

Oakwood, Ohio
November 8, 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 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 BOHACHEKPRESENT
MR. DAN DEITZ.....PRESENT
MR. KEVIN HILLABSENT
MRS. LINDA WEPRINPRESENT
MR. NICK ENDSLEYPRESENT

The following officers of the city were present:

Mr. Norbert S. Klopsch, City Manager
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:

Mr. Rob and Mrs. Jayne Connelly, 1301 Raleigh Road
Mr. Jonathan Schaaf, RDA Group Architects
Mr. Edman Gray, 1209 Raleigh Road

City Manager Norbert Klopsch began the meeting by sharing that after serving on the Planning Commission since 1999, Planning Commission Chair Jeff Shulman has decided to retire. He shared that Greg Lauterbach has moved from the Board of Zoning Appeals to the Planning Commission to fill Mr. Shulman's vacancy. Nick Endsley has agreed to serve on the Board of Zoning Appeals to fill Mr. Lauterbach's vacant seat. Mr. Endsley is an attorney at Sebaly Shillito + Dyer, LPA. He graduated from the University of Wisconsin-Madison in 2006 with a BA in Political Science and History and the University of Cincinnati College of Law in 2010. Mr. Klopsch welcomed Mr. Endsley to the Board of Zoning Appeals.

Mr. Bohachek shared that Mr. Hill has affiliations to both the applicant and the applicant's architect, so he has recused himself from the meeting. It was moved by Mr. Bohachek and seconded by Mr. Deitz that the absence of Mr. Hill be excused. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

Mr. Bohachek asked the members of the Board if any discussion was warranted regarding the minutes from the September 13, 2018 meeting which were slated for approval. There being no discussion, Mr. Bohachek moved that the minutes from the September 13, 2018 meeting be approved. Mrs. Weprin seconded the motion. Upon a viva voce vote, with the exception of Mr. Endsley, motion passed and the minutes were approved.

Mr. Kroger referenced a PowerPoint presentation and explained that Application 18-2 was filed by Jonathan Schaaf with RDA Group Architects on behalf of Rob and Jayne Connelly to build a one story, 380 square foot sun room addition and 50 square foot chimney addition to the existing single family residence. Mr. Kroger then provided property details. The Connelly property at 1301 Raleigh Road was built in 1931 on 0.568 acres. The property is in the R-1 (single family) Zoning District. The R-1 Zoning District is intended to preserve those residential areas which are best suited for large lot development and to maintain the character of existing low-density, single family developments.

Mr. Kroger shared that this property may be familiar to the Board of Zoning Appeals, as it was reviewed as part of a similar request filed by architect Earl Reeder in September 2016. In that case, a request to vary the rear and north side yard setbacks was granted. The Oakwood Zoning Code provides that a variance approval lapses if construction has not started within six months; therefore the 2016 approval lapsed in March of 2017. The Connellys are now working with a different architect, RDA Group Architects, who have been making revisions to the original plans on a smaller scale.

Unlike the 2016 application, the new plan only requires a variance to the north side yard setback. No rear setback variance is necessary. The R-1 zoning district requires a 20 foot side yard setback. The 2016 proposal request was for a rear yard setback of approximately 57 feet, where 60 is required, and a side yard setback of approximately 6 feet, where 20 is required. The current proposal is for a side yard setback of 7 feet 10 inches, where 20 is required.

The planned additions will be located approximately 45 feet from the neighboring home to the northeast. The proposed additions are architecturally compatible with the existing structure and building materials will match the existing. The property is currently non-conforming as the existing home encroaches approximately 7 feet 9 inches into the required side yard. The requested variance would increase the non-conformity by an additional 4 feet 5 inches with the home encroaching 12 feet 2 inches into the side yard, resulting in a final side yard setback of 7 feet 10 inches. The proposed additions will further reduce the existing north side yard setback, but there is an existing row of mature evergreen vegetation which will provide nearly complete screening of the proposed improvements.

Based on Oakwood's rules and regulations, any impervious surface being added over 350 feet necessitates a trench drain detail. The proposed additions are roughly 430 square feet and the applicant is proposing an adequate trench drain.

Mr. Kroger closed his presentation by stating that should the Board of Zoning Appeals choose to approve this application, staff recommends the following conditions: 1) the materials and finishes for the proposed additions should match or complement the existing home; and, 2) proper screening should be planted to adequately shield the view to the neighboring home to the north.

Mr. Deitz asked if the plans from 2016 were less than 350 square feet.

Mr. Kroger shared that it was more.

Mr. Deitz asked if a trench drain was provided with the previous proposal.

Mr. Kroger confirmed that there was a trench drain provided.

Mr. Deitz asked if there will be any interior construction.

Mr. Kroger shared that there will be interior renovations, but they will not be done in conjunction with this project.

Mr. Bohachek opened the public hearing.

Mr. Jonathan Schaaf, RDA Group Architects, shared that Mr. Kroger did a good job of explaining the project details. He explained that the Connelys scaled back the project due to space and overall budget and costs concerns. The current proposal follows the same theme that was approved a few years, including aesthetics. The project is compatible with previous finishes and additions and will tie in to both sides of the house.

Mr. Endsley asked about the existing landscape screening.

Mr. Schaaf shared that there is existing screening, and additional screening will be added to ensure full coverage for the neighbor.

Mrs. Weprin confirmed the size of the smaller addition.

Mr. Schaaf shared that the smaller addition is 4 feet 9 inches from the north side.

Mrs. Weprin asked if the chimney was 2 feet.

Mr. Schaaf shared that the chimney is actually a flue for a pizza oven.

Mr. Deitz asked if the flue is shown on the elevation drawings.

Mr. Schaaf pointed out the location of the flue on the east elevations, which looks close to an existing second story window. He shared that it is a metal flue that comes up from the first story roof, but it is pulled away from the window per the manufacturing specifications so there is no interference. It will look no different than it does today, other than being moved out to 4 feet 9 inches.

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

Mr. Deitz commented that the plans are a less impactful version of the project.

Mrs. Weprin asked if the landscaping will hide the addition.

Mr. Schaaf shared that the addition will be visually screened.

Mr. Bohachek said that the project is scaled with the rest of the house and is at an adequate distance from the neighbors. He added that he does not have any concerns.

Mr. Endsley shared that he feels that this proposal is less impactful than the previous approved plans.

Therefore, it was moved by Mr. Bohachek and seconded by Mr. Deitz that the preliminary staff findings be adopted, and the variance request be approved for application #18-2, for proposed construction of a one-story 380 square foot sunroom/kitchen addition at 1301 Raleigh Road, with the following conditions: 1) the materials and finishes for the proposed additions should match or complement the existing home; and, 2) proper screening should be planted to adequately shield the view to the neighboring home to the north.

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

STANDARDS FOR VARIANCES

- 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 be used as a single family residence with or without the variance.
- B. Whether the variance is substantial;
PRELIMINARY STAFF FINDINGS:
➤ The variance would allow a 7 foot 10 inch side yard setback where the code provides for 20 feet, a difference of 12 feet 2 inches. The property is currently nonconforming as the existing home encroaches approximately 7 feet 9 inches into the required side yard. The requested variance would increase the nonconformity by an additional 4 feet 5 inches with the home encroaching 12 feet 2 inches into the side yard, resulting in a final side yard setback of 7 feet 10 inches. While the side yard encroachments are not insignificant, the proposed additions are tastefully done and the resulting improvements will be screened by existing and proposed evergreen trees.
- 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:
➤ As mentioned above, the resulting improvements will be screened by existing and proposed evergreen trees. There is no reason to believe that adjoining properties would suffer a substantial detriment as a result of the variance. The proposed additions will be located approximately 45 feet from the neighboring home to the northeast.
- 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:
➤ Staff believes a variance is the best way to avoid unusual or unsightly construction.

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 primary principal structure and the property line. 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. KIP BOHACHEK YEA
MR. DAN DEITZ..... YEA
MRS. LINDA WEPRIN YEA
MR. NICK ENDSLEY YEA

There being four (4) YEA votes, thereon, said motion carried.

There being no further business, the meeting concluded at 5:03 p.m.



CHAIR

ATTEST:



RECORDING SECRETARY

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.



 ACTING CHAIR

ATTEST:



 RECORDING SECRETARY