

Oakwood, Ohio
November 14, 2019

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. KEVIN HILLPRESENT
- MR. DAN DEITZ.....PRESENT
- MRS. LINDA WEPRINPRESENT
- MR. NICK ENDSLEYPRESENT

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:

- Clint Lutz, Contractor for 1101 Runnymede Road

Mr. Bohachek called the meeting to order.

Mr. Bohachek asked the members of the Board if any discussion was warranted regarding the minutes from the August 8, 2019 meeting which were slated for approval. There being no discussion, Mr. Hill moved that the minutes from the August 8, 2019 meeting be approved. Mrs. Weprin seconded the motion. Upon a viva voce vote, motion passed and the minutes were approved.

Mr. Bohachek reviewed the meeting procedure with all in attendance. He then asked Mr. Kroger to present a staff report before opening the public hearing.

Mr. Kroger presented the staff report. He referenced a PowerPoint presentation and provided the following information.

Application #19-5 was filed by Clint Lutz on behalf of Heather Murphy to install entrance pillars and two automatic entry gates at 1101 Runnymede Road.

The property at 1101 Runnymede Road was built in 1918 on 2.356 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 reviewed the front yard setback requirements for the R-1 Zoning District. He explained that the proposed security gates will be located approximately 60 feet from the public right-of-way, limiting the pillars and security gate height to four feet under the current code. The applicant proposes to install pillars and a gate with a height of six feet at its peak. Under Section 901.9(2), this height would require a setback of 100 feet. The applicant is therefore requesting to vary the required setback from 100 feet to 60 feet, a difference of 40 feet.

Mr. Kroger displayed renderings of a property location map, existing home, multiple site plan views showing the proposed pillar and security gate locations, and renderings of the proposed gates.

Mr. Kroger closed his presentation by stating that if the Board of Zoning Appeals is inclined to grant this setback variance, staff requires that the property owner/contractor must install a Knox Box on or near the entrance gate, to the satisfaction of the Oakwood Public Safety Department.

Mr. Hill asked how far the proposed security gates will be from the public right-of-way.

Mr. Kroger and Mr. Lutz explained that due to the way Runnymede Road curves, there are different measurements, but the closest the gate would be to the road is 60 feet.

Mrs. Weprin asked if there is an easement at the location to consider.

Mr. Kroger shared that there is not an easement.

Mr. Bohachek asked if the 60 feet was measured from the proposed gate location to the edge of the property line and not the edge of the street, as the Code states.

Mr. Kroger confirmed yes.

Mr. Deitz asked for the distance if there was no property footprint.

Mr. Kroger shared that the footprint alone would be limited to four feet.

Mr. Deitz asked why only one side of the gate opens in the center.

Mr. Lutz explained that they are using a bilateral swinging gate on one side to avoid removing mature vegetation and to avoid positioning the gate closer to the property line.

Mr. Hill asked what the fence posts materials are.

Mr. Lutz confirmed that the posts will be made of wrought iron.

Mr. Endsley inquired about the distance of the gates from the property line.

Mr. Kroger shared that 60' – 62' is the distance.

Mr. Lutz shared that there are parking spots in the front yard and if the gates were moved away from the street and closer to the house, the parking spaces would be eliminated.

Mr. Kroger added that there is additional parking behind the house where the attached garage is located.

Mr. Bohachek opened the public hearing.

Clint Lutz, contractor for 1101 Runnymede Road, thanked Code Enforcement Officer Ethan Kroger for all of his help with this application. He also thanked the Board for their time in reviewing the application. Mr. Lutz explained that the applicant will be placing a Knox Box and a SOS sensor to allow entry of emergency vehicles. He then shared an updated rendering.

Mr. Jacques asked that Mr. Lutz provide copies of the updated rendering to city staff.

Mr. Hill asked if there are plans to thin out the existing vegetation.

Mr. Lutz shared that the vegetation has already been thinned out from other recent renovations.

Mr. Deitz asked if the proposed gates were selected prior to being aware of the permit requirements.

Mrs. Lutz said that the gates were already selected.

Mrs. Weprin asked if the gates will only be used for cars.

Mr. Lutz confirmed yes.

Mr. Deitz asked if there has been discussion about placing a fence on the side of gate.

Mr. Lutz answered no.

Mr. Jacques commented that the homeowner would be able to install a fence without any problems.

Mr. Bohachek closed the public hearing and the Board began their deliberations.

Mr. Endsley shared that he does not have any concerns with the application.

Mr. Hill stated that the proposed gates are tall for the location, however, the vegetation and green wall softens that gate nicely. He opined that the gate would look odd if the vegetation is removed.

Mrs. Weprin added that the property has a lot of vegetation at the front of the house.

Mr. Bohachek commented that the gates match the scale of the house and property. The setback is also far enough from the street that the gates will not loom over the road.

Mr. Deitz asked if city staff will be verifying that the gates are 60 feet away from the public right-of-way.

Mr. Kroger said that he plans to meet the contractor at the property to verify placement.

Therefore, it was moved by Mr. Hill and seconded by Mr. Bohachek that the preliminary staff findings be adopted, and application #19 – 5, to vary the front yard setback for entrance pillars and two automatic entry gates at 1101 Runnymede Road be approved under the conditions that the property owner/contractor must install a Knox Box and SOS sensor on or near the entrance gate, to the satisfaction of the Oakwood Public Safety Department.

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 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 6 foot security gate where the code provides for a 4 foot security gate, a difference of 2 feet in height. Considering the scale of nearby structures and the year round vegetation, as well as the size and scope of the property. Staff considers this a relatively minor variance.

- 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:

- Staff does not believe that the character of the neighborhood would be substantially altered or adjoining properties would suffer substantial detriment as a result of the variance. The gates will still be a considerable distance from the road.

- 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. The security gate will automatically open to emergency service vehicles and the applicant proposes to install a Knox Box for police/fire access in the event of a malfunction.

- 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:

- The applicant could choose shorter pillars and security gates that meet code and do not require the issuance of a variance.

- 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 scale for accessory structures and to position them sufficiently from public streets. Staff believes the proposed plan serves that spirit and intent due to the nature of the surrounding landscape and scale of nearby structures.

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. KEVIN HILL YEA
- MR. DAN DEITZ YEA
- MRS. LINDA WEPRIN YEA
- MR. NICK ENDSLEY YEA

There being five (5) YEA votes, thereon, said motion carried.

There being no further business, the meeting concluded at 4:50 p.m.



 CHAIR

ATTEST:


 RECORDING SECRETARY