

Oakwood, Dayton, Ohio
June 12, 2014

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, Dayton, 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
MRS. JANE G. VOISARDPRESENT
MR. GREG LAUTERBACHPRESENT
MR. KEVIN HILLPRESENT

The following officers of the city were present:

Mr. Dave Bunting, City Inspector

The following visitors registered:

John and Autumn Johnson, 1220 Runnymede Road
Dan DeVol, Contractor for 1220 Runnymede Road

Mr. Bohachek asked the members of the Board if any discussion was warranted regarding the minutes from the May 8, 2014 meetings which were slated for approval. There being no further discussion, Mr. Bohachek moved that the minutes from the May 8, 2014 meeting be approved. Mr. Dietz seconded the motion and it was so ordered.

Application #14-2, the request by John and Autumn Johnson to vary the front yard setback for an attached, single bay garage addition at 1220 Runnymede Road also known as lot 3790.

Mr. Bohachek opened the public hearing. Mr. Dan DeVol, contractor for 1220 Runnymede Road, addressed the Board. Mr. DeVol shared that the home was built in 1965 and has been renovated multiple times. He explained that it currently has a two car garage and the Johnson's would like to add a third bay.

Mrs. Autumn Johnson introduced herself and said that she's very excited to be moving in.

Mr. Lauterbach inquired about the new siding. In the proposal, it states that the new siding will match the existing siding. He asked what the existing siding was. Mrs. Johnson confirmed that it was aluminum siding.

There being no other comments, Mr. Bohachek closed the public hearing and the Board reviewed the request.

Mrs. Voisard asked if the brick will be painted. Mr. DeVol shared that the decision with the brick is still up in the air. Mrs. Johnson explained that they want to keep their house unique so it will stand out. She said there is a chance the brick color will match and may not require painting.

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 front yard is already nonconforming so any addition to the front of the property requires a variance.

BOARD OF ZONING APPEALS FINDINGS: Sustained.

- 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: This house was built before the adoption of the zoning code and like so many other properties around the community, the front yard does not meet the current setback requirements.

BOARD OF ZONING APPEALS FINDINGS: Sustained.

- 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 construct an additional garage bay and is not based primarily upon a desire by the property owner to make more money out of the property.

BOARD OF ZONING APPEALS FINDINGS: Sustained.

- 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 alleged difficulty in this application was created when the house was originally built in 1964 prior to the adoption of the 1965 zoning code.

BOARD OF ZONING APPEALS FINDINGS: Sustained.

- 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 request is not granted.

BOARD OF ZONING APPEALS FINDINGS: Sustained.

- 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: Although the front of the house already encroaches into the front yard setback, the proposed garage will actually sit further back from the street and should not impact the neighborhood.

BOARD OF ZONING APPEALS FINDINGS: Sustained.

- 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: In addition to the fact that the proposed garage addition will not impact adjoining property owners, the architecture and exterior building materials will match the existing.

BOARD OF ZONING APPEALS FINDINGS: Sustained.

- 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: With the house already nonconforming, any proposed improvement in the front yard requires variance approval.

BOARD OF ZONING APPEALS FINDINGS: Sustained.

- 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: Not only will the proposed garage sit back further from the street than the furthest encroachment of the existing home, but the design and building materials will match the existing house.

BOARD OF ZONING APPEALS FINDINGS: Sustained.

Therefore, it was moved by Mr. Hill and seconded by Mrs. Voisard that application #14-2, the request to vary the front yard setback for an attached, single bay garage addition at 1220 Runnymede Road also known as lot 3790 be approved.

Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

At the end of the meeting, Mrs. Voisard shared that she sold her house and will possibly be moving out of the city of Oakwood. Board members also discussed attendance for the July Board of Zoning Appeals meeting.

The public meeting concluded at 4:50 p.m.



CHAIR

ATTEST:



RECORDING SECRETARY