

Oakwood, Ohio  
December 13, 2018

The Board of Zoning Appeals of the city of Oakwood met in regular session at 4:30 p.m., in the council chambers of the City of Oakwood, 30 Park Avenue, Oakwood, Ohio 45419. The Acting Chair, Mr. Dan Deitz, presided and the Recording Secretary, Ms. Lori Stacel recorded.

Upon call of the roll, the following members of the Board responded to their names:

MR. KIP BOHACHEK .....	ABSENT
MR. DAN DEITZ.....	PRESENT
MR. KEVIN HILL .....	ABSENT
MRS. LINDA WEPRIN .....	PRESENT
MR. NICK ENDSLEY .....	PRESENT

The following officers of the city were present:

Mr. Robert F. Jacques, City Attorney  
Mrs. Jennifer S. Wilder, Personnel and Properties Director  
Mr. Ethan M. Kroger, Code Enforcement Officer

The following visitors registered:

Christopher Shipman & Kelsey Bohachek, 407 Claranna Avenue  
John Harkleroad, Brentwood Builders

Mr. Deitz moved to excuse the absence of Mr. Bohachek and Mr. Hill. Mr. Deitz explained that Mr. Bohachek is recused from the meeting due to affiliations with the applicant, and Mr. Hill is absent due to a previous engagement. The motion was seconded by Mr. Endsley.

Mr. Deitz asked the members of the Board if any discussion was warranted regarding the minutes from the November 8, 2018 meeting which were slated for approval. Mr. Endsley noted that Mr. Hill was absent from that meeting, but he is noted as having a vote when roll call was read. He asked that this be corrected. There being no further discussion, Mrs. Weprin moved that the minutes from the November 8, 2018 meeting be approved, with the correction of the roll call vote. Mr. Deitz seconded the motion. Upon a viva voce vote, motion passed and the minutes were approved.

Mr. Jacques explained that with only three Board members in attendance, in order for the Board of Zoning Appeals members to act on this application, it will take exactly three votes to approve or deny the application. If there are only two votes to approve or deny, the request would be tabled until Mr. Hill could attend the meeting. The applicant acknowledged the requirement and agreed to proceed with the meeting.

Mr. Kroger referenced a PowerPoint presentation and explained that Application 18-3 was filed by Christopher Shipman to build a proposed front porch addition (approximately 84 square feet) to the existing single family residence. The Shipman property at 407 Claranna Avenue was built in 1945 on 0.1451 acres. The property is in the R-6 (single family) Zoning District. The R-6 Zoning District is intended for low-density multiple family residential areas compatible with the character of both existing low-density single family areas and commercial areas of the community.

Mr. Kroger shared that the home currently has no front porch. The property is currently conforming as the existing home is setback 25 feet from the front yard property line. The requested variance would result in an 18 foot front yard setback, a difference of 2 feet from the required 20 feet.

Mr. Kroger closed his presentation by stating that the proposed addition is fairly common in the R-6 Zoning District. The porch will be architecturally compatible with the existing structure and the building materials will match the existing home.

Mr. Deitz asked if the setback includes the steps to the porch.

Mr. Kroger said that the steps are not included in the setback.

Mr. Deitz opened the public hearing.

Mr. Christopher Shipman, property owner of 407 Claranna Avenue, thanked the Board for considering this application. He shared that he believes that the proposed porch will add tremendous curb appeal to the house. The addition is very common in the area. He explained that his home does not currently have a backdoor and the backyard is not a viable living space. They plan to use the front porch as a gathering place for their family.

John Harkleroad, Brentwood Builders, shared that he and the Shipmans have put a lot of effort in the design while still honoring historical significance of the home.

There being no further public testimony offered, the public hearing was closed and the Board of Zoning Appeals began its deliberations.

Mrs. Weprin shared that she believes the porch will be a great addition to the house. She said that she has seen a lot of these porch additions throughout the city and they add value.

Mr. Endsley shared that the two foot variance will make the space more functional.

Mr. Deitz explained that he drove in the area earlier and there are a number of homes with similar additions. He said that the addition will fit in with the homes.

Mr. Endsley asked if the proposed addition will increase the lateral distance to the neighboring houses.

Mr. Shipman answered that the lateral distance would not change.

Therefore, it was moved by Mr. Deitz and seconded by Mrs. Weprin that the preliminary staff findings be adopted, and the variance request be approved, with the condition that the building materials and finishes match the existing conditions of the home, for application #18-3, for a front yard setback variance request for a proposed front porch addition submitted by Christopher Shipman at 407 Claranna Avenue.

For purposes of the minutes, the preliminary staff findings as stated in the Staff Report were as follows:

## VARIANCE FACTORS

- A. Whether the property in question will yield reasonable return or whether there can be any beneficial use of the property without the variance;  
 PRELIMINARY STAFF FINDINGS:  
 ➤ The property can yield a reasonable return with or without the variance.
- B. Whether the variance is substantial;  
 PRELIMINARY STAFF FINDINGS:  
 ➤ Staff believes this variance request is not substantial in nature and will result in enhanced curb appeal. While the front yard variance request is not significant, the proposed additions will be tastefully done and the resulting improvements will increase the overall appeal of the neighborhood.
- C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;  
 PRELIMINARY STAFF FINDINGS:  
 ➤ There is no reason to believe that adjoining properties would suffer a substantial detriment as a result of the variance. Staff believes that the essential character of the neighborhood would remain intact should the BZA be inclined to grant this variance request.
- D. Whether the variance would adversely affect the delivery of governmental services (i.e. water, sewer, refuse, police/fire);  
 PRELIMINARY STAFF FINDINGS:  
 ➤ There is no reason to believe governmental services would be adversely affected due to the granting of the variance.
- E. Whether the property owner purchased the property with knowledge of the zoning restriction;  
 PRELIMINARY STAFF FINDINGS:  
 ➤ Staff has no information as to the owner's knowledge at the time of purchase, but does not consider this to be a material/relevant factor.
- F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;  
 PRELIMINARY STAFF FINDINGS:  
 ➤ While the applicant could feasibly reduce the size of the addition to meet existing setback requirements, doing so would reduce the overall functionality of the addition.
- G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance;  
 PRELIMINARY STAFF FINDINGS:  
 ➤ The spirit and intent of the setback requirement is to ensure a reasonable distance between the principal structure and the property line, and to align houses with other homes in the block for aesthetic purposes. Staff believes the proposed plan serves that spirit and intent.

H. Any other relevant factors.

PRELIMINARY STAFF FINDINGS:

➤ None.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. DAN DEITZ.....	YEA
MRS. LINDA WEPRIN .....	YEA
MR. NICK ENDSLEY .....	YEA

There being three (3) YEA votes, thereon, said motion carried.

There being no further business, the meeting concluded at 4:42 p.m.

*Daniel Deitz*  
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 ACTING CHAIR

ATTEST:

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 RECORDING SECRETARY