

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

ITEM 1. Roll Call

Chairman Dick called the virtual meeting to order at 6:32 p.m.

Members Present Virtually: Ben Dariano, Adam Vaughn, Todd Daughenbaugh, Robert Whitmore, Councilman Cory Hoffman, and Chairman Matt Dick

Members Absent: Beth Fisher

Staff Present Virtually: Lance Schultz, Zoning Administrator

**Motion to Excuse:** Councilman Hoffman motioned to excuse Ms. Fisher, seconded by Mr. Vaughn. Motion approved by a 6-0 vote.

ITEM 2. INTRODUCTION of New Board of Zoning Appeals Member – Ben Dariano, At-Large

ITEM 3. ELECTION of OFFICERS

- A. Chairperson
- B. Vice-Chairperson

**Motion:** Councilman Hoffman motioned to table the election of officers until the next scheduled Board of Zoning Appeals meeting, seconded by Mr. Vaughn. Motion approved by a 6-0 vote.

ITEM 4. Approval of the Motion Summary of the Board of Zoning Appeals meeting held on November 11, 2020, as recorded and transcribed.

**Motion:** Councilman Hoffman moved to approve the Motion Summary for the Board of Zoning Appeals held on November 9, 2020 meeting, seconded by Mr. Daughenbaugh. Motion approved by a 5-0-1(Dariano).

ITEM 5. REGULAR BUSINESS

- A. 2020-2586: A request by Delaware City Schools for approval of a Side Yard Setback Variance for a Building Expansion and Site Improvements for Conger Elementary School on approximately 4.05 acres zoned R-4 (Medium Density Residential District) and located at 10 Channing Street

**Anticipated Process:**

- a. Swearing in of all applicants and members of public relating to case

Chairman Dick swore in the following members of the public:

Jason Sherman  
Director of Facilities and Transportation  
Delaware City Schools  
74 West William Street  
Delaware, Ohio

Zach Price  
Triad Architects  
172 East State Street, Suite 600  
Columbus, Ohio 43215

Kevin Kindy  
Triad Architects  
172 East State Street, Suite 600  
Columbus, Ohio 43215

b. Staff Presentation

Mr. Schultz reviewed the proposal by the schools for an approximate 4,365 square foot building addition on the northeast portion of the building fronting East Winter Street that would protrude up to 15 feet into the required setback. As the building extends south from East Winter Street it becomes conforming to the setback at a point when it is 40 ft. from the property line because the building is set at an angle to the property line itself. He reviewed the factors to grant a variance based on Section 1128.09 (c) (1) of the Planning and Zoning Code.

c. Applicant Presentation

The applicant voiced no concerns.

d. Public Testimony

The Clerk informed the Commission that there was no public testimony submitted regarding Case 2020-2586.

e. Commission Action

**Motion:** Councilman Hoffman motioned to approve application 2020-2586, along with staff conditions and recommendations, finding beyond a reasonable doubt that the decision factors necessary for approval of a Variance according to Chapter 1128 of the Planning and Zoning Code are met, seconded by Mr. Whitmore. Motion approved by a 6-0 vote.

B. 2020-2588: A request by DGH Properties LLC., to Chapter 1151.03 (d) (2)

Substitution of Less Nonconforming Use for 152 West Central Street on property zoned R-3 (One-Family Residential District).

**Anticipated Process:**

- a. Swearing in of all applicants and members of public relating to case

Chairman Dick swore in the following members of the public:

Dimitri Hatzifotinos  
Willis Law Firm, LLC  
1160 Goodale Boulevard  
Columbus, Ohio

- b. Staff Presentation

Mr. Schultz discussed the location of the property and that the house was constructed in 1910 which a few additions to the building over the years. The front two tenant units are residential units that are currently occupied, and the rear two tenant units have been utilized as commercial units in the past but are currently vacant. The owner is requesting the substitution of less nonconforming uses for the rear two uses from commercial uses to residential uses per Chapter 1151.03 (d) (2). He reviewed the guidelines set in Chapter 1151.03 (d) (2) and staff conditions.

- c. Applicant Presentation

Mr. Hatzifotinos discussed purchasing the property in 2014. He discussed interior and exterior upgrades that are needed and will provide a new residential use from the previous commercial use. He discussed the plans to do the exterior all at once and plans for renovations.

- d. Public Testimony

The Clerk informed the Commission that there was no public testimony submitted regarding Case 2020-2588.

- e. Commission Action

**Motion:** Councilman Hoffman motioned to approve application 2020-2588, along with staff conditions and recommendations, finding beyond a reasonable doubt that the decision factors necessary for approval of a Variance according to Chapter 1128 of the Planning and Zoning Code are met, seconded by Mr. Whitmore. Motion approved by a 6-0 vote.

ITEM 6. BOARD MEMBER COMMENTS AND DISCUSSION

ITEM 7. NEXT REGULAR MEETING: January 13, 2020.

ITEM 8. ADJOURNMENT

**Motion:** Councilman Hoffman moved to adjourn the Board of Zoning Appeals meeting, seconded by Mr. Whitmore. The Board of Zoning Appeals meeting adjourned at 6:55 p.m.

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*Matt Dick*

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Matt Dick, Chairman

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*Elaine McCloskey*

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Elaine McCloskey, Clerk