

Oakwood, Ohio
March 8, 2018

The Zoning Board of Appeals of the city of Oakwood met in session at 4:30 p.m., in the council chambers of the City of Oakwood, 30 Park Avenue, Oakwood, Ohio 45419. The Chair, Mr. Kip Bohachek, 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	PRESENT
MR. DAN DEITZ.....	PRESENT
MR. GREG LAUTERBACH	PRESENT
MR. KEVIN HILL	PRESENT
MRS. LINDA WEPRIN	PRESENT

The following officers of the city were present:

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

The following visitors registered:

Lindsay and Maureen Harris, 25 W. Thruston Boulevard
Aaron Keyton, 15 W. Thruston Boulevard

Mr. Bohachek noted that since this is the first meeting of the BZA for 2018, the Board will need to appoint a Chair and Vice Chair. Following a brief discussion, Mr. Hill made a motion, second by Mr. Lauterbach, to reappoint Mr. Bohachek as Chair. Mr. Lauterbach made a motion, second by Mrs. Weprin, to reappoint Mr. Deitz as Vice Chair. The motions passed unanimously.

Mr. Bohachek asked the members of the Board if any discussion was warranted regarding the minutes from the August 10, 2017 meeting which was slated for approval. There being no further discussion, Mr. Deitz moved that the minutes from the August 10, 2017 meeting be approved. Mr. Lauterbach seconded the motion and it was so ordered.

City Manager Norbert Klopsch shared that October 31, 2017 will forever be a date he will remember because that is when Assistant City Manager Jay Weiskircher shared his plans for retirement at the end of 2017. Mr. Weiskircher served the Oakwood community for 35+ years with distinction and was a remarkable public servant. Mr. Klopsch introduced Jennifer Wilder, who started in Oakwood on February 12, 2018 as the new director of personnel and properties. Mrs. Wilder has 18 years of experience in local government and comes to Oakwood from the city of Centerville. She holds a Bachelor of Arts degree in Political Science from Miami University and a Master of Business Administration from Wright State. Moving forward, Code Enforcement Officer Ethan Kroger will be taking on a larger role at the Board of Zoning Appeals and Planning Commission meetings.

Mr. Kroger referenced a PowerPoint presentation and explained that this application involves a request by Mr. Lindsay and Mrs. Maureen Harris for a 15 foot northwest side yard setback variance to build an attached garage at 25 W. Thruston Boulevard. The home is in the R-1 Zoning District. The current setback requirements for the R-1 Zoning District are: front yard is 70 feet; interior side yard is 20 feet; and, rear yard is 60 feet. Mr. Kroger displayed multiple photos depicting the location of the proposed attached garage. He explained that the proposed garage would be built in the existing footprint of the existing retaining walls so there will not be any new impervious surface being added. The photos included the view from the neighboring

property at 111 W. Thruston Boulevard, and of other R-1 Zoning District properties in Oakwood with similar attached and detached garages. Mr. Kroger shared that although the variance is not insignificant, and will result in construction fairly close to the property line, staff recommends approval of the variance, provided that the property owner plant tall rear round vegetation to screen the neighboring view from the northwest, and that the materials must match the existing home.

Mr. Lauterbach asked if city staff had specific vegetation screening in mind to screen the neighbor to the northwest.

Mr. Kroger stated that while city staff does not have anything specific, he does feel year-round screening is needed.

Mr. Deitz asked if the other R-1 Zoning District properties in Oakwood with similar attached garages had variances granted or if they were built before the Zoning Code was implemented.

Mr. Kroger stated that he was not sure, but they could have been built prior to the Zoning Code.

Mr. Hill mentioned that there were not any side or rear yard architectural elevations included in with the plans. He asked if these are required for this application.

Mr. Jacques stated that all elevations are not necessarily required for this application.

Mr. Bohachek opened the public hearing.

Mr. Lindsay Harris, property owner at 25 W. Thruston Boulevard, shared that he and his wife are interested in building an attached garage for additional parking to create a space for things to be done outside of the elements. He explained that the current garage/driveway area is not safe for their family. He shared that his wife fell and broke her wrist in that location. He explained that it would be difficult to locate the garage in the rear of the property because it would require filling in the sunken driveway, and extending the driveway to the rear of the property to access the garage, which would provide a less desirable outcome. The proposed plan is the easiest way to enclose the existing retaining walls. He feels that the proposed garage will be beneficial to the property and will not negatively impact the neighborhood.

Mr. Lauterbach asked Mr. Harris to speak to the existing garage.

Mr. Harris shared that the existing garage is a single vehicle garage and his other vehicles are parked in the driveway.

Mr. Lauterbach asked if the existing garage will be removed.

Mr. Harris stated that the existing garage will stay.

Mr. Deitz asked how wide the existing garage is.

Mr. Harris stated that he was not sure, but it definitely does not fit two vehicles.

Mr. Lauterbach inquired about the proposed garage door sizes of 8 foot and 14 foot, which seem on the smaller side.

Mr. Harris explained that he has a car that stays in the garage all the time. The other will allow for the car to turn into the existing garage.

Mr. Deitz commented that the drawings show that the garage abuts against the retaining wall, but it is not vertical.

Mr. Harris said that they plan to build new walls inside the existing retaining walls and then tie them together.

Mr. Bohachek clarified and asked if they plan to pour the new wall up against the existing and then pour concrete to join them.

Mr. Harris stated yes.

Mr. Deitz shared concerns that the existing retaining wall will continue to tilt even further than what it currently is.

Mr. Harris said that his concerns are trees falling on the roof. In the past, that area has been compromised due to deep tree roots. He shared concerns of using trees as vegetation or any screening with deep roots.

Mr. Hill said that the floor plan doesn't show the rear door. He asked if the plan is to leave the rear door and steps in place.

Mr. Harris stated that they have not fully decided what to do about the rear door or steps.

Mr. Hill asked if they may put in a door to utilize the existing steps.

Mr. Harris stated that they may, but they have not decided.

Mr. Hill shared that if they add a door, it would impact the application. He shared that he is interested in whether the building department feels this application is up to code.

Mr. Hill asked if there are plans on turning the roof of the garage into a social area.

Mr. Harris responded no.

Mr. Lauterbach asked if there is a parapet on the roof.

Mr. Harris stated yes and that the roof would be slightly below the parapet.

Mr. Lauterbach asked if the parapet elevation would be around all sides or if there will be drainage somewhere else.

Mr. Harris stated that the parapet will not be on all side, but the drainage will go from rear to front.

Mr. Lauterbach said that not having the parapet on all sides impacts the aesthetics of the garage. He added the internal drains would be more attractive.

Mr. Deitz asked if the height of the proposed garage will be below the existing windows on the house.

Mr. Harris said that the garage cannot go any higher because of the existing windows and it will be located directly under the lowest window.

Mr. Lauterbach asked what type of material and style will be used on the proposed garage.

Mr. Harris said that it will mimic the existing garage door and he would like to have some sort of light entering the garage, but the plans are not finalized.

Mr. Aaron Keyton, 15 W. Thruston Boulevard, shared that he supports this project and added that any improvement to his neighbors is an improvement to the city of Oakwood. The proposed garage will be an improvement to the "hole" that is currently there now, and it will not be highly visible from the street. The proposed garage will be a compliment to the house.

Mrs. Maureen Harris, property owner at 25 W. Thruston Boulevard, shared that the current driveway/garage is much steeper than it appears and it is dangerous. The proposed garage would improve the house.

Mr. Aaron Keyton added that there are many different options that Mr. and Mrs. Harris can look into regarding the roof and the drainage system.

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

Mr. Bohachek shared that it is hard to get a sense of the design considerations. The entry of the rear of the garage with the existing stairs will create an awkward rear yard situation. The tradition of parapet and roof drainage is to have it around each side.

Mrs. Weprin said that she feels more information is needed to consider the design structure.

Mr. Hill commented that a motion could be suggested with stipulations.

Mr. Deitz shared that he is not comfortable with a motion without seeing the design plans presented before the Board. He then suggested that the application be tabled until more information is received.

Mr. Lauterbach said that he understands Mr. Hill's recommendation, but he agrees with Mr. Deitz on tabling the application until more information can be presented.

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

STANDARDS FOR VARIANCES

- A. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.

PRELIMINARY STAFF FINDINGS: Based on the location of the home and existing driveway, the applicant is proposing the most logical location for the proposed garage.

- B. The conditions upon which a petition for a Variance is based are unique to the property for which the Variance is sought and are not applicable, generally, to other property within the same zoning classification.

PRELIMINARY STAFF FINDINGS: The conditions are unique to this property based on the specific location of the existing house and driveway.

- C. The purpose of the Variance is not based primarily upon a desire to make more money out of the property.

PRELIMINARY STAFF FINDINGS: The variance is needed to provide adequate storage of vehicles and eliminate difficulties entering and exiting the current garage.

- D. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.

PRELIMINARY STAFF FINDINGS: The layout of this property existed before the applicant acquired it.

- E. The property in question cannot yield a reasonable return if permitted to be used only under the regulations of district in which it is located.

PRELIMINARY STAFF FINDINGS: The property can yield a reasonable return if the side yard variance is not granted.

- F. The granting of the Variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

PRELIMINARY STAFF FINDINGS: Due to the topography of the existing driveway, the garage will be partially below grade and will only be partially visible to the neighbor to the west.

- G. The proposed Variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, the danger of fire, or danger to persons or property, nor will it create unreasonable noise, create a substantially adverse aesthetic appearance or substantially diminish or impair property values within the neighborhood.

PRELIMINARY STAFF FINDINGS: The proposed side yard variance should not have an adverse impact on adjacent properties or surrounding neighborhood.

- H. The shape, topography, or other conditions of the land is such that it is extremely difficult to comply with the regulations generally applicable to the property.

PRELIMINARY STAFF FINDINGS: Based on the location of the home and existing driveway, the applicant is proposing the most logical location for the proposed garage.

- I. The applicant must show that the Variance requested will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use or development of property or improvements permitted in the vicinity; will not materially impair an adequate supply of light and air to properties and improvements in the vicinity; will not substantially increase congestion in the public streets due to traffic or parking or increase the danger of flood or fire; will not unduly tax public utilities and facilities in the area; or will not endanger the public health, safety or welfare.

No yard, setback, or lot area or width Variance may be granted unless any structure subsequently placed on the lot, and the result of any changes in existing structures, must be of such appearance, size and location that it will not have an adverse impact upon the value of other residences in the immediate vicinity and on approximately the same size lots and, while recognizing the diversity of Oakwood housing, is reasonably compatible with the appearance, size and location of such other residences on such lots.

Plans for any structure to be placed upon, or improved or expanded upon, a lot granted such a Variance must be submitted in advance for approval by the BZA, and no structure may be erected except in accordance with plans approved by the BZA on the basis of meeting these conditions and the other standards required for Variances. In considering the plans, the BZA must give notice and hold a public hearing in the same manner as described above in this Section.

PRELIMINARY STAFF FINDINGS: In the overall scheme, the proposed side yard variance is not materially significant due to the fact no new impervious surfaces will be added and the proposed garage is sunken into the ground partially restricting the view from the neighbors to the northwest and street view.


Therefore, it was moved by Mr. Bohachek and seconded by Mr. Lauterbach that application #18-1, a request by Lindsay and Maureen Harris, to vary the northwest side yard setback for a proposed attached garage at 25 W. Thruston Boulevard, be tabled pending submission of the following information: details on the existing door and steps to rear yard; information on parapet wall, roof system, and roof drainage; information on drainage of driveway; three elevations: front, left, rear; and section drawing (front-to-back) to give a sense of how parapet wall and roof tie together. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Harris shared that it was his understanding that the Board reviewed the aesthetic aspects of the application related to the five foot setback variance and not construction related questions or he would have been more prepared. He clarified that there will not be a rear door and the rear steps will be removed. There will also be a trench drain feeding into the existing drain.

Mr. Hill thanked Mr. Harris for the information he presented. He shared that he is a professional architect and there is better than a 50% chance that when the plans work out, the height of the garage will change, which would require another application submission for approval to the BZA.

Mr. Harris shared that he will work with city staff and get the information that the Board is requesting.

There being no further business, the meeting concluded at 5:47 p.m.


CHAIR

ATTEST:


RECORDING SECRETARY