

Oakwood, Ohio
May 12, 2016

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
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Aart den Hoed, 410 Ridgewood Avenue
Duane Harrison, 336 Ridgewood Avenue

Mr. Weiskircher noted that since this is the first meeting of the BZA for 2016, they will need to appoint a Chair and Vice Chair. Following a brief discussion, Mr. Hill made a motion, second by Mrs. Weprin, to reappoint Mr. Bohachek as Chair and Mr. Dietz 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 22, 2015 meeting which was slated for approval. There being no further discussion, Mr. Bohachek moved that the minutes from the October 22, 2015 meeting be approved. Mr. Lauterbach seconded the motion and it was so ordered.

Application #16-1, a request by Aart Den Hoed, to vary the five (5) foot side yard setback for a proposed rear yard storage shed at 410 Ridgewood Avenue.

Mr. Bohachek opened the public hearing.

Mr. den Hoed explained that he has experienced issues with the back alley for several years. He is asking for the variance in order to maximize available space in his rear yard for a future detached garage. The dimensions of the shed would be 12 foot high, 8 x 18. He explained that he currently has a trailer for storage and this proposed shed would allow him to get rid of the trailer, which his neighbors would appreciate. The proposed shed will be covered with either wood siding or brick siding and have a 3-dimensional shingle roof.

Mr. Lauterbach confirmed that the dimensions of the shed would be 8 x 18.

Mr. den Hoed confirmed yes, and stated that the height would be 12 foot high because he wanted to maximize available storage space.

Mr. Lauterbach said that he would like to see a drawing of the future garage to see why the shed needs to be only two feet off the property line.

Mr. den Hoed explained that he has been negotiating with his neighbors for the past ten years for an alley vacation agreement. At this point, he needs some type of storage structure.

Mr. Bohachek inquired about the alley vacation and asked if Mr. den Hoed would be able to access to a future detached garage once the vacation is complete.

Mr. Weiskircher explained that the normal process with a vacation is that half of the strip would go to Mr. den Hoed and the other half would go to his neighbor. He further explained that the first portion of the alley is already a public alley.

Mr. Lauterbach stated that if the alley is split in half, 8 feet and 8 feet, it would be too narrow for Mr. den Hoed to get through to his detached garage.

Mr. Weiskircher added that it is possible that Mr. den Hoed will get 12 feet of the alley and his neighbor will get only 4 feet.

Mr. den Hoed added that there have been many issues with the alley over the past ten years. He shared that he has looked at different all different places in the backyard for the detached garage.

Mr. Lauterbach reiterated that it is difficult to determine proper placement of the shed without seeing the proposed garage plans.

Mr. Bohachek asked why Mr. den Hoed felt the additional three (3) foot variance was needed.

Mr. den Hoed said that it was needed to maximize the available space in his rear yard for a future detached garage.

Mr. Bohachek explained that there would be a building code issue associated with a fire wall with the proposed shed being less than five feet from the property line.

Mr. Duane Harrison, 336 Ridgewood Avenue, shared that he is Mr. den Hoed's neighbor, and he fully supports him getting rid of the trailer and building a shed so he has a storage facility.

Mr. Deitz said that he feels it is hard to justify a hardship with this application.

Mr. Hill said that he agrees. He does not feel a hardship applies as defined by the zoning code.

Mrs. Weprin asked why it has taken so long for the alley vacation to move forward.

Mr. Weiskircher answered that it is a long story as to why the alley vacation has not proceeded, but city staff and the neighbors are continuing to try and come to a resolution.

Mr. Deitz said that all affected property owners need to decide and agree on the alley vacation.

Mr. Bohachek said that it sounds like vacating the alley may be a long term issue, but he still does not feel that the shed needs to be two feet from the property line.

Mr. den Hoed explained that he has looked into all of the viable options for the shed placement. He explained that he has installed proper drainage in the backyard and would be able to have both the shed and detached garage.

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

Mr. Bohachek said that he has concerns approving this variance for a shed being placed two feet from the property line knowing that there are plans for a future detached garage once the alley is vacated.

Members of the board were all in agreement.

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 physical surroundings, shape and topographic conditions are fairly typical of properties in this area and do not present a particular hardship on the applicant.
- 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 to this property.
- 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 request is to erect a storage shed rather than a desire to make more money out of the property.
- 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: Some of the difficulty associated with this application was created by the applicant a number of years ago when he went ahead and removed the section of the alley behind his home in anticipation of the alley being vacated. The alley vacation is still pending as the applicant's abutting neighbor to the south has so far refused to sign off on the vacation request.
- 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 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 neighbor to the west submitted an email indicating his support of the variance request.
- 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 proposed variance will not create an adverse aesthetic impact nor impair property values in the area. The shed will be covered with brick siding and have a shingle roof.

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 existing conditions that would make it difficult to meet the five (5) foot side yard setback requirement.

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: Except for the setback, the proposed shed meets all other zoning requirements.

There was no motion for application #16-1, the request to vary the five foot (5) side yard setback for a proposed rear yard storage shed at 410 Ridgewood Avenue, so therefore the request was denied.

There being no further business, the meeting concluded at 5:10 p.m.


CHAIR

ATTEST:


RECORDING SECRETARY