighbors in support of the variance.

**APPLICANT:**

Terry and Carol Kee  
451 West William Street  
Delaware, Ohio

**Motion:** Chairman Dick moved to approve 2020-1633, along with all staff conditions, finding beyond a reasonable doubt that the decision factor necessary for approval of a variance according to Chapter 1128 of the Planning and Zoning Commission are met, with the staff conditions as noted, seconded by Councilman Hoffman. Motion approved by a 5-0 vote.

Vice-Chairman Junk swore in the following participants from the public for Case 2020-1599:

Robert Pollitt  
3955 Montgomery Road  
Cincinnati, Ohio 45212

Rebecca Mott  
Plank Law Firm  
411 East Town Street, Floor 2  
Columbus, Ohio

Brian Yates  
Burgess & Niple  
5085 Reed Road  
Columbus, Ohio

- B. 2020-1599: A request by United Dairy Farmers Inc., for approval of a buffer yard setback variance to chapter 1150.07 Establishment of Buffer Area at 123 West William Street on approximately 0.765 acres on property zoned B-3 (Community Business District).

Mr. Schultz reviewed the staff report. He discussed the property location and description, as well as current surrounding zoning. Mr. Schultz discussed that the owner had purchased the three adjacent properties which buildings have already been demolished. The proposed plan is to construct a new approximate 4,061 square foot building on approximately 0.65 acres on the four parcels of land. Part of the proposed new building and a portion of the parking lot will be within the 15-foot buffer set back along the Delaware Run. He reviewed the approval from the Planning Commission meeting for the Conditional Use Permit

and Preliminary Development Plans. Currently the building and portion of the parking lot are located within the 15-foot buffer setback. The Delaware Run is piped under the building and the parking lot currently. He reviewed the 100 Year Flood Plain, Floodway and the current pipe location. The pipe will be extended about 95 feet. Mr. Schultz reviewed the variance factors and staff reports that the proposed variance does constitute a hardship and practical difficulty due to the 15-foot buffer setback requirement in Chapter 1150.07. Mr. Schultz discussed the post flood study that was conducted by the Applicant.

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Mr. Pollitt reviewed the location of the proposed gas tanks.

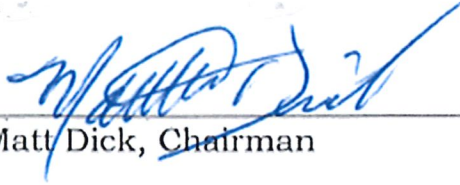
**Motion:** Councilman Hoffman moved to approve 2020-1599, along with all staff conditions, finding beyond a reasonable doubt that the decision factor necessary for approval of a variance according to Chapter 1128 of the Planning and Zoning Commission are met, with the staff conditions as noted, seconded by Chairman Dick. Motion approved by a 5-0 vote.

ITEM 4. BOARD MEMBER COMMENTS AND DISCUSSION

ITEM 5. NEXT REGULAR MEETING: October 14, 2020.

ITEM 6. ADJOURNMENT

**Motion:** Chairman Dick moved to adjourn the Board of Zoning Appeals meeting, seconded by Mr. Whitmore. The Board of Zoning Appeals meeting adjourned at 7:20 p.m.



Matt Dick, Chairman



Elaine McCloskey, Clerk