

BOARD OF ZONING APPEALS

Norwalk, Ohio

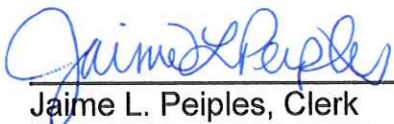
AGENDA

DATE: January 17, 2024

TIME: 6:00 p.m.

LOCATION: Ernsthausen Community Room

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 - December 20, 2023
- IV. SWEARING IN OF APPLICANTS/AUDIENCE
- V. COMMUNICATIONS AND PETITIONS
- VI. NEW BUSINESS
 - **24-BZA-001 Jim Loughton and Mel Holida are requesting a variance from NCO 1161.01.C.1**
- VII. UNFINISHED BUSINESS
- VIII. ADJOURNMENT



Jaime L. Peiples, Clerk
Board of Zoning Appeals
CC: Mayor, Zoning, Law, Fire, SSD

December 20, 2023
6:00 p.m.

Ernsthausen Community Room
Norwalk, Ohio

BOARD OF ZONING APPEALS MINUTES

Mrs. Wheeler called the meeting to order. The Pledge of Allegiance was recited. Roll call showed the following members present: Greg Myers, Carol Wheeler, Josh Welfle, and Ed Ciersezwski. Mike Roth was absent due to a schedule conflict. Zoning Officer Mitch Loughton was also present.

Mr. Myers moved to excuse Mr. Roth. Mr. Welfle seconded. All members voted in favor. Motion carried.

MINUTES Mr. Ciersezwski moved to approve the minutes from November 15, 2023, as presented. Mr. Myers seconded. All members voted in favor. Motion carried.

SWEARING IN OF APPLICANTS/AUDIENCE Mrs. Wheeler swore in applicants and members of the audience wishing to speak.

COMMUNICATIONS The Clerk stated that the Fire Department has no objection to the conditional use variance request.

NEW BUSINESS

23-BZA-014 Dave and Donna Lawrence are requesting a conditional use for the property located at 78 Benedict Avenue

Dave and Donna Lawrence, 626 Kennedy Drive, Willard were present. Mr. Lawrence distributed a handout, a copy of which is on file with the clerk. The document explained the idea for Scoops and Brews, a coffee/ice cream shop with a light lunch menu. The business would operate year-round.

Mrs. Lawrence explained that they also own Pizza Cravin, so they are aware of the traffic patterns on the street. She said there will be two lanes going onto the property, one for the drive through and the other for patrons wishing to park. She said they plan to use a QR code ordering system and install signs along Benedict Avenue that read "no stopping on pavement".

Mr. Ciersezwski asked what the exact frontage is of the property. Mr. Lawrence said the property is 126.78 square feet. Mr. Ciersezwski asked how large the building is planned to be. Mr. Lawrence said the building they are planning to use is 16x30 feet.

Mr. Welfle asked how large the gazebos are. Mr. Lawrence said they are planning to purchase two 10x12 foot gazebos.

Mr. Welfle asked if the application would go before the Planning Commission. Mr. Loughton said no, but the applicants may need additional zoning permits once the plans are completed. Mr. Welfle expressed concern with the lack of usable space with regard to traffic flow and dumpster pickup.

Mrs. Lawrence pointed out the locations of the order and pickup windows. Mr. Lawrence said they plan to build a retaining wall in the rear of the property where they plan to put parking spaces.

Mr. Welfle asked what the setback would be for the gazebos. Mr. Loughton said the setback is 15 feet from the sidewalk. He said the side setbacks are 10 feet.


Mrs. Wheeler asked if site plans will require approval from the Public Works and Zoning Departments. Mr. Loughton said yes.

Mr. Ciersezwski asked Mr. Lawrence if he has an engineer in mind. Mr. Lawrence mentioned Carlos Luna.

Mr. Myers asked about the final plans. Mr. Loughton reminded the Board that they were only to vote on the conditional use of the drive-through. Mr. Welfle said he does not have confidence that City officials will ensure the site plans will actually work and be safe. Mrs. Lawrence stated that they are open to changes and have invested too much time and money in the project to back out.

Mr. Ciersezwski moved to grant the conditional use. Mr. Myers seconded. Mr. Ciersezwski, Mrs. Wheeler, and Mr. Myers voted in favor. Mr. Welfle voted no. Variance granted.

ADJOURNMENT There being no further business to discuss the meeting was adjourned.



Jaime L. Peiples, Clerk

Memo

To: The Board of Zoning Appeals
From: Mitch Loughton, Zoning Officer
Date: 12/20/2023
Re: Application 24-BZA-001

Jim Loughton & Mel Holida are requesting a variance for the property they own at 287 W. Main Street, with the Parcel ID 33-0140-03-006-0000. They are requesting a variance from NCO 1161.01.C.1, which states that in the B-4 zoning district, the side yard setback is 25 feet.

The property at 287 W. Main Street is currently zoned B-4 General Business. The owners are wanting to erect an addition to the existing building that will be 22 feet from the eastern side property line.

BOARD OF ZONING APPEALS
CITY OF NORWALK, OHIO

In the matter of:

Application No.: 24-BZA-001

APPLICATION FOR VARIANCE

Norwalk Codified Ordinance, Section 1137.02(A)

1. NAME ADDRESS, AND PHONE NUMBER OF APPLICANT N.C.O. 1137.02(A)(1)

Name: LOUGHTON Jim A.
Last First MI
Address: 43 SYCAMORE DRIVE
Street
Address 2 (including unit #)
NORWALK Ohio 44857
City State Zip
(419) 921-8605
Phone

2. LEGAL DESCRIPTION OF PROPERTY N.C.O. 1137.02(A)(2)

A legal description must be obtained and attached to this Application for a Variance. A variance from the terms of the Zoning Ordinances shall not be granted by the Board of Zoning Appeals unless a complete application is received by the Board.

In addition to the legal description, include the mailing address of the property:

287 West Main Street - Norwalk Ohio 44857

3. DESCRIPTION OF NATURE OF VARIANCE REQUESTED N.C.O. 1137.02(A)(3)

I will be building an addition to the current building - on the East side. I would like to be able to get A 3 Foot VARIANCE from my property line on the East → moving 3 Ft. in to the East. This would put the edge of the new building at 22 feet from my property line instead of 25 Ft. This allows for a better building position. This addition will be a place to for personal use.

4. A LIST OF ALL PROPERTY OWNERS AND THEIR ADDRESSES WHO ARE WITHIN, CONTIGUOUS TO, OR DIRECTLY ACROSS THE STREET AND MAY HAVE AN INTEREST IN THE VARIANCE.

N.C.O. 1137.02(A)(4) The owners of all properties lying within 300 feet of any part of the exterior boundaries of said property and their addresses are as follows: (attach additional sheets if necessary)

<u>Ann McIntyre</u>	<u>285 W. Main Street Norwalk</u>
Name	Address
Name	Address
Name	Address
Name	Address
Name	Address

5. A NARRATIVE STATEMENT DEMONSTRATING THAT THE REQUESTED VARIANCE CONFORMS TO THE FOLLOWING STANDARDS: (N.C.O. 1137.02(A)(5))

- a. DEMONSTRATE SPECIAL CONDITIONS AND CIRCUMSTANCES THAT EXIST WHICH ARE PECULIAR TO THE LAND, STRUCTURE, OR BUILDING INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT.

My property line is actually very close to 285 E
main st. home and actually her deck is half on my
property. This is not an issue but just want to make
it known. She actually parks her ^{car} on my property which
again is not an issue.

- b. EXPLAIN WHY A LITERAL INTERPRETATION OF THE PROVISIONS OF THE CITY OF NORWALK ZONING ORDINANCES WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME DISTRICT.

- c. DO THE SPECIAL CONDITIONS AND CIRCUMSTANCES EXPLAINED ABOVE RESULT FROM THE ACTIONS OF THE APPLICANT? WHY?

No, this is how the property lines have
been for as long as the house has existed

- d. WILL THE GRANTING OF THIS VARIANCE CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE THAT IS DENIED BY THIS ORDINANCE TO OTHER LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT? WHY?

6. SKETCH

The Applicant must submit a sketch (scaled drawing is not necessary) of the area in question showing (a) shape and dimension of the lot, with existing buildings and accessory buildings, (b) lines within which proposed building are to be erected or altered, (c) existing and intended use of each building, (d) number of families or house-keeping units that the buildings are designed to accommodate, and (e) any other information with regard to the lot or neighboring lots which applicant feels will further clarify his/her request and provide for the proper hearing.

7. ADDITIONAL INFORMATION

Please explain any additional information applicant would like the board to consider as it evaluates application.

The property at 287 W. Main Street has been an eye sore for a very long time. I have worked very hard to improve this property, and make it look better. This new building addition will be the final improvement that will really make this corner address on the W. entrance to town look nice. I will be glad to go with you to see the property and explain things better for you. Just call Jim L.

8. TERMS

The Board of Zoning Appeals may authorize a variance from the terms of this Ordinance which shall not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance shall not be granted unless the Board makes a specific finding based directly on the particular evidence presented to it which supports conclusions that the standards and conditions imposed by this Section have been met by the applicant. No variance shall be granted which will alter the character and use of a zoning district or to correct an error of judgment in zoning laws. N.C.O. 1137.02

Except as otherwise permitted, a variance from the terms of the Zoning Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals. N.C.O. 1137.02(A)

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeal may prescribe any appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the appeal or variance has been granted, shall be deemed a violation and punishable under Section 1133.016 of this Ordinance. N.C.O. 1137.03(D)

The undersigned hereby applies for permission for the variance as described above in accordance with plans, application, and all data attached heretofore filed with the Zoning Inspector, all of which as hereto attached and made a part of this application.

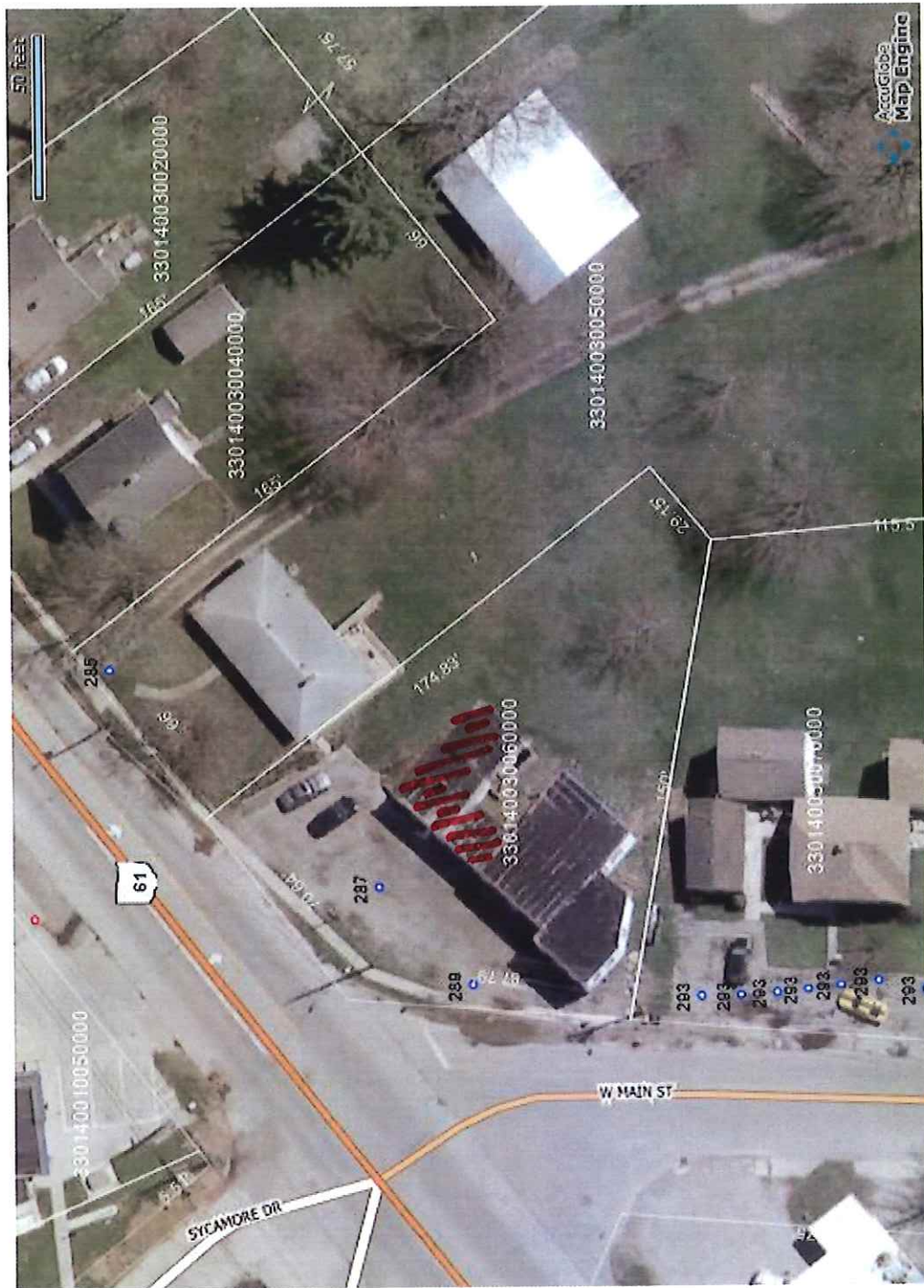
No previous application or appeal under the City of Norwalk, Ohio, Zoning Ordinance has been made by me affecting these premises. I hereby depose and say that all the above statements contained in all the exhibits transmitted herewith are true.

Each application shall be accompanied by a check payable to the City of Norwalk, or a cash payment in the amount of one-hundred dollars (\$100), plus the postage cost for every property owner within 300 feet of the property requesting the variance, to cover the costs of all publishing, posting and/or mailing notices of hearings. Make checks payable to: CITY OF NORWALK

Once complete, the Application, Legal Description, Sketch, and Application fee shall be submitted to the Zoning Inspector and/or the Clerk to the Board of Zoning Appeals, City Hall, 38 Whittlesey Ave., P.O. Box 38, Norwalk, Ohio 44857

Questions: Clerk to the Board of Zoning Appeals (419) 663-6760
Building & Zoning Officer (419) 663-6783

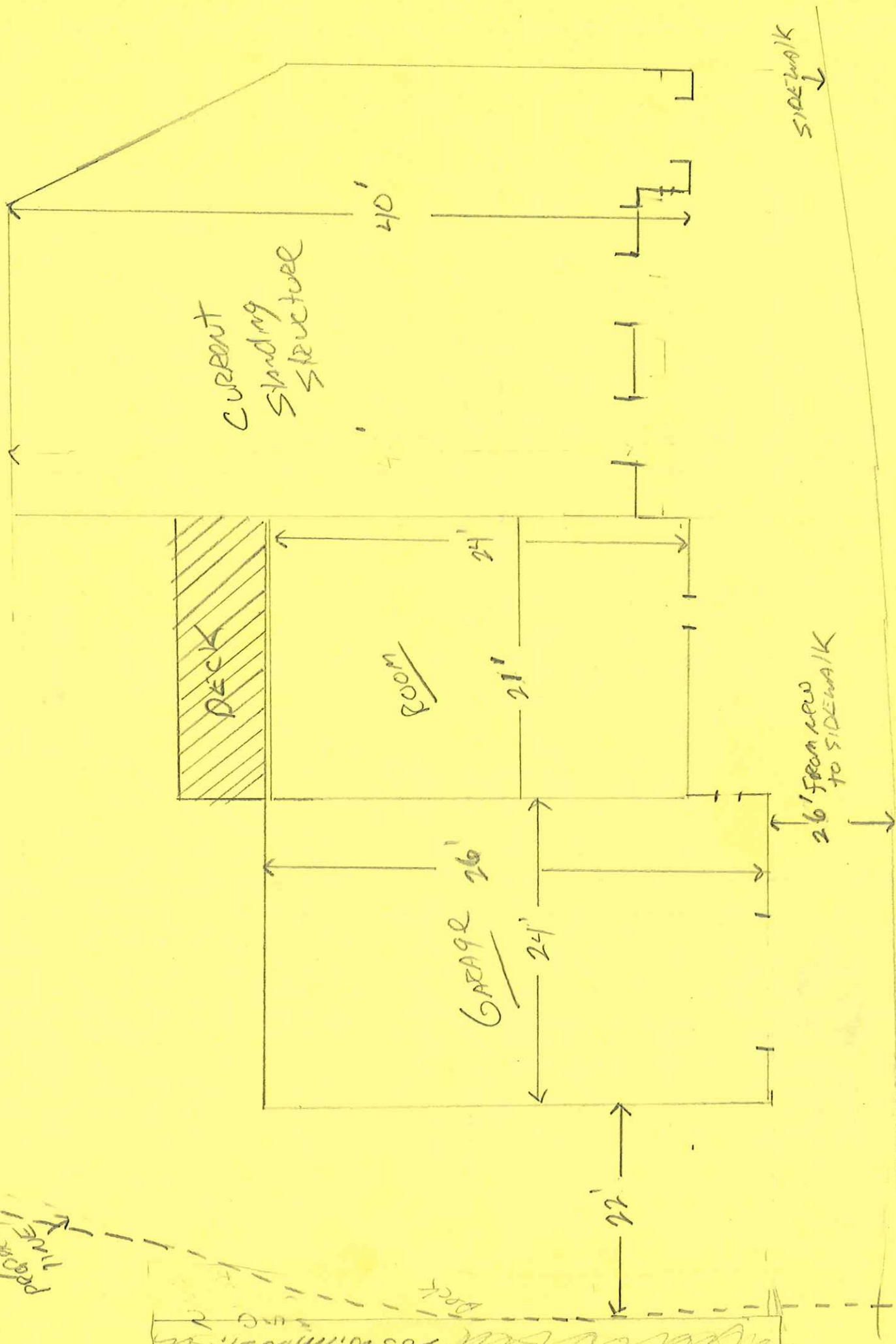
Huron County GIS



Notes

Scutb

12/20/20

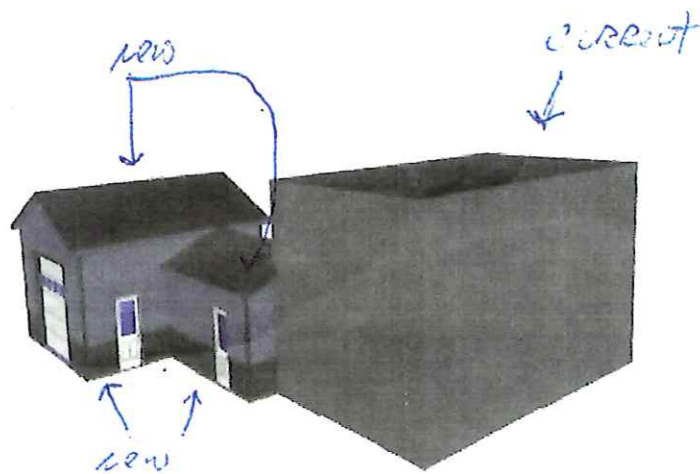
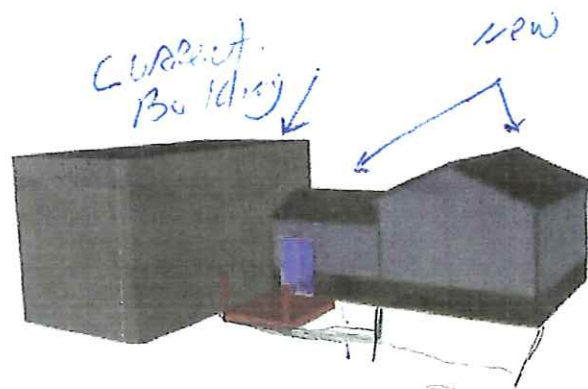


East

← W. Main St. →
(4200)

west

BUILDING QUOTE



[WEBSITE](#)

[CLICK TO VIEW 3D MODEL](#)

Quote Date: 12/7/2023

Prices are good for 7 days from: 12/7/2023

SIGNED

Applicant

Date

12-19-23

NOTARY

STATE OF OHIO :
COUNTY OF HURON : ss

On this 19th day of December, 2023, before me, a notary public, personally appeared James A. Loughton, proved to me on the basis of satisfactory evidence to the person(s) whose name(s) was/were subscribed to the within instrument, and acknowledge that he/she/they signed his/her/their name(s) for the uses and purposes set forth therein.

Witness my hand and official seal.

[SEAL]

Notary Public, State of Ohio

My commission expires

no expiration date
R.C. 147.03

INTERNAL USE ONLY

Application fee: Amount: _____ Date: _____ Check/Receipt Number: _____

Legal Description Attached: Y N

Sketch Attached Y N

Completed Application: Date: _____

Other: