

**PRAIRIE TOWNSHIP BOARD OF ZONING APPEALS**  
**Minutes from October 10, 2023 Meeting**

Members present: Bruce Steele, Doug Falke, Chrissie Grossholz, Lori Moore, Duane Dellinger

Others in Attendance: Alicia Armentrout and Cassady Critchfield from Zoning.

Vice Chairman Bruce Steele called the meeting to order at 7:00 P.M.

Mr. Steele asked for a motion to approve the minutes from the August 8, 2023 meeting. Motion from Doug Falke and second from Chrissie Grossholz to approve the minutes. All members voted to approve.

Mr. Steele swore those in wishing to speak. Mr. Steele also stated that if you wanted to speak for or against, you had to be at the meeting in person. The virtual zoom presentation was for hearing the meeting only and all joining would be muted.

**Old Business:           None**

**New Business: A)       Variance Application No. 703-VA-23**

**Applicant:** Kyle Knudsen  
944 Barclay Drive  
Galloway, Ohio 43119

**Location:** Parcel No. 241-000121  
944 Barclay Drive  
Galloway, Ohio 43119

**Request:** To grant a Variance from the provisions of Section 930 Table 2 (Dimensional Requirements), to allow the owner to maintain an accessory structure with less side setback than the Resolution permits in the R-2 (low density residential) District.

The applicant Kyle Knudsen requested to continue the case to November 14, 2023 at 7 P.M. when a full BZA Board will be present to vote on the case.

**Motion by Mr. Steele, seconded by Mr. Falke to postpone the Variance hearing until November 14, 2023 at 7:00 P.M.**

**Roll Call:           Mr. Falke       For**  
**Mr. Steele     For**  
**Ms. Grossholz For**  
**Ms. Moore     For**  
**Mr. Dellinger For**

**Motion is APPROVED**

**B) Variance Application No. 704-VA-23**

**Applicant:** John R Cox Jr.  
2410 Norton Rd.  
Galloway, Ohio 43119

**Location:** Parcel No. 240-004998  
2410 Norton Rd.  
Galloway, Ohio 43119

**Request:** To grant a Variance from the provisions of Sections 930 Table 2 (Dimensional Requirements), 1009 (Accessory Buildings), and 1014 (Fences and Walls) to allow the owner to maintain and construct accessory structures and fence with less front setback and with greater lot coverage than permitted by the Zoning Resolution in the R-2 (low density residential) District.

Ms. Armentrout gave the facts and showed pictures of the Variance Application. The owner is John R Cox Jr, 2410 Norton Road, Galloway, Ohio 43119. The property is a .50-acre parcel located on the northeast corner of Norton Road and Granada Avenue in Norton Ridge. The property is zoned R-2 and is surrounded by R-2 on the north, south, and east, and rural to the west.

The owner is seeking a variance from Section 930 Table 2 (Dimensional Requirements), Section 1009 (Accessory Buildings), and Section 1014 (Fences and Walls) to allow the owner to maintain and construct accessory structures and fence with less front setback and with greater lot coverage than permitted by the Zoning Resolution in the R-2 (low density residential) District.

Resolution Requirements under Section 930 (Dimensional Requirements) states the minimum front setback for an accessory structure is 75' from the road right-of-way in the R-2 District.

The applicant constructed an accessory structure on the property with a front setback of 39' feet from the road right-of-way for a variance of 36' or 48%.

Section Requirements Section 930 (Dimensional Requirements) states the maximum lot coverage in the R-2 District is 15%.

The property is permitted to cover 3,375sf with structures.

The property was covering 4,513sf (20%) prior to the construction of one of the sheds. (Currently over permitted lot coverage by 1,138sf.)

With the construction of one shed (140sf) and the proposed addition of a second shed (140sf), the lot coverage would be 4,793sf (21.3%).

Variance of 6.3% (1,416sf total).

Resolution Requirements Section 2 (Definitions) – Front Lot Line states a lot line which falls along a street right-of-way. On a corner lot, lot lines along both streets shall be considered front lot lines.

Section 1009 (Accessory Buildings) states accessory buildings shall not be located in front of any principal structure.

Applicant is requesting to maintain the constructed accessory structure in front of the principal structure.

Resolution Requirements Section 1014 (Fences and Walls) states fences or walls located between 15' from any road right-of-way line and the principal structure shall not exceed 4' in height.

Applicant is proposing to move the existing 6' wood privacy fence in front of the constructed shed. (variance of 2' in height – 50%).

Fence would be located approximately 38' back from the road right-of-way, in front of the principal structure on Granada Avenue, extending out a total of 21.5' in front of the principal structure.

#### History

- 8/15/23 Owner stopped in to the Zoning Department to get a Zoning Permit for a driveway, shed, and addition to an existing fence. Was informed that permits for the fence and shed could not be approved for the proposed location and the lot coverage (property was already over lot coverage by 1,138sf). Discussed the Variance process. Owner expressed that he would be applying for a Variance.
- 8/28/23 C. Critchfield visited the property to get photos of the marked right-of-way and found the shed construction to be completed. As owner had expressed, he would be applying for a Variance, violation letters were put on hold until after the application deadline of 9/12/23.
- 9/7/23 Owner emailed requesting information regarding Resolution Sections for the Variance application.
- 9/11/23 Applied for a Variance for the constructed shed and fence that was previously discussed, as well as an additional shed.

Speaking for was the owner John R. Cox Jr., 2410 Norton Road, Galloway, Ohio 43119. Mr. Cox stated he added the driveway to park his donut trailer on but he doesn't operate it from his home. Mr. Cox stated he was of the understanding he was allowed to have the shed and he was not over lot coverage and he thought he bought a permit the day he met with zoning, then realized he did not buy one. The future shed request is to put his lawn equipment in. He also stated the new shed was used for his resale business where he sells items on the internet. When asked by Zoning if he has a Home Occupation permit, he stated that he did not have one.

**Motion by Mr. Falke, seconded by Ms. Grossholz to have a Private Session to discuss the Merit of the case at 7:26 P.M.**

<b>Roll Call</b>	<b>Mr. Falke</b>	<b>For</b>
	<b>Mr. Steele</b>	<b>For</b>
	<b>Ms. Grossholz</b>	<b>For</b>
	<b>Ms. Moore</b>	<b>For</b>
	<b>Mr. Dellinger</b>	<b>For</b>

**Motion APPROVED**

Resume meeting at 7:36 P.M.

**Mr. Steele stated that when determining whether or not to grant a variance, the Board is charged with considering all relevant factors including, but not limited to:**

- |   |     |
|---|-----|
| 1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;                                       | YES |
| 2) Whether the variance is substantial;   | YES |
| 3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; | YES |
| 4) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and garbage collection;  | NO  |
| 5) Whether the property owner purchased the property with the knowledge of the zoning restrictions;   | YES |
| 6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and   | YES |
| 7) Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance.  | YES |

**Motion by Mr. Dellinger, seconded by Mr. Falke to approve all three Variances as submitted.**

<b>Roll Call</b>	<b>Mr. Falke</b>	<b>Against</b>
	<b>Mr. Steele</b>	<b>Against</b>
	<b>Ms. Grossholz</b>	<b>Against</b>
	<b>Ms. Moore</b>	<b>Against</b>
	<b>Mr. Dellinger</b>	<b>Against</b>

**Motion FAILED**

Mr. Cox asked what the appeal process was. Zoning staff told Mr. Cox he could appeal it through Commons Ples Court.

**C) Variance Application No. 705-VA-23**

**Applicant:** Gustavo Joel Gonzalez Estrada  
405 Lombard Road  
Columbus, Ohio 43228

**Location:** Parcel No. 240-004706  
405 Lombard Road  
Columbus, Ohio 43228

**Request:** To grant a Variance from the provisions of Section 930 Table 2 (Dimensional Requirements), to allow the owner to construct an

accessory structure with greater lot coverage than permitted by the Zoning Resolution in the R-6 (medium density residential) District.

Ms. Critchfield gave the facts and showed pictures of the Variance. The owner is Gustavo Joel Gonzalez Estrada, 405 Lombard Road, Columbus, Ohio 43228. The property is a .18-acre parcel located on the west side of Lombard Road just south of Frost Avenue in Lincoln Village South. The property is zoned R-6 and is surrounded by R-6 on the north, south, east, and west.

The applicant is seeking a variance from Section 930 Table 2 (Dimensional Requirements) to allow the owner to construct an accessory structure with greater lot coverage than permitted by the Zoning Resolution in the R-6 (medium density residential) District.

Resolution Requirements under Section 930 (Dimensional Requirements) states the minimum rear setback of an accessory structure in the R-6 District is 5'.

The shed is proposed to be placed 2' from the rear lot line.

Resolution Requirements under Section 930 (Dimensional Requirements) states the maximum lot coverage in the R-6 District is 30%.

Property is permitted to cover 2,340 sf with structures.

Property is currently covering 2,594sf (33.3%).

Currently over permitted lot coverage be 254sf.

With the construction of the additional shed (120sf), the lot coverage would be 2,714sf (34.7%).

Variance of 374sf (4.7%).

#### History

6/27/23 C Critchfield noticed that construction had begun on a shed in the rear of the property. A courtesy door hanger was placed. Owner stopped construction of structure immediately. Began working with Zoning Department to obtain Zoning Permit when lot coverage was determined to be greater than what is permitted in the R-6 District.

9/12/23 Applied for Variance for lot coverage.

10/10/23 Measurements of setbacks of shed taken on property. Shed is not 5' from rear lot line as stated on application diagram but is 2' from rear lot line.

Speaking for the Variance was Maria Gonzalez (daughter of Gustavo Joel Gonzalez Estrada), stated they want the shed so her father can clean out his garage. Ms. Gonzalez stated they have had attempted thefts of items left outside and they want to have a place to put them in. Ms. Gonzalez stated they could move the shed to meet the 5' setback but she is aware they are still over lot coverage.

Also speaking for was Jennifer Paupar, 4711 Frost Avenue, Columbus, Ohio 43228. Ms. Paupar has property that borders the applicant's property in the rear and does not have a problem with it being that close to her property.

Speaking in opposition to the Variance was Larry Salyer, 496 Lombard Road, Columbus, Ohio 43228. Mr. Salyer is opposed to the lot coverage and feels there isn't enough green space left if everyone keeps building over the lot size coverage. He's also concerned about property values.

**Mr. Steele stated that when determining whether or not to grant a variance, the Board is charged with considering all relevant factors including, but not limited to:**

- |   |     |
|---|-----|
| 1) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;                                       | YES |
| 2) Whether the variance is substantial;   | YES |
| 3) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance; | YES |
| 4) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, and garbage collection;  | NO  |
| 5) Whether the property owner purchased the property with the knowledge of the zoning restrictions;   | YES |
| 6) Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and   | YES |
| 7) Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance.  | YES |

**Motion to approve both variances as presented by Mr. Falke, seconded by Ms. Grossholz.**

<b>Roll Call</b>	<b>Mr. Falke</b>	<b>Against</b>
	<b>Mr. Steele</b>	<b>Against</b>
	<b>Ms. Grossholz</b>	<b>Against</b>
	<b>Ms. Moore</b>	<b>Against</b>
	<b>Mr. Dellinger</b>	<b>Against</b>

**Motion FAILED**

**Announcements:** Next meeting is November 14, 2023 with one item on the agenda.

**Adjournment:** 8:03 P.M.

**Submitted by:** Duane Dellinger