

BOARD OF ZONING APPEALS MEETING  
SEPTEMBER 18, 2012  
7:00 P.M.

I CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

II ROLL CALL

Members Present: Carolyn Ghantous, Lawrence Hawkins III, Ed Knox,  
Joe Ramirez, William Reichert, Robert Weidlich and Jane Huber

Others Present: Randy Campion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF AUGUST 21, 2012

(Mr. Hawkins moved to adopt the August 21, 2012 Board of Zoning Appeals meeting minutes; Mrs. Ghantous seconded the motion and with six affirmative votes from the Board of Zoning Appeals Members and Mr. Knox abstaining, the minutes were adopted as written.)

V CORRESPONDENCE

Chairman Weidlich: For correspondence we had one memo from the Building Department included in our packets.

VI REPORT ON COUNCIL

(Mr. Hawkins gave a summary report of the September 5<sup>th</sup> City Council meeting.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the September 11<sup>th</sup> Planning Commission Meeting.)

VIII CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

IX OLD BUSINESS

(No Old Business presented at this meeting.)

X NEW BUSINESS

- A. Chairman Weidlich: The owner of 212 West Sharon Road has submitted an application for a variance to replace two existing signs with two 27 s.f. ground signs at 0' setback. Variance is from Section 153.423(B)(3) "...All signage shall be no closer to the public right-of-way than ten feet."  
We have a request to continue this until the next meeting.

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(With a unanimous affirmative vote from the Board of Zoning Appeals Members, the request for 212 West Sharon Road was continued until the next meeting.)

- B Chairman Weidlich: The next order of business is the owner of 11825 Lawnview Avenue has submitted an application requesting a variance to allow a garage conversion to remain. Said variance is from Section 153.105(B) "A single two-car garage and related parking area is required..."

Mr. Michael Day: I do not live at 11825 Lawnview Avenue but I am on the deed; I cosigned for my son Sean. My address is 11843 Neuss Avenue. The only thing that they are trying to do is to make an extra bedroom because they have another baby coming and they have two children at present. So, they are trying to make it so that they have three bedrooms; it is a whole lot easier doing it this way than adding onto the back of the house which is about \$25,000. They are going to try to convert the garage into a master bedroom for the parents and then the children would have the other three bedrooms.

(At this time, Mr. Campion read the Staff comments.)

(No one from the audience came forward and this portion of the public hearing was closed.)

Chairman Weidlich: Does anyone on the Board have any questions for the applicant?

Mr. Ramirez: I would like to recuse myself from this request as I am personal friends with the Day family.

Mr. Knox: Looking at the diagram that you gave to the Building Department, I see only one exit from that garage and that is into the house; is there any other way a person could get out of there in case there was a fire at that doorway?

Mr. Michael Day: You would have to go out the back. It has a window where the garage door was.

Mr. Knox: I noticed the window. Who will be living in that garage?

Mr. Michael Day: The parents; the mom and dad will be living in the garage. The kids will occupy the other three bedrooms that are existing.

Mr. Knox: So, they would be capable of knocking the window out or opening it?

Mr. Michael Day: Yes.

Mr. Knox: I was worried about a child living in there and they wouldn't be able to do that in an emergency. In fact it is rather difficult for adults in an emergency to do something like that.

Mr. Michael Day: What difference does that make if they are in the other bedroom? If you are going to knock a window out, you are going to knock a window out, right?

Mr. Knox: Again, it sounds easy to do but in an emergency situation it is very difficult, just ask our Fire Department.

Mr. Hawkins: Obviously, you guys already have the window planned in the front where the garage door would be. Is there any thought of reconsidering, to maintain an operable garage door there, and then put up some kind of faux wall or something of that nature so that there would still be the possibility for there to be a garage there in the future if someone else was so inclined to have that with the house?

Mr. Michael Day: I would say no.

Chairman Weidlich: Where is the lawn equipment and the garden tools and such?

Mr. Michael Day: In the shed; they have a shed in the back.

Chairman Weidlich: And I also noticed that the homes on either side of this property have a very similar conversion already in place.

Mr. Michael Day: The one on the one side had a double garage and they made that into a huge living room. The house next to them on the other side has an addition on the back plus their garage is closed in.

Mr. Campion: If you choose to grant a variance, the Building Code, because it will be a bedroom would require the window to have at least 5.7 s.f. of clear space with the window open and not be more than 44" off the sill plate off the floor; that is just today's code for the bedroom.

Mr. Knox: Mr. Campion, how high is that window right now, because that window is in place?

Mr. Campion: I don't know but if the Board chooses to grant a variance we would issue a permit and that would be a condition of the permit that the window met egress. It looks like from the picture it is probably less than 44" off the floor but I don't know exactly how much it is.

Mr. Knox: When I went by today it looked as if it were 36" to 40" off, so that would meet the requirement.

Chairman Weidlich: Is there any other deliberation or discussion based on the evidence presented tonight?

(No further deliberation or discussion was presented.)

Chairman Weidlich: Would somebody like to make a motion?

Mrs. Huber: I move to grant a variance from Section 153.105(B) so as to allow a garage conversion to remain at property located at 11825 Lawnview Avenue. The Section of the Code says, "A single two-car garage and related parking area is required..."

(Mrs. Ghantous seconded the motion.)

Mr. Knox: Would it be possible for us to put on this that only adults can occupy that room?

Mr. Campion: I don't know how you could put that stipulation because the variance would be forever and what if these people moved out and somebody else moved in. I think it would be more along the lines to require that it meet all the requirements of a bedroom today which would mean a smoke detector inside and outside of the bedroom and an egress window and those types of things. I don't know how we could in the future decide who would be in that room.

Mr. Hawkins: I move to amend the motion to add that the converted garage into a bedroom comply with all of the Springdale Code requirements with regard to a bedroom.

(Mr. Reichert seconded the motion to amend and with 6 "aye" votes and Mr. Ramirez abstaining, the motion to amend was accepted.)

(At this time Mrs. Huber polled the Board of Zoning Appeals Members and with 4 "aye" votes and 2 "no" votes, again Mr. Ramirez abstaining, the variance for 11825 Lawnview Avenue was granted.)

XI DISCUSSION

(No items for discussion were presented at this meeting.)

XII ADJOURNMENT

Mr. Hawkins moved to adjourn, Mr. Knox seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:22 p.m.

Respectfully submitted,

10/16, 2012 Robert Weidlich  
Chairman Robert Weidlich

October 16, 2012 Jane Huber  
Secretary Jane Huber