

Oakwood, Ohio
August 10, 2017

The Zoning Board of Appeals met in session this date at 4:30 o'clock 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	ABSENT
MRS. LINDA WEPRIN	PRESENT

The following officers of the city were present:

Mr. Jay A. Weiskircher, Assistant City Manager
Mr. Ethan M. Kroger, Code Enforcement Officer

The following visitors registered:

Markus Rumpfkeil & Susan Csiszar, 126 W. Dixon Avenue

Mr. Bohachek moved to excuse the absence of Mr. Hill. The motion was seconded by Mr. Deitz.

Mr. Bohachek asked the members of the Board if any discussion was warranted regarding the minutes from the June 8, 2017 meeting which was slated for approval. There being no further discussion, Mr. Lauterbach moved that the minutes from the June 8, 2017 meeting be approved. Mrs. Weprin seconded the motion and it was so ordered.

Mr. Bohachek reviewed the meeting procedure with all in attendance.

Application #17-2, a request by Markus Rumpfkeil, to vary the west side yard setback for installation of a carport at 126 W. Dixon Avenue.

Mr. Bohachek opened the public hearing.

Mr. Markus Rumpfkeil, property owner at 126 W. Dixon Avenue, thanked city staff and the Board for their assistance with his application, and for taking the time to consider his proposal. He stated that the variance request is to build a carport. He explained that they have a single car garage for a family with two working parents. They live across the street from Harman Elementary School which creates additional on-street parking challenges. Mr. Rumpfkeil is considering purchasing another electric car and a dedicated parking spot will be needed for the charging station. He shared that other neighbors, such as at 622 Oakwood Avenue and 815 Harman Avenue, have a carport and garage at the property line, so there appears to be a precedent in the neighborhood for this type of variance. Mr. Rumpfkeil does not believe that the proposed carport will negatively impact the neighbors or the visual appeal of the neighborhood. He believes the carport will not only provide positive benefits for his family, but it would also benefit the community by easing some of the parking difficulties in the vicinity of Harman Elementary.

Mr. Bohachek asked if the structure will be attached to the house.

Mr. Rumpfkeil responded no, the proposed carport will be freestanding.

Mr. Weiskircher made a clarification to the Board. He explained that staff was under the impression that the carport was attached to the house so the staff report was written with that premise in mind. With the statement that the carport is unattached, a variance will still be required, but the setback changes from 20 feet to 5 feet.

Mr. Bohachek explained that the Building Code states that an attached structure cannot be closer than 2 feet from the property line. A detached structure less than 200 feet is exempt from this Building Code requirement.

Mr. Lauterbach asked if a variance would be needed for a concrete pad.

Mr. Weiskircher stated that a 5 foot variance would still be needed.

Mr. Bohachek commented about the flags that were placed 3 feet away from the property line. It was his understanding that the bushes were at the property line.

Mr. Rumpfkeil explained that those flags were placed 3 feet from the property line at the request of DP&L to bury cable wires.

Mrs. Weprin asked if the singles on the proposed carport would match the shingles on the house.

Mr. Rumpfkeil responded yes.

Mr. Lauterbach asked where the electric plug for the car would be placed.

Mr. Rumpfkeil said that it would be on the house and installed on the wall of the carport.

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

Mr. Deitz shared that he believes the structures mentioned by Mr. Rumpfkeil are just old structures that do not set a precedent. If this variance were granted, it would indeed set a precedent and future requests.

Mr. Bohachek said that he feels that the proposed cover structure is too close to the property line. He sympathizes with the applicants parking situation and understands that parking is not ideal near the school, but the proposed carport could create safety concerns.

Mr. Lauterbach added that he is in concurrence with the comments that have already been made. He shared that he would consider a concrete car pad to allow additional parking more than a covered carport.

Mr. Deitz added that if the carport was further from the property line and not on the hillside, he would be okay with it, but the location is just not a good fit.

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: Although the home was built in 1955 before the Zoning Code was adopted thus the existing side yard non-conformity, the challenges and limitations associated with a one-car garage and a narrow driveway already existed when the property was purchased two years ago.

- 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 in this application are not unique and are fairly typical of properties in the community with a single car garage.

- 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 purpose of the variance is to create additional space to park a second vehicle along the side of the house in order to provide unrestricted ingress and egress to the driveway and 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 difficulty in this application is the fact that placing a carport on the west side of the house results in just a 15 inch setback where 20 feet is required.

- 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 in question can yield a reasonable return under the setback regulations for the district.

- 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: Staff does not believe that a structure 9x16 and 8 ½ feet in height should be located just 15 inches from the property line even though the edge of the adjoining house to the west is 44 ½ feet away. We also question whether the proposed space is even wide enough to conveniently open the driver's side door.

- 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: While the applicant certainly has convenience issues associated with two cars and only a single car garage, the proposed solution requires a significant side yard variance along with the added impervious surface which staff believes will have an adverse aesthetic impact on the property and is also inconsistent with the character of the community.

- 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: The house is only 9 feet from the west lot line where 20 feet is required so any improvements within the side yard require a variance request.

- 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: Staff does not believe that what is being proposed is consistent with the intent of the Zoning Code.

There was no motion for application #17-2, a request by Markus Rumpfkeil, to vary the west side yard setback for installation of a carport at 126 W. Dixon Avenue, so therefore the request was denied.

There being no further business, the meeting concluded at 4:58 p.m.


CHAIR

ATTEST:


RECORDING SECRETARY