

The **Board of Zoning Appeals** met in Regular Session at Bedford City Hall on Tuesday, March 27, 2018 at 7:00 P.M. Present: Kristi Glasier, Jim Wagner, Lynette Speights, John Trzeciak, Laura Hulett. Absent: None. Also in attendance: Building Commissioner Calvin Beverly and Secretary Lorree Villers.

Motion made Glasier seconded by Trzeciak to elect Mr. Wagner as the 2018 Chairman. The roll was called. Vote – Yeas: Glasier, Wagner, Speights, Trzeciak, Hulett. Nays: None. Motion carried unanimously.

Motion made by Glasier seconded by Hulett to elect Mr. Trzeciak as the 2018 Vice-Chairman. The roll was called. Vote – Yeas: Glasier, Wagner, Speights, Trzeciak, Hulett. Nays: None. Motion carried unanimously.

Motion made by Glasier seconded by Trzeciak to approve the Work Session minutes of April 26, 2016. The roll was called. Vote – Yeas: Wagner, Trzeciak, Glasier, Hulett. Abstain: Speights. Nays: None. Motion carried.

Motion made by Glasier seconded by Trzeciak to approve the Regular Meeting minutes of April 26, 2016. The roll was called. Vote – Yeas: Wagner, Trzeciak, Glasier, Hulett. Abstain: Speights. Nays: None. Motion carried.

Chairman Wagner informed those present that according to a ruling made by the Law Department anyone wishing to speak at a public meeting is to rise, raise their right hand and the following oath administered. "Do you solemnly swear and affirm that the statements you are about to make are the truth." Then give your name and address for the record.

Chairman Wagner read per the application the applicant wished to adjust building height to 21 feet at its highest point.

Byron Greene, 660 Columbus Road was approved by Planning Commission and Council to build a 30' x 40' pole barn garage per §1913.07 and is now seeking relief from §1927.04 of the Codified Ordinances of the City of Bedford for a height regulation variance (PP #813-30-007)
(PC 12/5/17 – Reg C 12/18/17)

Present: Byron Greene, 660 Columbus Road, Bedford.

Mr. Greene, previously sworn in, explained he attended the Planning Commission and Council meetings for their approval. The contractors dug the post holes at sixty inches deep for the 30' x 40' pole barn construction. He said he turned in all the paperwork December 5, 2017. He said Mr. Beverly was on vacation and after the Christmas holiday the holes were dug and the posts set in place and applied the sides of the building. He came to City Hall for the permit and was told by someone in the Building Department he would have to wait until Mr. Beverly returned from vacation. Upon his return home he told the contractors to cease construction. At a later date, he returned to City Hall and was told by Mr. Beverly that he had issued a Stop Work Order for the building because it was being built without permits. He said Mr. Beverly also told him he would have to get a variance if the building was going to be over 15 feet in height and would have to be built in the rear of the home. He said after speaking with Mr. Beverly he purchased the materials which were delivered on January 16, 2018.

Chairman Wagner asked Mr. Greene why he decided on different trusses. Mr. Greene said he went with an 8/12 pitch truss which allowed him storage in the attic. He did not have adequate storage for lawn furniture and other items during the winter months. He said having attic storage was the reason he did not

go with a wider building for floor space storage. There was just enough floor space for his vehicles not items. Mr. Trzeciak clarified the storage subject was not approved by Planning Commission or Councilmatic action. He asked how high the sides were currently. Mr. Greene replied, ten (10) feet high. Mr. Trzeciak asked for proof. Mr. Greene showed pictures on his phone and said he submitted drawings to the Building Department. It was determined it was the second to the last page in the packet that showed the measurement of ten (10) feet for the sides and the truss height totaling 21 feet.

Mr. Beverly stated for the record that when Mr. Greene indicated he wanted the taller/8/12 pitch trusses for "storage" reasons he was told that day he could not use the taller trusses because it was a code violation. Mr. Greene thought all he needed a variance for the project. Mr. Beverly clarified the variance was for the height; not storage and reiterated it was a code violation. Mr. Greene said he misunderstood. Chairman Wagner stated if Mr. Greene wanted the taller trusses for storage purposes it was against the law. Mr. Greene felt if he had known this he could have returned the trusses. Mr. Trzeciak asked specifically what paperwork was submitted for review. Mr. Beverly clarified the paperwork for Planning Commission and Board of Zoning because they were two (2) different types of paperwork/documents. Mr. Greene stated the trusses were delivered on January 15, 2018, he submitted the truss paperwork on January 16, 2018 and received a call from Mr. Beverly on January 17, 2018 stating the trusses were too high. Mrs. Glasier clarified the two sets of paperwork were different for Planning Commission and the Board of Zoning. Chairman Wagner felt the process was backwards. Mr. Beverly clarified for one, two and three family did not require "construction drawings" for Planning Commission. The paperwork submitted for Planning Commission was the hand drawn site not the construction documents.

Chairman Wagner was uncomfortable in voting for something that was against the laws. Mr. Greene said he didn't have to use the attic for storage and the materials had been on the ground for four (4) months. Mr. Beverly told Mr. Greene "shame on you" if he purchased the materials prior to getting approvals. Mr. Greene said he purchased the materials after Council approved the project. Mr. Beverly clarified Planning Commission gave their recommendation for approval to construct a 30 x 40 pole barn. Mr. Greene said he ordered the trusses on December 28, 2017. Mr. Beverly said Mr. Greene previously said Mr. Beverly told him in January he couldn't use the trusses. Ms. Speights asked if he started construction prior to approval. Mr. Greene replied, yes, the footers, posts and sides were started.

Mrs. Glasier understood apparently some residents complained but there was no letters or anybody in attendance.

Chairman Wagner was seeking guidance in how to address this situation. Mr. Beverly explained the Board could make a recommendation to approve or accept the height but as far as the code requirements Mr. Greene could not use the building for attic storage. The Board determined the motion needed to be specific. Mr. Wagner thought if the Board approved it the residents would start complaining again. Mr. Trzeciak stated either way Mr. Greene needed a variance from the Board whether it were the lower or higher trusses. It was determined the trusses had not been delivered four (4) months ago but two (2) months ago.

Mr. Beverly reminded the Board the application stated 21 foot. It was determined the walls were definitely 10 feet. Mr. Beverly warned everyone if the measurements were not correct and the Board approved the 21 foot and upon inspection the building was over 21 feet there was another problem.

Mr. Greene explained the structure was going to have a six (6) inch concrete floor and the outside would be back filled and landscaped. Mr. Beverly explained that he needed to be careful of the grade that it didn't dump/cause a water problem/issues concerning his neighbor's property.

Motion made by Trzeciak seconded by Hulett to approve the variance for Byron Greene, 660 Columbus Road which was approved by Planning Commission and Council to build a 30' x 40' pole barn garage per §1913.07 and is now seeking relief from §1927.04 of the Codified Ordinances of the City of Bedford for a height regulation variance of 21 total feet including no storage per the 2013 Residential Code of Ohio, Section 324.1, "Post Frame Accessory Structures", Subsection #4 and subject to Building Department approval and compliance with all city codes and ordinances.

The roll was called. Vote – Yeas: Glasier, Wagner, Speights, Trzeciak, Hulett. Nays: None. Motion carried unanimously.

Secretary Villers informed Mr. Greene the final approval would be before Council on Monday, April 2, 2018 at 8:00 p.m. for consideration.

Mr. Beverly clarified the project was still on hold until final consideration from Council and after approved Mr. Greene would have to get his permits from the Building Department.

ADJOURNMENT

There being no further business to come before the Board, motion made by Glasier seconded by Trzeciak to adjourn. The roll was called. Vote – Yeas: Glasier, Wagner, Speights, Trzeciak, Hulett. Nays: None. Motion carried unanimously.

Meeting adjourned at 7:19 P.M.


Chairman


Secretary

Clarification of Outline of events:

2017

- 12/5/17 Submitted Planning Commission Application w/hand drawn site – (approved)
- 12/18/17 PC recommendation to Council for consideration – (approved)
- 12/28/17 Greene ordered 8/12 pitch trusses

2018

- 1/9/18 Submitted construction documents to Building Dept.
- 1/15/18 8/12 pitch trusses delivered
- 1/16/18 Submitted truss drawings to Building Dept.
- 1/17/18 Calvin called applicant regarding height of 8/12 pitch truss
- 1/17/18 Greene told Calvin the reason for the higher truss was for storage. Calvin advised him it was a Building Code violation and could not use trusses for storage. (Ref: RCO §324.1 - #4)
- 1/19/18 Submitted BZA application
- 3/27/18 BZA – recommendation to Council against Mr. Beverly's recommendation – (BZA approved)
- 4/2/18 BZA recommendation to Council for consideration –