

Oakwood, Ohio
June 8, 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 BOHACHEKPRESENT
- MR. DAN DEITZ.....PRESENT
- MR. GREG LAUTERBACHPRESENT
- MR. KEVIN HILLPRESENT
- MRS. LINDA WEPRINPRESENT

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:

- Charles Rossi, 1119 Oakwood Avenue

Mr. Weiskircher noted that since this is the first meeting of the BZA for 2017, they will need to appoint a Chair and Vice Chair. Following a brief discussion, Mr. Lauterbach made a motion, second by Mr. Hill, to reappoint Mr. Bohachek as Chair. The motion passed unanimously. Mr. Bohachek made a motion, second by Mr. Lauterbach to reappoint Mr. Deitz as Vice Chair. The motion passed unanimously.

Mr. Bohachek asked the members of the Board if any discussion was warranted regarding the minutes from the October 13, 2016 meeting which was slated for approval. There being no further discussion, Mr. Bohachek moved that the minutes from the October 13, 2016 meeting be approved. Mr. Lauterbach seconded the motion and it was so ordered.

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

Application #17-1, a request by Charles Rossi, to vary the north side yard setback for installation of a deck with stairs at 1119 Oakwood Avenue, and known as PT lot 2719.

Mr. Bohachek opened the public hearing.

Mr. Charles Rossi, property owner at 1119 Oakwood Avenue, explained that the variance request is for a small deck as a way to get out of their home from the sliding glass door that was previously installed.

Mr. Bohachek asked why the variance was needed.

Mr. Weiskircher explained that the side yard is non-conforming at 13 feet and the deck would further reduce it to 5 feet.

Mr. Deitz asked if installing only the steps would require a variance.

Mr. Weiskircher answered yes.

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

Mr. Bohachek asked if a variance was needed when the house was built.

Mr. Weiskircher answered yes.

Mr. Rossi stated that it is possible that a variance was not needed, and further explained that it would have been a 10 foot variance in 1957 and the variance requirements were later changed to 20 feet.

Mr. Bohachek stated that either way, the house is non-conforming with the existing code.

Mr. Deitz opined that the drawings look better than the previous plans from 2012.

Mr. Bohachek agreed and added that this proposal is less intrusive than just adding a set of steps.

The Board was in agreement that they do not have any issues with the proposed variance request.

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: The property owner replaced an existing window with a sliding door in 2006 and was told at the time that a variance would be needed to provide access to the door.

- 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: There is nothing particularly unique about the conditions in this application.

- 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 provide ingress and egress from an existing sliding door.

- 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 side yard is already non-conforming so any improvements that project from the house require a variance.

- 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 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: The proposed steps and deck are nearly 180' away from the edge of the adjoining home to the north and will not be plainly visible from the street.

- 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 steps and deck will be constructed with treated wood commonly used in deck construction so it should have no adverse aesthetic appearance nor impair property values within the 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: There are no shape or topographical conditions associated with this application.

- 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: The proposed steps and deck will have no impact whatsoever on the public welfare or other properties in the immediate vicinity.

Therefore, it was moved by Mr. Bohachek and seconded by Mr. Hill that application #17-1, a request by Charles Rossi, to vary the north side yard setback for installation of a deck with stairs at 1119 Oakwood Avenue, and known as PT lot 2719. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

There being no further business, the meeting concluded at 4:40 p.m.


CHAIR

ATTEST:


RECORDING SECRETARY