


Upon call of the roll on the question of the motion, the following vote was recorded:

MR. KIP BOHACHEK	ABSENT
MR. KEVIN HILL	YEA
MRS. LINDA WEPRIN	YEA
MR. NICK ENDSLEY	ABSENT
MR. DON O'CONNOR	YEA

There being three (3) YEA votes, thereon, said motion carried.

Mr. Hill closed the meeting by thanking city staff for preparing the report and for their assistance throughout the year. Mr. Hill then thanked the Board members for their service to the community.

There being no further business, the meeting concluded at 4:52 p.m.



 CHAIR

ATTEST:


 KEVIN HILL



 CLERK

Oakwood, Ohio
June 8, 2023

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 Clerk, Ms. Lori Stacel recorded.

Upon call of the roll, the following members of the Board responded to their names:

MR. KIP BOHACHEK.....	PRESENT
MR. KEVIN HILL.....	PRESENT
MRS. LINDA WEPRIN.....	ABSENT
MR. NICK ENDSLEY	PRESENT
MR. DONALD O'CONNOR	PRESENT

The following officers of the city were present:

Mr. Ethan M. Kroger, Code Enforcement Officer
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Mrs. Lillie Walsh, Applicant, 205 Kramer Road

There were no Zoom visitors in attendance.

Mr. Bohachek called the meeting to order at 4:30 p.m. He shared that Mrs. Weprin was unable to attend the meeting and asked to be excused. It was moved by Mr. Bohachek and seconded by Mr. Endsley that her absence be excused; the motion was approved by viva voce vote.

Mr. Bohachek asked if there were any questions or concerns with the minutes from the December 9, 2021 meeting. There being none, it was moved by Mr. O'Connor and seconded by Mr. Endsley that the minutes be approved as submitted and the reading thereof be dispensed with at this session. Upon a viva voce vote on the question of the motion, the same passed unanimously and it was so ordered.

Mr. Bohachek explained that the only agenda item is Application #23-1 to consider a variance approval for a corner side yard setback structure in conjunction with a covered porch structure to be added onto the existing single family residence located at 205 Kramer Road.

Mr. Bohachek then asked Mr. Kroger to present a staff report before opening the public hearing.

Mr. Kroger referenced a PowerPoint presentation and provided the following information.

Application #23-1 was filed by Lillie and Andrew Walsh requesting a variance approval to build a covered porch on their corner lot at 205 Kramer Road.

The property at 205 Kramer Road is in the R-3 (single family) Zoning District which is intended to preserve those residential areas which are best suited for medium-sized lot development and to maintain the character of existing low-density, single family developments.

Mr. Kroger reviewed the corner side yard setback requirements for the R-3 Zoning District. The R-3 Zoning District requires a 30-foot corner side yard setback for building additions to be added to the primary structure. However, the home is currently non-conforming and has a current setback of 26'.8" from the corner side yard. The applicant's proposal to add a new covered porch structure

would require a variance that would change the corner side yard setback by approximately 8 feet, reducing it from 26'.8" feet to approximately 18 feet.

Mr. Kroger displayed renderings of a property location map and a site plan showing the proposed porch addition.

Mr. Kroger closed his presentation by stating that if the Board of Zoning Appeals is inclined to grant this setback variance, staff requests that the property owner/contractor comply with the following conditions:

1. The property owner must obtain appropriate permits through the city of Kettering;
2. Any drainage pattern disruption resulting from the installation of the covered patio must be addressed by the applicants so that there is no resulting negative affect on neighboring or city-owned property.

Mr. Bohachek opened the public hearing.

Mrs. Lillie Walsh, Applicant at 205 Kramer Road, shared that they currently have a brick "stoop" that is falling apart. The proposed porch will be a nice addition and will be consistent with other homes in the neighborhood.

Mr. O'Connor commented that the request is straight forward and the proposed porch will fit perfectly in the neighborhood.

Mr. Endsley stated that he does not have any concerns. He noted that the proposed porch will be consistent with other porches in the neighborhood.

Mr. Hill shared that he does not have any concerns.

Mr. Bohachek noted that he does not have any concerns. He believes that the proposed porch will blend in with the neighborhood just fine.

Therefore, it was moved by Mr. Hill and seconded by Mr. Endsley that the preliminary staff findings be adopted, and application #23-1 to vary the corner side yard setback for a proposed covered porch on the corner lot at 205 Kramer Road be approved, with the following conditions:

1. The property owner must obtain appropriate permits through the city of Kettering.
2. Any drainage pattern disruption resulting from the installation of the covered patio must be addressed by the applicants so that there is no resulting negative affect on neighboring or city-owned property.

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. The covered porch structure will complement the existing principal and accessory structures, and additional landscaping will be installed to minimize the impact to surrounding/adjacent properties.

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:

- It is the opinion of staff 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. (See attached comment forms.)

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.

F. Whether the property owners' predicament feasibly can be obviated through some method other than a variance;

PRELIMINARY STAFF FINDINGS:

- Due to existing layout of the lot and the nature of the covered porch structure, it would be difficult for the applicant to complete the proposed project without a variance. The applicant could reduce the overall size of the structure, but it is likely that setback variances would still be required.

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. There are several homes in the area with covered porches in the front and corner side yards in the surrounding neighborhood.
- It is staff's opinion that the applicants have chosen the most logical location on this corner lot for the proposed covered porch structure.

H. Any other relevant factors.

PRELIMINARY STAFF FINDINGS:

- None.

STAFF COMMENTS

Should the BZA be inclined to grant this setback variance, staff requires the following:

1. The property owner must obtain appropriate permit through the city of Kettering;


- 2. Any drainage pattern disruption resulting from the installation of the covered patio must be addressed by the applicants so that there is no resulting negative effect on neighboring or city-owned property.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. KIP BOHACHEK YEA
 MR. KEVIN HILL YEA
 MRS. LINDA WEPRIN..... ABSENT
 MR. NICK ENDSLEY YEA
 MR. DON O'CONNOR..... YEA

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

There being no further business, the Board of Zoning Appeals adjourned. The public meeting concluded at 4:42 (4:49) p.m.


 CHAIR

ATTEST:


 CLERK

