

Board of Zoning Appeals
April 18, 2013

Mr. Emch called the meeting to order at 7:03 PM.

Roll Call: Paul Emch- present, Glenn Bomback- present, Sharon Moster- present, Roberta Dobay- present, Judith Beaumier- present

Visitors: Wesley Hellegers, David Ondrey of Thrasher, Dinsmore & Dolan

Ms. Beaumier moved to approve the April 10, 2012 meeting minutes and Ms. Moster seconded. By voice vote, all Board members agreed.

Mr. Hellegers arrived at 7:07PM

Mr. Gruber and Mr. Hellegers were sworn in by Mr. Ondrey.

The Board met to review a variance request for Mr. Hellegers property at 13897 East Center Street. Mr. Hellegers is requesting a variance to use the currently zoned single family property, as a multiple family property. He would also like to rent out a proposed studio in the barn. His mother converted the property to a duplex in the late 1980s. Mr. Hellegers lived at the property after purchasing it in 2001 and remodeled the inside extensively, but moved out several years ago. The property has not been occupied for two years and the water is shut off.

Mr. Hellegers was informed that he would need different approval to use the property as a business for the proposed studio. He decided to omit the studio request at this time and focus on the multiple residence use request. Mr. Emch is concerned there isn't enough parking for two units but Mr. Hellegers assured him there was enough in the past. The Board asked what the hardship is that prompted the variance request. Mr. Hellegers said he would like to sell the property as a multiple residence so that both units can be utilized. The Board didn't agree that his response is a hardship. Discussion followed.

Mr. Hellegers argued there are several other multiple family homes in the same area as his property. It was clarified that 2 of these homes are zoned multiple residence. Ms. Dobay also referred to section 1131.05(c) of the Zoning Rules and Regulations which states "a property that is voluntarily discontinued for a period of one year or more shall not again be used except in conformity with the regulations of the district in which such building or land is located." If the property was grandfathered this section would prohibit the multiple residence use due to the home being vacant for the past 2 years, but the property was converted to a duplex in the late 1980s when Zoning Regulations were in place so this section doesn't apply. The other homes Mr. Hellegers mentioned are grandfathered and have continuously been used as multiple residence properties.

The house has two water meters installed for each living unit. Mr. Gruber asked how they received 2 meters from the village without receiving permission for the variance. There was no explanation given as to why they have two meters. Mr. Ondrey stated that it is apparent that the house has been rented as a duplex for some time and BPA may want to correct this issue by removing one of the meters.

Mr. Ondrey asked Mr. Hellegers if he would like to withdraw his application at this time since there isn't a hardship that can be presented to the Board. Mr. Ondrey informed Mr. Hellegers if the permit was voted on by the Board and denied, that he wouldn't be able to apply again in the future. If Mr. Hellegers were to withdraw before a vote was taken and discovered a hardship in the future, he could reapply for the variance request at that time. Mr. Hellegers decided to withdraw the variance request.

Ms. Beaumier made a motion to adjourn and Mr. Bomback seconded. Meeting adjourned at 7:45PM.

BZA Chairman

Clerk