

**CITY OF WILMINGTON  
BOARD OF ZONING APPEALS  
REGULAR MEETING  
August 4, 2025, 7:00 PM**

ATTENDANCE

MEMBERS PRESENT: Angela Earley, Paul Winters, Dianne Garrett, and Jordan Parrish

MEMBERS NOT PRESENT: Mike Payne

ALSO PRESENT: Shirley Orwick, Board of Zoning Appeals Clerk; Brooke Horan, Deputy Law Director; David Berring; Sharon L. Taylor; Darnelys Diaz; Greg Christi; Marilyn Arrarte; and Thomas Silverstrim.

The meeting was called to order by Angela Earley.

Pledge of Allegiance

**Roll call: M. Payne - absent, J. Parrish - present, A. Earley – present, P. Winters - present, D. Garrett – present.**

**P. Winters made a motion to approve the July 7, 2025, Board of Zoning Appeals minutes. D. Garrett seconded the motion.**

**All board members voted Yes. The motion carries.**

**Old Business: Update regarding 30 South Lincoln Street**

Brooke Horan: My understanding is they were trying to enter into a contract so that Mike Crowe would be able to enter the facility when he wanted.

A. Earley: Or any City employee.

B. Horan: Yes. I have instructed/advised that contract would not be the best way to go; because it could be a constitutional violation. Instead, I've asked Mike to give me the permitted use; and we're going to reevaluate and potentially make stronger the permitted use so that it is in conformity to what everybody needs.

A. Earley: And then you'll let us know?

B. Horan: Correct. Entering it whenever a City employee wants would probably be a constitutional violation, even with the other side in agreement. Thank you.

A. Earley: Any miscellaneous new business that's not on the agenda as one of our four applications tonight?

S. Orwick: No.

A. Earley: We've had a request; and we're going to change the order of our Agenda – apparently Agenda item number four, property address 585 Paris Avenue. The applicant could not be here and has sent someone in her stead. You're requesting that she wants to postpone this?

Greg Christi: Yes. She said she had talked to somebody here prior and then gave Dave, the guy who actually built the decks, permission to be here to represent. He had to be out of town; and nobody can get ahold of him. She's tried. I've tried.

S. Orwick: He told me that he would not be present. He said that she would be there.

G. Christi: Right. That's not what he told me.

G. Christi: I don't know what he's trying to do. I think he is scared to come or something - I don't know...

S. Orwick: Do you want to postpone it to the next meeting?

G. Christi: Yes. I work for her. I am her maintenance man.

S. Orwick: Alright, we will put it on the Agenda for the next meeting.

**Agenda Item #1 -**

**1. Opening of Public Hearing regarding application**

**2. Identification of application and subject:**

**Applicant: Darnelys Diaz Ortiz, 547 Seminole Way, Wilmington, OH 45177, 727-303-8086**

**Request #1: Requesting variance to Section 1157.05 (b) to allow side yard setback (individual) to be less than required 5' minimum for 10'x12' shed and 10'x10' chicken coop.**

**Request #2: Requesting variance to Section 1157.05 (b) to allow rear yard setback to be less than required 20' minimum for 10'x12' shed and 10'x10' chicken coop.**

**Subject Parcel: 547 Seminole Way, Wilmington, OH 45177, Parcel ID# 290151403002200.**

Marilyn Arrarte: She's Darnelys Diaz.

M. Arrarte: I'm here to translate for her. We would like the gentleman that is presenting the complaints to go first; so then she can answer any questions you guys have after that. Would that make sense, or should we go first? We'll do whatever you instruct me on.

S. Orwick read the staff report.

A. Earley swore in Marilyn Arrarte and Darnelys Diaz.

M. Arrarte: My name is Marilyn Arrarte; and I'm here to translate for Darnelys Diaz.

D. Diaz: My name is Darnelys Diaz.

M. Arrarte: First, she would like to apologize. They are first-time home buyers in the state of Ohio. They weren't sure about what the requirements were and all the policies to follow. They are willing to comply with anything that needs to be done. They are willing to pay any fees that come from all of this misunderstanding with the law.

The chicken coop is something easy - faster to fix. The shed, being the size of it and the weight, needs to be done in a certain time. The pavement, to get it all moved and removed, and all that might take some time; but they are willing to comply to a timeline that you guys consider appropriate to get this all resolved and fixed. Do you have any questions? They have pictures too. What they share with me, I'm going to share with you as well.

Their shed is farther to the line than the shed behind - farther to their property line, actually. Their shed is a lot harder. The shed from the neighbor is only two feet from their property line. We have pictures.

A. Earley: How many chickens are there?

M. Arrarte: 10.

J. Parrish: No roosters?

M. Arrarte: They are for eating purposes. They are going to be consumed this summer.

J. Parrish: Chickens are not allowed to be slaughtered in the yard. Do they know that?

M. Arrarte: Yes. They knew that.

J. Parrish: Okay.

A. Earley: No rooster?

M. Arrarte: They bought them as little tiny chickens. They're big now; but she doesn't think that there's an actual rooster in there, for what she has noticed till now.

J. Parrish: If there are any roosters, they are not allowed. And, Shirley, can I ask a question? Would this bring this completely up to code with everything if they make these adjustments? Is that what I'm understanding?

S. Orwick: They will still need a variance for the shed, just for a foot; because the size of that shed is within one foot of meeting all the setbacks.

J. Parrish: That's what I'm kind of getting at.

S. Orwick: It's one foot short of the rear yard setback because it's longer than the chicken coop.

J. Parrish: What would be an appropriate timeline, you think, if we gave you one to move that?

M. Arrarte: Are you guys going to be sending somebody to do measurements and that kind of stuff?

S. Orwick: We don't do that.

M. Arrarte: I was going to say, is it normally something you guys would take care of?

S. Orwick: There will be an approved site plan that is stamped approved; and that will show what the setbacks from the property line need to be. In order to know where your property line is, you're going to have to find the property line pins. If you can't find the pins, you'll have to have a survey done to find out where your property lines are.

M. Arrarte: I wanted to get to that.

S. Orwick: The City doesn't do that. It's up to the property owner to know where their property lines are.

M. Arrarte: She's more than willing to pay somebody to come to put the pins and all of that; because they are sharing with me that was done before with the adjacent property; and the neighbors took the pins off; and they are 29 inches inside their property. They're willing to pay to get to the limit, like, solid, and finally, so all of this and the requirements can be met.

A. Earley: Do you understand about completely moving the chicken coop to the other side from where it's placed now and placing it adjacent to the shed, where the shed is one side of the chicken coop? The chicken coop will have to be smaller.

M. Arrarte: Would you be providing an exact thing of the measures - what the chicken needs to be and all that?

S. Orwick: One of the sides can't be more than nine feet in order to meet the setback requirements for the chicken coop - as you can see on there, it says nine feet.

M. Arrarte: She's asking if you know already if she's going to have to move the shed for sure.

P. Winters: The shed's already there?

J. Parrish: Yes. Both are already there. Yes. Here's the pictures. I think the shed was kind of away from Seminole Way on the corner of it, if I recall; and the chicken coop is more towards the house. It's right behind the house.

P. Winters: So the shed is already two feet bigger than what's on this diagram? I guess my question is where's the other two feet of the shed going to go? Is it going to go back; or is it going to go towards the house?

J. Parrish: It's saying the shed is 12 feet?

P. Winters: Yes. What's on the application is a 10 by 12 foot shed.

J. Parrish: They do have that on here. It's a 10 by 10 shed.

D. Garrett: It's two different ways on here, I think.

J. Parrish: It's a 10 by 10 chicken coop; and they have the 10 by 10 shed on the new revised plans and the chicken coop up against the shed. Did we notice that in there, Shirley, that they had that on the new revised site plan?

S. Orwick: The problem is the setback from the rear property line.

J. Parrish: So it matters which way, I guess, it would be.

S. Orwick: Both could be bigger on the other side.

J. Parrish: It depends on the orientation then.

S. Orwick: On the South side towards 535 Seminole Way, both of those structures could be longer that direction.

J. Parrish: So it just matters how they place it on there. Because this is what's facing Seminole Way right now. So it looks like that right there. This is the side for when you pull into the thing. I believe you probably would have to move the shed then to, unless they put it, I guess, on this side. I think that's what they have. They might not have to. It looks like they just want the chicken coop moved in from there; and it would be in compliance.

A. Earley: The chicken coop moved completely from one side to another.

J. Parrish: It would be on this side of the shed then, I believe.

A. Earley: The chicken coop must be built with building materials. It can't be just wire and a tarp. In order to make it work, the chicken coop - a better way to explain it - the chicken coop is going to be a part of the shed.

M. Arrarte: Right next to it, like it is here.

A. Earley: Attached, with the shed wall as one side of the chicken coop.

J. Parrish: In the plans, it looks like there's that tree there. See where that tree is?

P. Winters: Because it needs to be away from the street.

J. Parrish: Yes. And you don't want it on that. Yes. That makes sense. They have to put it here.

M. Arrarte: Thank you for being so understanding. Moving the shed is not easy. That works so much better. As I said, they apologize and they're willing to pay any fees as a result of this misunderstanding, whatever is determined.

J. Parrish: What do you think an appropriate timeline would be to get this done?

M. Arrarte: Would a month be okay; just because they leave for work at 4:30 in the morning and they aren't back until five or six. His parents are over 70 and stay in the house with their 10-year-old daughter. They work Monday through Saturday and sometimes on Sunday as well.

J. Parrish: Understandable.

M. Arrarte: They would like to have more time; but they might do it next week.

J. Parrish: We're just curious about what you thought, what it might be.

M. Arrarte: Are there any other questions?

S. Orwick: They have been approved for a seven-foot-high privacy fence.

M. Arrarte: That's what she was just telling me right now. She said that they were going to try to get that as soon as possible. They're going to get somebody to go measure first exactly where it needs to be so they can set that and be done.

P. Winters: Where is the privacy fence going to go? Is it behind the property or on the sides of the property?

S. Orwick: Along the rear property line and up the side property lines - both of them.

A. Earley: Both sides of the house.

J. Parrish: It would encase the shed and the coop.

M. Arrarte: Yes.

P. Winters: It would just go to the back of the house, is that correct – the fence?

M. Arrarte: The back and the side.

P. Winters: The back and the side, but not towards the front?

A. Earley: How far up the sides?

S. Orwick: According to the ordinances, they can have a seven-foot-high fence all the way up to the front of the house; but they can't go beyond the front line of the house.

A. Earley: Beyond the front corner. We're asking a lot of questions because chickens tend to be kind of a sensitive subject with neighbors. That's why it's 25 feet to any neighboring house; because a fence is not going to take care of noise or smells from a chicken.

M. Arrarte: She understands. She just told me that they tried to be very careful. Their grandparents clean that every day. That's the one thing that they are actually able to do. That's taken care of on a daily basis.

D. Garrett: I have a question. This is just a little bit different; but if you are using these for meat, where will they be processed?

M. Arrarte: Excuse me, ma'am?

D. Garrett: If they're going to use the chickens for meat and you can't slaughter them on the property, where are they going to be processed?

M. Arrarte: She works for a gentleman who has a slaughterhouse.

S. Orwick: According to Ordinance 1143.04 (n)(1)(c), no person shall slaughter any chickens for commercial sales. This will be for personal use.

A. Earley: Right, but they need processed elsewhere; so apparently, she has a place to have them processed.

\_\_\_\_\_: They can do it inside, right? According to the ordinance it's clear.

P. Winter: Inside the house.

\_\_\_\_\_: I believe the ordinance said you can't do it outside; but you can do it inside the property.

J. Parrish: That's what I'm saying, it didn't say that in the ordinance.

P. Winters: It just says you can't do it commercially.

M. Arrarte: She's trying to find the fence permit.

J. Parrish: That is a moot point.

S. Orwick: They were emailed the approved site plan for the fence with the permit. If they need another copy, I can email it again or she can pick up a copy of it.

A. Earley: We don't have anybody on the signature page to speak for or against this; but is there anyone who didn't sign up that wants to speak to this issue?

P. Winters: So, we're saying the chicken coop can only be nine by nine. Is that correct?

S. Orwick: In one direction, it can only be nine feet and meet the 20-foot rear yard setback unless they get a variance for the rear yard setback for the chicken coop to be longer on that side?

J. Parrish: They would have to ask for another one after that.

S. Orwick: It could be nine by 14 or 15 or 16. It just has to be nine feet on the one side or they have to ask for a variance for the rear yard setback because it won't be 20 feet if it's more than nine feet on that side. They only have 39 feet from the house to the rear property line; and it has to be at least 10 feet from the house – any accessory structure.

D. Garrett: Is there any kind of easement?

P. Winters: Probably not.

S. Orwick: I didn't see any survey that showed any kind of easement.

D. Garrett: I didn't see anything indicating that in here. I just wanted to make sure.

S. Orwick: I always look for that during the zoning review. Usually for a development I will find a survey in the system that will show all easements. There were no easements found.

J. Parrish: Is she OK with following the new plan and to do it within the month time frame if we did approve this.

P. Winters: We still have to do the variance for the setback.

S. Orwick: For the shed.

A. Earley: For just the shed.

S. Orwick: Yes, because the 10'x10' shed has already been built. It cannot meet the rear yard setback. There's just not enough room. They're going to be a foot short from the rear property line. They need a variance on that for the rear yard setback for the shed.

A. Earley: Side and rear for the shed. And nothing at this point.

S. Orwick: They can have it five feet from the property line there. That's all it has to be.



P. Winters: The side yard's fine.

S. Orwick: They just need a variance for the rear yard setback for the shed.

P. Winters: Do we need to do the variance for the setback separate from the chicken coop?

S. Orwick: Yes, you can.

P. Winters: Would that be right?

S. Orwick: If they use one side of the shed wall for one side of the chicken coop, it is considered one structure; so you just need one variance for the rear yard setback for the one structure at that point.

J. Parrish: Would they have to come back for that once it's constructed to ask for that?

S. Orwick: No.

J. Parrish: They're asking for it now.

P. Winters: That would be a zoning issue.

S. Orwick: If it's not completed as it's been approved, then that would be a code enforcement issue.

P. Winters: Yes. That was my point was. It'd be up to code enforcement to figure that out.

**J. Parrish made a motion to approve the variance to Section 1157.05 (b) to allow rear yard setback to be less than required 20' minimum for 10'x12' shed with the attached 10'x9' chicken coop.**

P. Winters: I have a question. Is the shed already two feet from the property line? The rear property line?

M. Arrarte: Four.

J. Parrish: It's four feet now.

P. Winters: So that's where it would be.

J. Parrish: That's the one foot variance. Right? That we are talking about.

P. Winters: In this paper, it asks for it to be two feet. If we get it down to one foot, we have a weed problem.

**P. Winters seconded the motion.**

**S. Orwick:** I want to make sure I have this right. According to this site plan, it shows the shed being moved to five feet from the side property line and it would be 19 feet from the rear property line.

**J. Parrish:** You got that?

**P. Winters:** Yes.

**S. Orwick:** I just wanted to make clear what you are voting on.

**J. Parrish:** As long as they follow what's approved for the site plan.

**P. Winters:** As long as you're following the Modified site plan.

**M. Arrarte:** She sincerely apologizes by any inconvenience of all this.

**Roll call vote:** M. Payne – not present, A. Earley - yes, P. Winters - yes, D. Garrett – yes, J. Parrish – yes. The motion passes.

**S. Orwick:** I will get you a stamped copy of what was approved – where to put the shed. I will be out of the office tomorrow; but the next day I will email that to you. While you have your interpreter here, I want you to make sure that she understands that the chicken coop has to be a more durable material on the sides and on the roof.

**J. Parrish:** Yes, rebuild.

## **Agenda Item #2 -**

### **1. Opening of Public Hearing regarding application**

### **2. Identification of application and subject:**

**Applicant:** Thomas Silverstrim, 1911 Berkeley, CA 94703, 510-590-8342

**Request #1:** Requesting variance to Section 1157.06 (b) to allow Principal Structure rear yard setback to be less than required 15' minimum.

**Subject Parcel:** 139 S. Wood St, Wilmington, OH 45177, Parcel ID# 290250216000000.

**A. Earley** swore in Tomas Silverstrim.

**A. Earley:** From what we're reading, you would like to, by way of a breezeway, basically, put an addition on a house?

**T. Silverstrim:** Yes, ma'am.

**A. Earley:** Garage on the bottom floor and living quarters on the top floor.

**T. Silverstrim:** Yes, ma'am.

S. Orwick read the staff report.

P. Winters: Are you putting a bathroom in the garage? Is the second floor going to be an apartment for somebody?

T. Silverstrim: Yes Sir.

P. Winters: What's the bathroom on the first floor for?

T. Silverstrim: It's a slab on grade construction. With the depth in that back corner, that's where the drop is going to go for the sewer; because the sewer is going to go into the main property in that corner. The idea was that you have a toilet at the bottom; and the clean-out is going to be there as well. The toilet will be directly above; and a shower right above as well. I figured put in a toilet in that back corner as well. That will be the utility as well; so probably the hot water heater is what I was thinking.

J. Parrish: My only question is as you come down, it curves right there. You have the house here. It's going to be on the other side of the house. Right? You have your driveway here. It looks like it's on the backside.

T. Silverstrim: We're coming in from Sugar Creek and you're coming down Wood. Right now, Wood Street terminates basically and then it turns to the left.

J. Parrish: That's where I'm asking. I'm just curious where it's going to be at on that side right there or on the other side?

T. Silverstrim: Directly where it turns to the left, the garage will be directly opposite of that. The house will be here; and here will be the garage.

A. Earley: There was a building there previously.

T. Silverstrim: There was a garage there when I bought it. It was a foreclosure. It was derelict. We had to cover it; and we had some problems. I tore that down.

A. Earley: Once something is torn down, you lose your grandfather status.

T. Silverstrim: That's my naivety and stupidity.

A. Earley: You lose it. Then, hopefully, any new construction that goes back will meet new construction code.

T. Silverstrim: What's unique, if you think about it - and Shirley and I were going back and forth about what is the front and what is the side when you're in this condition. Shirley, really, I think she summed it up well. It's kind of like a cul-de-sac. When I built the initial plans, my offsets that I was looking at, basically, was like I have this much on this side and

this much on the back. I could look at altering the length and width; but the problem is it's 20 by 30 now, which is a really standard width for the trusses on the roof. That's why I'm asking for a variance. It'll simplify the construction. It'll knock views - myself doing a lot of the work on the two by fours and measuring everything out doing 19 feet or jiggling it in. It would just simplify the construction tremendously. It would make it a lot easier.

A. Earley: It's not even though it's going to be basically an attachment.

T. Silverstrim: Yes, ma'am.

A. Earley: It's not going to be in the character of the house. Am I reading that correctly as I read?

T. Silverstrim: The siding will be the same as the current house. The structure of the trusses will blend the roof line coming in off the kitchen. If you've seen that house, it really is about - it's had five generations. It's an old farmhouse; so it is a little bit of a kind of, you know, pulled together. I wouldn't say I'm keeping with this mishmash; but I feel like it'll be a stately garage that will really set off the front of the farmhouse. I think it's going to look good; and I think it helps us with the privacy in that section as well. Right now, his daughter has to have her bike on the back porch. We get uninvited guests joining us on occasion. We'll move more the center of gravity to where she's playing more in the front versus in the back and leaving her stuff in the back; so then when she's back there, she's more in a supervised condition with her parents; so that's kind of the thinking.

S. Orwick: I just want to let you know that the garage being five feet from the house makes it considered part of the house; so it's all considered one structure because of the breezeway.

A Earley: Right.

S. Orwick: Our residential plan examiner has said that the new structure has to be at least five feet from the property line. I did ask him if it could be three feet, which our ordinances say as a minimum setback from a side yard property line. He said as long as the materials meet the one hour fire rating, then it will be okay to be three feet from the property line; otherwise, it has to be five feet minimum because of the fire code.

J. Parrish: Is that something that...

T. Silverstrim: No problem.

J. Parrish: I thought I also read in there, too. Is it a maximum percentage of the lot? Is this going to be less than the allowed maximum percentage for structures is on the lot?

T. Silverstrim: Well, it's on a three quarter acre lot. It goes all the way back. Yes, sir.

A. Earley: There's no other way to situate it where you can still have the same size structure? That's a big lot.

J. Parrish: I was saying on the backside that I understand where it's...

A. Earley: Still make it meet new construction standards.

T. Silverstrim: I would probably look at adjusting the plans. The thing is the front spot I also see corresponding to the front entrance of the house; and that's where I kick back. It's a nice stretch in the back. You get the deer back there; and the squirrels are coming in. Storms come through and start knocking down dead trees. I'm trying to improve the quality of the trees - just make it nicer.

S. Orwick: The side yard setback can't be 1.1' from the property line.

T. Silverstrim: As I'm going through this, I'm sorry to not understand the constraint; and I apologize. I realize there's a reason we have zoning. We want the distances. On that corner, it looks like I have one pin on one side; and the other one looks like it's by my mailbox and between the two. My Brother is coming in tomorrow. He is a professional surveyor. The two of us are going to look at it and strike it out in more detail than I could with me and my Dad.

S. Orwick: The Residential Plan Reviewer said he won't even look at the plan unless it is going to be 3'-5' from the North property line.

T. Silverstrim: Absolutely.

A. Earley: Anything else we should be looking at that we're missing?

P. Winters: There's a lot of it. Is this going on the right side of the house or the left side?

A. Earley: As you're looking at it, the right side. It's kind of hard to see; but it's not straight ahead. It's curved a little.

P. Winters: There's kind of this curve. Looking at the property, when you pull in, there's a lot of space on the right side of the house. The left side looks too small to me to put anything there.

T Silverstrim: That's correct. Yes, sir. That used to be the old Wood Street that Bill's property went all the way down. Bill's house is right across the street; and I'm on the other side. What I'm looking at is the right-hand side as you're saying. There's the front porch. There's a little drive right there by the house. We'll get that paved; and it'll be nice. That's what I happen to have in mind. That's what I envisioned.

P. Winters: I was kind of confused about it. I thought he was going to build on the left street side. The alley that goes down there is already graveled. That's not where this is going; because it doesn't fit there at all.

T. Silverstrim: No, it would absolutely not fit.

A. Earley: Our request is for a rear yard setback to be less than the required 15 feet minimum; then as we're looking at Shirley's notes for the permit, you're going to adjust the side yard.

T. Silverstrim: I will ensure that the side yard setback is the minimum of three feet.

A. Earley: Minimum of three feet.

T. Silverstrim: It has a slight angle to it. It's not a true 90 degrees; but that, absolutely.

A. Earley: At what? At the smallest angle - three feet?

T. Silverstrim: Then I can; because what the variance also does is give me the ability to kind of shift basically where that is to make sure that it is. Then on the back, I'll have the back variance number, or less, if I don't need that much for the feet. Right? That's really where I'm at right now.

P. Winters: Yes. It's just confusing.

J. Parrish: Three feet.

T. Silverstrim: It's not a traditional...

P. Winters: Oh, that's laid out close to the street.

A. Earley: Then you're going to have this as part of the house. Are we going to have a combination then of owner-occupied in part of the house?

T. Silverstrim: My Nephew is mentally disabled. He and my nephew, who currently lives there, had been living in the same house; but they now have a relationship with my Nephew and girlfriend; and so my Nephew is now living at Rita Place. We're not comfortable with him living by himself; because he has never really done that. Then my Sister and I were thinking that this might be a good spot where there's a little bit of distance. He's got his own space; but he's also close to my Nephew and the family. That was the intention.

A. Earley: None of it is really owner-occupied?

T. Silverstrim: It is when I come back here. I just bought my Parents' place; and that's where I stay when I'm in Wilmington. I mean, until my Parents moved to The Cape.

J. Parrish: This is personal, though – not just a money making venture. Not that it would matter. I'm just curious.

T. Silverstrim: Wilmington is a growing community. I see people are picking up real estate. It is going up fast. The Derbyshire auction won 30% over the estimate. It is a nice community. People like it. I like it.

A. Earley: The side yard will be taken care of by the building inspector.

S. Orwick: It has to be three feet from the property line.

A. Earley: Right, so that part will be taken care of.

S. Orwick: We will have Annen Vance check - that's code enforcement. Warren County will not check.

A. Earley: Warren County will not?

S. Orwick: Annen will check.

A. Earley: The only thing we need to look at is reducing the rear yard setback. Quite a reduction from fifteen feet to five feet seven inches.

P. Winters: I'm still concerned with that three foot setback when it says 1.1 feet on here.

A. Earley: He'll have to have that changed because Warren County won't approve it otherwise.

S. Orwick: Annen Vance, our Code Enforcement Official, will check that. That's a zoning issue. Annen Vance is the Code Enforcement Official; so she will check that.

A. Earley: We don't want it to happen after the fact, though.

T. Silverstrim: My measurements from the side property line, I thought, have to be three feet or more. I'm not sure where the one foot came from.

S. Orwick: We look at the GIS. You really have to find the pins to know for sure where the property lines are.

T. Silverstrim: I found the back pin; and then I went 90 feet off it. I'm definitely at least three feet.

S. Orwick: I'm talking about 20 feet wide going towards that North property line.

T. Silverstrim: Yes, I know. Because it's got a slight angle to it, and it's 20 foot by 30 foot. When I measured it off the back pin, I took it 10 feet up and 3 feet over; and that's where I put my 20x30 based upon the pin that was there. That's what I saw on-site. What I'm saying

is, if it's five foot seven, that means I could actually potentially shift it back. That will give me more room; because I'm not going to be as close to the property line anymore. I might be further from the property line; because the further I move back, that corner moves away from the property boundary.

S. Orwick: After you find the pins and then mark out where the corners of the structure are going to be, call us and we'll have Annen come out and confirm that it's at least three feet from the property line.

T. Silverstrim: Perfect. That pin is done. I won't spray it; because if it visit rains and then it's gone, I get to do it again.

A. Earley: Do you think you'll be able to find all your pins?

T. Silverstrim: I know I definitely have one; and the other one I'm sure. I just have to get the measurements on my mailbox. I think the mailbox is right where the pin is – that's what it looks like.

My Brother is a surveyor. Literally on Wednesday, I'm going to have him out there and say, "Okay, let's find this pin; because it says it should be there." The other one is way down in the far back. You're basically just taking offsets off that road. That is what we're looking at.

**J. Parrish made a motion to approve the request for a variance to Section 1157.06 (b) to allow Principal Structure rear yard setback to be less than required 15' minimum.**

**A. Earley seconded the motion.**

**Roll call vote: M. Payne – not present, A. Earley - yes, P. Winters - yes, D. Garrett – yes, J. Parrish – yes. The motion passes.**

T. Silverstrim: Thank you all. Have a good night. Appreciate it. Thank you for introducing me to your proceedings.

**Agenda Item #3 -**

**1. Opening of Public Hearing regarding application**

**2. Identification of application and subject:**

**Applicant: David Berring, 757 Fife Ave, Wilmington, OH 45177, 937-383-1727**

**Request #1: Requesting variance to Section 1173.08 (c)(5)(c) to allow ground sign higher than 6' maximum.**

**Request #2: Requesting variance to Section 1173.08 (c)(5)(d) to allow ground sign larger than 32 square foot maximum.**



**Request #3: Requesting variance to Section 1153.04 (b) to allow accessory structure setback from Property Line of Residential Use or District to be less than 50' minimum.**

**Request #4: Requesting variance to Section 1153.04 (b) to allow accessory structure individual side yard setback to be less than 20' minimum.**

**Subject Parcel: 757 Fife Ave, Wilmington, OH 45177, Parcel ID# 290190114000100.**

A. Earley swore David Berring in.

D. Berring: Did you see the sign? I've been here since February, 2014. I bought it from Chris Stromberg; and it's always had kind of a jakey sign out in the front. I thought we need to put a nice sign out here that looks good in the neighborhood and improves the view from the streets. That old sign was nasty. During the rage down at the frat house a couple of months ago, they raged in my yard and took the sign down.

They knocked it over; so I had to put a new one up. I said "Well, it's time to change the name." It's time to put a decent sign in the yard. That's what started the whole process. I'm constantly bringing up my snowblower, my lawn equipment, and anything else that I need to take care of the property in the event that I don't have somebody to actually shovel the driveway. I'm the one doing it. I want to have a place to put my snow blower. I have a tenant upstairs who has small kids. It's not the first tenant I've had up there with kids. I think having the shed with a little bit of a play porch would give them someplace to hang out without getting in the way of everything else that we do over there. That's why we want to do that.

A. Earley: If I remember right, the shed would be as you're looking at the property, in the back left corner?

D. Berring: It would be mid-yard between the building and the back alley and close to the fence. I have already talked to the neighbor, who eventually will sell me that property too, I hope. I already talked to him; and he said he didn't care if I put it on the line, as long as it stays my property. I've got the parking on the one side on John Street. I don't have a lot of room to do anything. Putting it at the end of the property would just not look good from any angle. This actually would be right where trees already exist. It doesn't change any of the visual properties of the yard.

A. Earley: The shed front would face?

D. Berring: John Street. There'd be a door on the John Street side; and there'd be a little play porch on the house side.

A. Earley: Okay.

J. Parrish: The sign, where it's placed - I know when you pull out of John Street, if you look to your right, it's not going to be in the way of being behind that tree; because there's already an obstruction there with the tree and everything. You know what I mean? It's already hard to pull out of there.

D. Berring: I don't think it's hard to pull out; but the sign is far back enough in the yard that it's not even in play with any traffic.

J. Parrish: They have that big tree in the other, I think; and that hole there as well.

D. Berring: It's more of are people going to speed there?

J Parrish: That's true.

D. Garrett: I drove past; and I was looking for the sign. I'm like, where was that sign?

D. Berring: It's up on the porch.

D. Garrett: I went home and I pulled it up on the \_\_\_\_\_ website. I'm like, oh, that tree. It's hard to see that sign.

D. Berring: It's going to be a nicer sign. I'd reference politicians right now; but it'll be a better sign.

P. Winters: Do you have a plan to keep the college kids off the new sign?

D. Berring: I'm hoping that the fact that it would be a brick-and-mortar monument sign, that they will at least not knock it over.

J. Parrish: That's what I was going to ask. Is that why it's so big.

D. Berring: They have dropped their cans and things in the yard over the years. I just deal with it. From the standpoint of having something that is more sturdy, the pole sign got knocked down once before. We put it up a couple of different times. They won't knock this sign down. If they do, they hit it with a truck.

P. Winters: This sign is not going to be where the old sign was. Right?

D. Berring: It is exactly where the old sign was, right?

J. Parrish: By those bushes with the little patch of Green?

D. Berring: It's not been moved; because there is already electricity established there.

A. Earley: The current restriction on rear yard setback is because it is a commercial property. That's why the setback is so large.

S. Orwick: Yes.

A. Earley: To keep it away from residences.

S. Orwick: Yes. It is a commercial property.

S. Orwick: I'm sorry. Are you looking at the sign right now? Or are you looking at the shed?

A. Earley: I'm looking at the shed.

S. Orwick: The Amish built shed?

A. Earley: Yes. Under the rear yard and side yard requirements as proposed.

S. Orwick: I believe that something's wrong with that. There's only one side yard.

D. Berring: I believe they told me that because it's the corner of two main roads, it's considered two side yards and two backyards.

A. Earley: No. Two front yards. When you have when a corner lot, it has two front yards.

S. Orwick: And one side yard.

A. Earley: You have one side yard and one rear yard.

S. Orwick: It's difficult to look at these sometimes if it's a corner lot; but you've got it.

J. Parrish: Is this a sign that somebody designed for you? Why not just make it six feet high? Six feet high and no higher than that.

D. Berring: The actual top above ground is six feet. The curve of the top design just goes about six inches above that.

J. Parrish: Okay, so that's why. It just seems on here that it was going to be maybe up to eight feet high. That's okay, so it actually will be more aligned with six feet high.

D. Berring: Six feet on the peaks of the monument edges, and then a little higher than that in the middle.

J. Parrish: That'll be okay.

A. Earley: That's where your tiny, very few square inches come in.

D. Berring: I was told the entire monument is included in the size of the sign. The monument itself is what puts it over the maximum square footage. But it was drawn up by an architect.

S. Orwick: The sign height is figured from ground level to the very top of the structure.

D. Berring: That's correct. It would be almost three feet underground as a foundation.

P. Winters: So, really, our five-foot side yard setback is actually a backyard. Is that correct?

A. Earley: No.

P. Winters: There's the line ran from five to the center of the property line.

A. Earley: This explains it a little bit better. This is Fife Avenue. This is John Street. Those are both front yards.

P. Winters: Yes.

A. Earley: There's only one side yard on this property and one backyard.

A. Earley: That's the beauty or not of a corner lot. You have two front yards.

D. Berring: I know where I want it; and I'm going to be using it every day or at least twice a week.

**P. Winters made a motion to approve the request for a variance to Section 1173.08 (c)(5)(c) to allow a ground sign higher than the required 6' maximum.**

**J. Parrish seconded the motion.**

**Roll call vote: M. Payne – not present, A. Earley - yes, P. Winters - yes, D. Garrett – yes, J. Parrish – yes. The motion passes.**

**P. Winters made a motion to approve the request for a variance to Section 1173.08 (c)(5)(d) to allow a ground sign larger than 32 square foot maximum.**

**J. Parrish seconded the motion.**

**Roll call vote: M. Payne – not present, A. Earley - yes, P. Winters - yes, D. Garrett – yes, J. Parrish – yes. The motion passes.**

**J. Parrish made a motion to approve the request for a variance to Section 1153.04 (b) to allow an accessory structure setback from the Property Line of Residential Use or District to be less than the required 50' minimum.**

**P. Winters seconded the motion.**

**Roll call vote: M. Payne – not present, A. Earley - yes, P. Winters - yes, D. Garrett – yes, J. Parrish – yes. The motion passes.**

**J. Parrish made a motion to approve the request for a variance to Section 1153.04 (b) to allow an accessory structure individual side yard setback to be less than the required 20' minimum.**

**D. Garrett seconded the motion.**

**Roll call vote: M. Payne – not present, A. Earley - yes, P. Winters - yes, D. Garrett – yes, J. Parrish – yes. The motion passes.**

D. Berring: Do I have a timeline that I have to get it done by?

S. Orwick: I am out of the office tomorrow; but I'll get back to you on Wednesday.

D. Berring: I'm not in a rush. Thank you very much.

S. Orwick: You're welcome.

S. Orwick: We have an update on the billboard sign.

A. Earley: Wonderful.

S. Orwick: A third letter was sent out to the applicant and to the property owner. I have a copy of what was sent out.

D. Garrett: What was this one for?

A. Earley: This was before you were a Board member. This is regarding a billboard out on SR 3 and SR 22. It was Grandfathered in and was a legal nonconforming use - just a billboard with paper on it.

We turned down their request to improve it and make it a digital billboard; but they did it anyway.

P. Winters: They put it on the other side.

A. Earley: Yes. They just put it there. We've been back and forth; and Annen's been out watching it change. They've obviously got contracts with advertisers. Can you tell us what happens with this?

S. Orwick: It says in the letter what steps the City is going to take next.

A. Earley: Is there a daily fine?

S. Orwick: They can be fined.

J. Parrish: Will the City send somebody to double-check on the first lady here tonight that they followed all the guidelines?

S. Orwick: I will definitely have Annen check up on that.

P. Winters: I'm concerned with the pictures they sent in, how they're going to take good care of the chickens; because there's trash behind the fence already in the pictures.

J. Parrish: When I drove by there, I didn't see that type of stuff everywhere; so I don't know if they cleaned it up - maybe after the pictures.

P. Winters: It's behind it. You can't see it.

J. Parrish: Well, at least you can't - I didn't see it.

A. Earley: And you were going to get us all a copy of our appointment letter that we could keep?

S. Orwick: I can email those to you.

A. Earley: That's great, because that way, if we have a copy of our letter saying we are \_\_\_\_ on the Board of Zoning Appeals, we can look at the property and step onto the property (if they checked the box on the BZA Application form) to see something that is completely hidden. I would feel more comfortable if I had that.

S. Orwick: The appointment letter will show that you were appointed.

P. Winters: Will the Paris Avenue automatically go on next month's agenda?


S. Orwick: Yes. Whenever the applicant or an agent to represent them is not here, it goes to the next meeting.


**D. Garrett made a motion to adjourn.**

**J. Parrish seconded the motion.**

**Meeting is adjourned.**

Board of Zoning Appeals August 4, 2025

  
Chairperson

  
Clerk