

BOARD OF ZONING APPEALS

OCTOBER 10, 2016

The meeting was called to order at 5:44 p.m. by Chairman Craig Pickerel. Board members present were Jason Decker, Niki Decker and Craig Pickerel (3). Greg Bade was absent (1). Also present was Mark Easterling, Zoning Inspector.

Approval of Minutes

Mr. Decker moved to approve the minutes of the September 12, 2016 meeting as submitted. Mr. Pickerel seconded and they were unanimously approved.

APPLICATION, 35-16 – Gerald Kamaan is requesting two zoning variances to permit an accessory structure to remain within the side yard and within the five (5) foot setback. The property is located at 170 Aspen Drive and is zoned as R-4 (Single Family Residential).

NOTE: *1250.61(a) Accessory Buildings and Uses:* No accessory building or uses shall be located in any front or side yard setback except under unusual circumstances where such activity will not conflict with the intent and purposes of this Zoning Code or where enforcement would result in extreme hardship. Either exception shall require approval of the Board of Zoning Appeals.

NOTE: *1250.61(b) Accessory Buildings and Uses:* Accessory buildings such as garages and utility buildings, may be located in a rear yard, provided that such buildings are separate from the main structure by at least ten (10) feet and are set back at least five (5) feet from the side and rear lot lines.

1. The applicant is requesting approval to keep the existing accessory structure within the side yard five (5) foot set back (structure is currently approximately less than one (1) foot from the property line). The structure is being used to protect a boat from elemental damages.

Recommendation:

1. The Zoning Inspector recommends denial of the variances. The current structure is of poor quality, and it is my interpretation that there are other ways to abate the issue that would not require a variance.

Mr. Easterling reviewed Application 35-16. The applicant, Gerald Kamaan of 170 Aspen Drive, was present. He said that the structure is a temporary awning/carport to cover his boat and he planned to take it down by November 1st. He said that he wants to keep it up during the summer months because his neighbor's tree does not allow sun through to dry the canvas and it was getting mold on it. He said that although it is not his tree, the neighbor said he could trim it. Mr. Kamaan was asked how much of the tree would have to be trimmed. Mr. Kamaan said that he would have to trim it to the top. Mr. Pickerel asked Mr. Kamaan if he has an alternate plan if the variance is denied, and Mr. Kamaan said

that he does not have a plan other than moving. Ms. Decker asked if the boat could be moved to the rear yard. Mr. Kamaan said that the boat and trailer are 30' long so he can't do that.

Mr. Decker made a motion to deny Application 35-16. Mr. Pickerel seconded and it was unanimously approved.

APPLICATION, 36-16 – Slaske Building Company, on behalf of Brandon and Janee Ver Vaet, is requesting one zoning variance to permit an existing driveway to remain larger than 35% of the front yard. The property is located at 1015 Wilderness Court and is zoned as R-1 (Single Family Residential).

NOTE: *1250.02(l) Accessory Buildings and Uses:* Parking in residential districts shall not be permitted in any required front yard area or in the street side yard area of a corner lot except in a driveway or a defined parking area. The aggregate area of the driveway or defined parking area shall not exceed thirty-five percent (35%) of the front yard.

1. The applicant is requesting approval to keep the existing driveway, which is currently paved at approximately 48% of the total front yard. The applicant's request for the additional 13% is to provide relief from the lack of on street parking accessible to the property.

Recommendation:

1. No recommendation provided

Mr. Easterling reviewed Application 36-16. Ralph Slaske, builder, was present on behalf of the property owners. Mr. Slaske said that because this house is on a cul-de-sac it has limited parking. Mr. Slaske said there is also less frontage because it is on a cul-de-sac and this driveway is similar to other homes but it just has a bigger impact. Ms. Decker asked if there are other driveways like this one in the neighborhood. Mr. Slaske said that this is not a side-load garage because it wouldn't fit but it is the same square footage as some other driveways. Ms. Decker clarified that there are no driveways that look just like this one. Mr. Slaske said the orientation is different. Mr. Pickerel asked when the house was constructed. Mr. Slaske said they finished up in the last couple of weeks. Mr. Pickerel asked if Mr. Slaske received approval for the driveway. Mr. Slaske said that a change order was done to add concrete and it was not resubmitted to the Planning and Zoning Division. Ms. Decker said that the driveway seems so big and Mr. Slaske said that it is not as big as you think. He explained that the owners have elderly parents that need to get close to the house. Jim Hagen, Avenue Road, said that there is a lot of concrete out there and there would still be room to park and maneuver around. He added that the builder should know what the rules are and should not try to get around the Code. Ms. Decker said that she is worried about setting a precedent. Mr. Slaske said that the

percentages are based on a standard lot and this is not a standard lot. Ms. Decker said that this is in a new area and people will think that they can do it too.

Mr. Decker said that he will be abstaining because Mr. Slaske is building his house.

Ms. Decker made a motion to deny Application 36-16. Mr. Pickerel seconded. Ayes: N. Decker and Pickerel (2). Abstain: J. Decker (1).

APPLICATION, 37-16 – Jeffery Kaiser is requesting one zoning variance for front yard setback relief. The property is located at 63 Linden Lane and is zoned as R-2 (Single Family Residential).

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards:*
R-2 Zoning:

Front Yard = 40'
Rear Yard = 40'
Side Yard Min = 10'
Side Yard Total = 25'

1. The applicant is requesting the variance as to allow for the expansion of an attached garage. He is requesting a zoning variance to reduce the required front yard setback. The variance would permit the front yard setback to be reduced to approximately six (6) inches, rather than the required forty (40) feet.

Recommendation:

1. The Zoning Inspector recommends approval of the variance based on the uniqueness and size of the lot as the dimensions leave minimal building space (Ch. 1275.02(c)(3) –A, C, D, F)

Mr. Easterling reviewed Application 37-16. Jeff Normand, architect, was present along with the applicant, Jeffery Kaiser. Mr. Normand said that they are requesting relief on the front yard setback to allow an addition to the garage. The applicant plans to put two lifts in the garage so there could be two cars up and two cars down. Mr. Easterling said that no comments were received from neighbors. Mr. Pickerel asked about the distance of the garage from the property line. Mr. Normand explained that this would still leave 22' from the curb to the front of the garage and the neighbor's house goes out to the right of way so this would match. Ms. Decker asked about going off the back of the garage. Mr. Normand explained that there is a slope to the rear and it would require a retaining wall and they are trying to be sensitive to the neighbors. Their house is in that area and an addition to the rear of the garage would block light to the neighbor's house. Ms. Decker asked if the garage will be taller too. Mr. Normand said that it will be but it currently has a flat roof and with the addition they will match the roof of the house. Mr. Pickerel clarified that the addition to the rear is doable but would require a retaining wall and would affect the neighbor. Mr. Normand said that is correct, but he would not want someone putting a garage in his view if it was his home.

Mr. Decker moved to approve Application 37-16 based on finding A, C, D and F of Chapter 1275.02(c)(3) to be true. Ms. Decker seconded. Ayes: Decker and Decker (2). Nays: Pickerel (1).

APPLICATION, 38-16 – Craig and Sarah Voltz are requesting one zoning exception for front yard setback relief. The property is located at 238 W. Second Street and is zoned as R-3 (Single Family Residential).

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards:*
R-3 Zoning:

Front Yard = 35'
Rear Yard = 35'
Side Yard Min = 8'
Side Yard Total = 20'

1. The applicant is requesting the exception as to allow for the widening of the existing porch into the front yard setback. The existing front porch sits at twelve (12) feet from the front property line, and the addition to that porch would not extend it further into the front yard. The average front yard setback for the properties on this street is approximately fifteen (15) feet. Therefore, the applicant would need approximately three (3) feet in relief.

Recommendation:

1. The Zoning Inspector recommends approval of the exception based on the uniqueness and size of the lot. The porch is not expanding any further and would therefore not add to the property's nonconforming status (Ch. 1275.02(c)(3) –B, C, D, F).

Mr. Easterling reviewed Application 38-16. Craig Voltz, the applicant, was present. He said that he has a growing family and they need more bedrooms. The proposed addition would also allow them to add balance to the front of the house. There were no comments received from neighbors.

Mr. Pickerel moved to approve Application 38-16 finding B, C, E and F to be true. Ms. Decker seconded and it was unanimously approved.

There being no further business, the meeting adjourned at 6:29 p.m.

Respectfully submitted,

Mary Jo Sutton