

BOARD OF ZONING APPEALS MEETING
APRIL 21, 2015
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, Robert Weidlich, Lawrence Hawkins,
Ed Knox, Dave Nienaber, Joe Ramirez, and Jane Huber

Others Present: Randy Campion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF FEBRUARY 17, 2015

Chairman Weidlich: Board Members, we have our Minutes from the February 17, 2015 meeting. Does anyone have any additions, corrections, or comments to those Minutes?

Mrs. Huber: I move to adopt as written.

Mr. Nienaber seconded the motion and with a unanimous “aye” vote from the Board of Zoning Appeals Members, the February 17, 2015 Minutes were approved.

V CORRESPONDENCE

Chairman Weidlich: We have no correspondence for this month.

VI REPORT ON COUNCIL

(Mr. Hawkins gave a summary report of the February 18, March 4, March 18, April 1, and April 15, 2015 City of Springdale Council Meetings.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the March 10 and April 14, 2015 City of Springdale Planning Commission Meetings.)

VIII CHAIRMAN’S STATEMENT AND SWEARING IN OF APPLICANTS

OLD BUSINESS

(No Old Business presented at this meeting.)

IX NEW BUSINESS

Chairman Weidlich: Our first order of new business, the owner of 528 Cloverdale Avenue is requesting a variance to construct a 13’ x 23’ attached garage addition with a front yard setback of 29 feet and a side yard setback of three feet and a total of both side yards of 13 feet. Section 153.070(A) “Single Household dwellings ... shall have a minimum front yard setback of 35 feet” and Section 153.071(A) “Single Household dwellings ... shall have a minimum side yard setback of 10 feet on each side with a minimum total of 22 feet.”

Mr. Duane M. Loyd: I have wanted a garage for a very long time and now I have the money to do so. I’ve thought about many different ways to do it and the most reasonable, logical way that I can think of in my budget is to build an attached garage on the side. The only downfall is it’s closer to the property line than normal. The driveway is really not an issue; what was the issue was building the garage where I wanted it.

(Mr. Campion read the Staff comments regarding this request.)

Chairman Weidlich: Does anyone in the audience care to respond to this Application?

(Chairman Weidlich performs swearing in of audience member.)

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Mr. Duane G. Loyd: I almost did this ten years ago. I have since moved and sold him the house. He's had dreams and visions of what he wanted done. I'm just very proud of him, of what he's trying to accomplish to improve his house. Basically, that's it.

Chairman Weidlich: Thank you, sir. Would anyone else like to comment on this request? (No response; Public Comment closed.)

Chairman Weidlich: Board Members, does anyone have any questions for the applicant?

Mrs. Ghantous: Have you talked to your neighbor?

Mr. Duane M. Loyd: My neighbor right next to me has been vacant for two years.

Mrs. Ghantous: On this side, on the right side?

Mr. Loyd: Yes. They lived there 30+ years. They told me what they were doing when they left; they said they were just going to leave it. I wasn't happy but there was nothing really I could do. They literally just left. There is no one that lives there right now. It is vacant. I actually cut the grass from time to time just because it gets so long.

Mrs. Ghantous: That's nice.

Mr. Loyd: You know, it makes my yard look bad.

Mrs. Ghantous: Well, there's no one to complain about it.

Mr. Hawkins: It looks like from the way the driveway is, the carport area, is right now and the renderings we have, are the garage attached to the side of the house. Is it going to take up much more space than the pad that's already there, right now? About how many feet?

Mr. Loyd: The pad that's there now is nine feet wide. It will be about four more feet, which will still leave wiggle room to the property line. I actually got help from a buddy of mine, Matt Shroyer, and he got on CAGIS, I think is what it's called, and he actually helped me with the property line and the lot plans to get really specific. I've done my homework for a very long time, to try to make sure that that would actually work. I obviously didn't want it all the way to the property line; that wouldn't be allowed and I didn't want it to anyway.

Mr. Hawkins: And with, I believe, it's three feet that is going to be left if you have the attached garage there on the side, you have enough room and space to maintain that side of the garage as well as get around to the back of the house.

Mr. Loyd: Yes.

Chairman Weidlich: I guess I slipped up a little bit. I think we're discussing the side yard setback right now, which the Applicant should have verified that in the beginning. Anybody else? Any deliberation or other discussion on the evidence presented?

Mr. Nienaber: I just want to observe that thank goodness that the houses, to the left and right, that when they expanded, the direction is away from his house, so there is plenty of room there to allow for a garage to be built. It might creep near the lot line but it's not going to harm the looks of the neighborhood or access anywhere, so I think it's fine.

Mr. Hawkins: I would note that the Applicant's lot is unusually more narrow than most of the lots that are around there and, as a result, he could not feasibly put an attached side garage on there without having a variance. That's all.

Chairman Weidlich: I have to agree that you've got a rough situation there, a small lot. Your back yard's pretty small as it is, also with your house on it. I don't see a problem personally with the three foot setback. Does anyone else have any comments?

(Nothing further was brought forward for discussion.)

Chairman Weidlich: Can we have a motion please, on the side yard setback?

Mrs. Huber: I move to grant a variance for the side yard setback, Code 153.071(A).

(Mr. Knox seconded the motion).

Chairman Weidlich: Do we have any further deliberation or amendments to the motion?

(Nothing further was presented and Mrs. Huber polled the Board - with seven "aye" votes, the motion for variance was approved.)

Chairman Weidlich: You got that one sir. We'll go on to the front yard setback and see where we go. We'll work on the 29 feet from the front yard setback. Does anyone have any comments or questions for the applicant on that?

Mr. Hawkins: No questions for the applicant. Just note that the house itself is legally nonconforming with regard to the front yard setback and know that the garage would be even a foot further back than where the house is, and as such, I don't see a problem.

Chairman Weidlich: Does anyone else have any comments? (No comments.) We'll also move on to deliberation on the evidence presented. (No deliberation.) How about a motion?

Mr. Knox: I move that we grant a variance to Section 153.070(A) "Single Household Dwelling ... shall have a minimum front yard setback of 35 feet".

Mr. Nienaber: Do we need to specify the address?

Mr. Campion: You need to specify that the variance is 29 feet.

Mr. Knox: Let's put an addition on there "and allow a setback of 29 feet."

(Mr. Nienaber seconded the motion.)

Mr. Ramirez: As Mr. Nienaber said, I don't believe we put the address on that motion.

Chairman Weidlich: Per Mr. Ramirez, we want to amend both of these motions to put the address on.

Mrs. Huber: 528 Cloverdale.

Mr. Nienaber: We covered it already, that we needed to get the address on both of these - does that mean we need to revote on the first one?

Chairman Weidlich: I was going to go back to that after this one. Are there any amendments on the motion? Which we just had one.

(Mrs. Huber polled the Board - with seven "aye" votes, the motion for variance for the front yard setback at 528 Cloverdale was approved.)

Chairman Weidlich: Now we need to go back and vote on the amendment for this motion, to get the address on it.

(Mrs. Huber polled the Board - with seven "aye" votes, the motion for variance for the side yard setback at 528 Cloverdale was approved.)

Chairman Weidlich: Alright, so that one's been approved sir, so you've got both of your setback variances to go ahead with your garage.

Mr. Loyd: Great.

Mr. Campion: I'm assuming you're going to come in to apply for a permit for the garage.

Mr. Loyd: Yes. I'm still in the process of getting bids for the concrete because, in doing the garage, I've already talked to the city; I've needed a new driveway for a long time. So everything is getting widened, from the apron all the way back. It will look really nice. I do have a few questions. For the apron I know I have to go through Public Works, what those dimensions need to be and I think he said I may have to get a variance because my driveway now is less than five feet from the fire hydrant. I think there's an issue where the apron has to be at least five feet from the fire hydrant.

Mr. Campion: I don't know but Mr. McErlane will be able to help you.

Mr. Loyd: And he's Building Department?

Mr. Campion: Yes.

Chairman Weidlich: Good luck with your garage. It should add to your property value and help dress up the neighborhood over there.

Mr. Loyd: I appreciate it. This variance is to do exactly what we talked about – whether I brick it, side it – that doesn't matter? This is just for the actual zoning?

Chairman Weidlich: Right. This gives you the zoning variance.

Mrs. Huber: Congratulations on being a first-time homeowner.

Mr. Loyd: Thank you. It's been ten years now.

Chairman Weidlich: It's nice to have your own property.

Mr. Loyd: Yes, it is. I'd like to own the one next to me too but I still don't know.

Chairman Weidlich: I saw that was empty when I came by and it surprises me that it's been empty for two years.

Mr. Loyd: I've kept my eye on it. I've maintained it. I've cleaned it. I've tried contacting realtors and even further in depth than that to try to get a hold of whoever may own it. I can't find a thing about it. Someone broke into it. I caught it I think the very next morning. It was one of those window air conditioners. The back door was kicked open, all the drywall was ripped down, the copper stolen. So it's a mess now.

Chairman Weidlich: So the owners just walked away?

Mr. Loyd: They literally just walked away. Bought an RV and they travel and have campgrounds, from what I understand. But hopefully I can own that soon too.

Chairman Weidlich: Good! Thank you for your time.

Mr. Loyd: Thank you.

Mr. Hawkins: I don't know if the city will give you this information but obviously, any property is going to have taxes that have to be paid on it, and they may just be in default, but they may at least be able to give you some direction as to who to contact. I don't know if that's going to be private information or not but you can always ask and that may give you a lead.

Mrs. Ghantous: You can also check to see if it's on the delinquent tax list for Hamilton County, that's another thing that could happen while the bank is waiting for the foreclosure to officially be put in place.

Mr. Loyd: Which I think is a very long process.

Mrs. Ghantous: It depends. Two years is probably normal but you could check with Hamilton County and see if they're delinquent on those taxes which is likely.

Mr. Loyd: I actually checked that too, and they're paid.

Mrs. Ghantous: That must mean that they're paying the lender, the bank, that holds the mortgage, is paying the taxes then.

Mr. Loyd: It was saying up to date. The realtor that I had look into it, they were confused and said are you sure they just don't own it and live there? I said they do not live there, trust me, it is a mess. There's no way you would own something like that and let it go like that. Somebody paid them; I just can't figure out exactly who and how. Maybe I will soon. I'll see the sign before others hopefully.

Mrs. Ghantous: You'll see some people coming in. There will be a sticker in the window. There will be some other indications probably before the sign goes in. Once that sticker goes in the window, there will be a contact name and number.

Mr. Loyd: There is a sticker in the window now but they're a third party. I've called them and asked.

Mrs. Ghantous: They're just property management people.

Mr. Loyd: They're like we don't know nothing.

Mrs. Ghantous: That next time, the next level, should have a real person that you can talk to.

Mr. Loyd: That would be nice.

Mrs. Ghantous: Good luck.

Mr. Loyd: Thank you.

Chairman Weidlich: Thank you sir. We'll move on to discussion. Mrs. Kunkel has an introduction to make.

X DISCUSSION

(Mrs. Kunkel introduced Janis Oxendine, who will be doing the minutes of the Board of Zoning Appeals, Planning Commission, Board of Health, and City Council meetings for the City of Springdale.)

Mrs. Huber: Let me apologize to the Board for doing what I was doing tonight. Please from now on, don't forget the address of who the variance is going to, say it the first time.

Chairman Weidlich: I accept responsibility there too, Jane. I didn't catch it.

Mrs. Huber: I did have it written down on my paper.

Chairman Weidlich: Does anyone have anything else for discussion?

XI ADJOURNMENT

Mrs. Huber moved to adjourn, Mr. Knox seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:38 p.m.

Respectfully submitted,

_____,2015 _____
Chairman Robert Weidlich

_____,2015 _____
Secretary Jane Huber