

BOARD OF ZONING APPEALS MEETING
MARCH 19, 2019
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Mr. Ramirez

II ROLL CALL

Members Present: Joe Ramirez, Dave Nienaber, Jeffrey Anderson, Robert Weidlich, Carolyn Ghantous, Carmen Daniels

Staff Present: Randy Campion

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF FEBRUARY 19, 2019

President Ramirez: Members, have you reviewed the minutes from our meeting of February 19, 2019 and if so do we have a motion to adopt those minutes.

Mr. Nienaber: I move to adopt.

President Ramirez: And a second.

Mr. Anderson: Second.

President Ramirez: By a voice vote.

(Voice vote taken and the minutes were adopted with a vote of 6-0.)

President Ramirez: Please note we have six members present so that is a 6-0 vote.

V CORRESPONDENCE

None

VI CHAIRMAN'S STATEMENT

VII REPORTS

A. Report on Council

President Ramirez: Mrs. Ghantous.

Mrs. Ghantous: Thank you Mr. Chairman. City Council met on March 6th. It was a pretty quick meeting. We only had three ordinances. Ordinance No. 7-2019 was adopting a supplemental appropriations/estimated receipts ordinance to adjust appropriations for current expenses and other expenditures and to adjust the estimated receipts for the city during the fiscal year ending December 31, 2019. That passed with a 7-0 vote. Then we had Ordinance No. 8-2019 an ordinance approving a zone change for the property located at 12000 and 12050 Princeton Pike. That is the old Staples and Overstock furniture and then it was another furniture place before that. There are developers that are proposing to use that big building for a Circle Self-Storage and the smaller building which was Staples, as a Red Dog Pet Resort. That

property right now is zoned General Business and they are proposing that the zoning would go to be a PUD. That was the first reading on that so no action was taken. Then we had Ordinance No. 9-2019 and that was an ordinance approving the Preliminary Development Plan for that same property. Once again there was no action taken because it was a first reading. I think that is about it unless Jeff has something to add.

Mr. Anderson: No, that sounds right.

Mrs. Ghantous: Any questions? That concludes my report.

B. Report on Planning Commission

President Ramirez: Planning Commission met on March 12, 2019. All seven members present. We had one issue before the committee. It was the Housing Network at 242 West Sharon Road, Final Development Plan. If you remember, we spoke of this in the past. It is the property near Springdale Family Medicine on Sharon Road and it is Residential Single Household is what they are looking to build. A lot of discussion on it. Most of the discussion was on the building itself. They had proposed a building basically that was all siding and a quite long building. Most members thought that it was too much siding. It didn't match the surrounding two houses right next to it which are brick homes. So, after a lot of discussion the applicant agreed with us and are willing to go back and take another look at it, come up with alternative means for putting siding up or brick. So that one and only issue before us was tabled with a 7-0 vote so those people will be coming back before us. That is the only thing that we had on the Planning Commission for that date. Any questions on that? None. Okay.

VIII CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

President Ramirez:

Chairman's Statement

Ladies and Gentlemen, this is a Public Hearing, and all testimony given in cases pending before this Board is to be made a part of the public record. All testimony and discussion relative to said variance is recorded, and it is from this recording that our Minutes are taken.

Citizens testifying before this Board are directed to sign in on the clipboard in the rear of the room, take their place at the podium, state their names and addresses and the facts as they are pertinent to the subject before this Board.

As this is a Public Hearing, being sworn in prior to giving testimony is required by law.

At this time, if you plan on coming before the board, please stand up, raise your right hand and repeat after me:

I (state your name)
Do solemnly swear
To tell the truth, the whole truth
And nothing but the truth,
So help me God.

Please be seated.

Anybody else that wishes to testify may still testify they will just need to be sworn in before they can approach the podium.

IX OLD BUSINESS

None

X NEW BUSINESS

- A. RBlick General Contractor on behalf of Megan Reckner, 581 Observatory Drive, Springdale, Ohio, submitted a request for a Variance from Section 153.252 (G)(1) Table 252-2 to allow the reduction of side yard setback. (Application 34801)
Public Hearing

President Ramirez: At this time comments from the staff.

Mr. Champion: Request to construct an addition to the rear of the house located at 581 Observatory Drive. The subject property is zoned Residential Single Household – High Density. The applicant wishes to construct an addition to the house on the property as shown on the accompanying application.

Table 252-1 indicates the minimum side yard setback is 6'. The applicant indicates the existing side yard setback is approximately 5'-6".

The request is to grant a variance to the side yard setback to allow the construction of the addition which is aligned with the existing house. The side yard setback would be reduced by approximately 6" to 5'-6" instead of 6'.

A statement of conditions and findings listing the factors for consideration of the granting of a variance is included. Each of the factors should be considered by the board. As stated in 153.206(B)(4)(j), "No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts." That concludes the report of Gregg Taylor, Building Official.

President Ramirez: Thank you for that report. At this time would the person representing the property please step forward, state your name and address.

Mr. Chachoff: Again, my name is Nasse M. Chachoff and I represent RBLICK General Contractor and the owner of the property Megan Reckner.

President Ramirez: Thank you. At this time could you please state the reason for your request for a variance?

Mr. Chachoff: My client would like to add on to her home. She would like to improve the living conditions with a master suite. We would be adding a second bathroom, a true master suite. It would still remain a two bedroom house. We would also be doing a dedicated laundry room which would free up space in the current laundry area which also shares the room with the water heater and also the furnace and electrical box. The improvements to the home would greatly enhance the livability of the home.

President Ramirez: Thank you. Any questions for the applicant at this time from the members? Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. I just want to confirm. We are not raising the height of the house we are just expanding it out the back from the existing, principal building line?

Mr. Chachoff: That is absolutely correct.

Mr. Anderson: Straight back. The fencing that is there, is that going to still run along where the new building is or are you tearing that fencing down to?

Mr. Chachoff: We are taking the fence down, the fence will be removed up to the depth of the addition and then it will pick up again.

Mr. Anderson: So the existing, you will just tear down, you are not adding a new fence along, you will just keep the fence where it is?

Mr. Chachoff: That is correct.

Mr. Anderson: You are just pulling back however many feet.

Mr. Chachoff: That is correct.

Mr. Anderson: Okay, thank you.

President Ramirez: Any other questions for the applicant? Mr. Champion.

Mr. Champion: There is a correction on the slide. It might be in your packets but it shows the setback dimension as eight feet, but it is really six feet.

Mr. Chachoff: There is also a correction, Randy.

Mr. Champion: Yes.

Mr. Chachoff: The company name is RBlick but that is minor, we don't need to worry about that.

Mr. Champion: I used to be, this was bigger on the screen but I did something to it and now it is smaller.

President Ramirez: Mr. Nienaber.

Mr. Nienaber: Thank you. I actually wanted to ask Mr. Champion a question. The documents that you sent us that include the line by line review of, let's see if this thing has a title. Conditions and Findings of the board. If we go to the second page, the first full question is whether the spirit and intent behind these code requirements would be observed and substantial justice done by granting a variance and the answer is yes. I take that, I'm reading that as you all condone us approving this. Am I reading that correctly?

Mr. Champion: That would be correct.

Mr. Nienaber: Thank you.

President Ramirez: Is there a major reason why you could not accommodate the setback to meet the side yard setback of six feet? Have you looked at other?

Mr. Chachoff: It is not a major reason but the way that the house is constructed, were we to move it, as you are looking at the back of the house, were we to move it to the right even six inches it would disrupt the flow of the home and it would possibly an interference with the window that is in the center of the back of the house. We would start getting things too close to each other and we don't want to cause any issues for our client Megan Reckner down the road. We want to make sure that we put this together correctly so that she has no issues with water or fit and finish. The way that

the architects, Edward Wright, has drawn it, it has good flow and it fits dimensionally correct with the home.

President Ramirez: You know, as I see, as Mr. Anderson stated, you will take down the fence?

Mr. Chachoff: Yes sir. The addition is approximately 16 feet deep, I think that is right. It has been a long time since I have looked at these plans. That amount of fence will be removed and then the fence will pick up at the end of the addition and continue on through the back yard like it currently is. So, where there is now fence there will be the addition. It will be replaced with the addition.

President Ramirez: You will be, the new addition will be six inches closer to the neighbor?

Mr. Chachoff: No sir. It will be in line with the house.

President Ramirez: Okay. Any other questions for the applicant? Mr. Anderson.

Mr. Anderson: Not a question so much as a caution. I just noticed in the picture, I just went through this with my house, not an extension but you have standing water in the back behind the building right about where the foundation went. If you haven't, I'd encourage you to do something about that before you lay a new foundation. It wasn't cheap when we fixed ours.

Mr. Chachoff: We are planning a sump pump to be in the addition and then we are going to pump it into the back yard away from either neighbor's house and we are going to be regrading the back yard because there are severe dips in the back yard and the earth that we excavate will go to level off the back yard and to help us create drainage from the usage of the sump pump.

President Ramirez: Mr. Weidlich.

Mr. Weidlich: Thank you. What are the exterior materials for the new addition going to be?

Mr. Chachoff: It is going to vinyl siding.

Mr. Weidlich: Vinyl siding, okay.

Mr. Chachoff: The owner plans on redoing the two gable ends on the house at a later date so we settled on a very simple product of vinyl siding that will help her stay within her budget. She's a young lady, works from her home and so I worked to put together a package that would be good for her home, good for her and good for the future.

Mr. Weidlich: Alright, thank you.

President Ramirez: Anyone else? Questions? Comments? I see no other lights at this time. Mr. Anderson. Yes, ready for a motion.

Mr. Anderson: I'd like to make a motion to approve application 34801, granting a variance to 581 Observatory to code section 153.252(G)(1) setting the minimum side setback for principal building from six feet to allow it to go to five feet six inches.

President Ramirez: A second on that?

Mrs. Ghantous: Second.

President Ramirez: Mrs. Ghantous second. Please poll the members.

(Secretary polled the members and the variance was granted with a vote of 6-0.)

President Ramirez: Your variance has been approved. Thank you for coming in.

Mr. Chachoff: Thank you very much.

XI DISCUSSION

President Ramirez: I noticed Mr. Champion's name is on the agenda for discussion. Did you have something for us?

Mr. Champion: Yes I did. I have been working three or four months to kind of fix a problem that we have with the two meetings, planning meeting and zoning meeting being a week apart. So, I talked to the Assistant City Manager and then the City Manager and then the Mayor to see if it would be a problem if we moved. I can't really move planning but if we moved the zoning meeting to the fourth Tuesday of the month from the third to the fourth Tuesday of the month. They were in agreement that we could do it. It doesn't conflict with anything else in the City. They asked me if I could come and talk to the board. Present it to the board and see what you guys felt about it. The problem we have is Planning Commission has a lot of changes to their information that they have to get back. There is just a lot of stuff that goes into those meetings. They have to get reports back from City Engineer sometimes, sometime water works and various departments. It kind of delays what we can do on our meeting until we get that out of the way. So, what inevitably happens is we are working on the minutes and everything else and it's really hard on Liz to get everything together for this meeting. It usually is rushed and if we could separate the two meetings by two weeks that would be great. So, I know that everybody fills up their calendars, I know I do and I expect that there is going to be some conflicts so I wanted to kind of poll the board to see how you felt about it. If at this time we can't do it then I want to readdress it like in four months and see if down the road we can clear the fourth Tuesday of the month is what I'm shooting for.

President Ramirez: Fourth Tuesday for the BZA?

Mr. Champion: BZA. So, we would just move it from the third to the fourth Tuesday. So, if I can, and then what the Mayor told me to do is poll the board. If there was a consensus then one of the Council people would have to bring it before Council and have it voted on. Everything happens several months in advance so nothing is going to change overnight but how does everybody feel about it? Do you have other plans on the fourth Tuesday? It would be great if nobody had a conflict.

Mr. Weidlich: I don't see a problem on my end.

Mr. Champion: Okay.

President Ramirez: As long as it is not immediate because I would not be able next meeting.

Mr. Champion: It will still take, we already have something for next month on the agenda and we have to advertise it and it is probably going to be, and it has to go before Council and get voted on. So, realistically, it is probably at least two months out.

Mrs. Ghantous: I am in favor of it.

Mr. Champion: Okay.

President Ramirez: So, Mrs. Daniels, do you have something?

Mrs. Daniels: I'm in favor just as long as you were not trying to do next month because I have a part-time job and I have already turned the schedule in. So are you talking about June?

Mr. Champion: I would be

Mrs. Daniels: Are you talking about May/June you said a couple of months?

Mr. Champion: Well we already have an application for next month so, next month we have to meet our regular time and it has to be voted on at Council. So, I don't know how long all of that takes. So, I'm thinking at least June would probably be the earliest right? Yeah.

Mrs. Daniels: Then I am in favor.

Mr. Champion: Okay.

Mr. Weidlich: Yeah, I'm good with it.

President Ramirez: All in favor say Aye, opposed?

(Voice vote 6-0 to move the meeting from the third Tuesday of the month to the fourth Tuesday of the month.)

President Ramirez: So we are good 6-0 so we are okay.

Mr. Anderson: We'll figure it out.

Mr. Champion: Great.

Mr. Anderson: So, between Carolyn and we can figure out how to get it through Council.

Mr. Champion: Okay. Yeah the first person I checked with was me and it was okay with me. So then I went forward. Okay. Well that is great.

President Ramirez: I don't know if one of the Council people want to address a replacement member? I know you haven't had the meeting yet but if anybody here on the board has a recommendation or if you already have somebody in place?

Mrs. Ghantous: I have not been told that there is anything in place. Have you Jeff?

Mr. Anderson: No, all I know is that we talked about the resignation tonight and that was a little bit before the meeting that Mr. Johnson had resigned his position.

Mrs. Ghantous: Yes.

Mr. Anderson: I would expect that we will talk about it in New Business in the Council meeting. I wouldn't expect to have nominations in that same meeting. If we have nominations by the one after that

Mrs. Ghantous: It is a mayoral appointed position isn't it?

President Ramirez: No that is a Council position.

Mrs. Ghantous: Oh, okay cool.

Mr. Anderson: I think we can check but either way we need to talk about it tomorrow. I doubt that people will have a chance to give names. So, I would guess that we would shoot for the first meeting of next month to have a new appointment either from the Mayor or from Council, don't you think Carolyn?

President Ramirez: Is there a vetting process of any sort, an application process before you vote on it or can it all happen in one month, one meeting?

Mr. Anderson: It is my understanding is that we could, we present nominations. If it is a Council appointment, my understanding is the Council members have the opportunity to make nominations and can state why they think they are a good fit and then the Council would vote. If it is manorial appointment, the Mayor would just make the appointment and notify Council. Is that right Mrs. Ghantous?

President Ramirez: Mrs. Daniels.

Mrs. Daniels: Yes, I thought the person had to submit their resume or the interest letter or something?

President Ramirez: That was what my question was.

Mrs. Ghantous: Yeah, usually they will read it, like the Mayor will say so and so and here is their resume.

Mrs. Daniels: So how do you publicize it to the public to see who may be interested?

Mrs. Ghantous: I don't know on these two appointed positions I don't know how it is publicized.

Mr. Anderson: I'm not sure that it is but we will check with the law director tomorrow and make sure that we are following it. I don't know that those positions get advertised on like the City page. I can't recall that happening.

Mr. Weidlich: I'm going way back when I got asked to be on the board it was by Margie Harlow who I knew for years and she just called me up one night and asked me if I would be interested and I say yeah it sounds good. Then she asked me to submit a little personal information, how long I've lived here, where I worked, family stuff. Personal information.

Mrs. Ghantous: They read that at the Council meeting.

Mr. Weidlich: Just personal stuff not anything bit.

Mr. Anderson: We tend to get those at the meeting and then we read them.

President Ramirez: Any other discussion?

XII ADJOURNMENT

President Ramirez: Chair would accept a movement to adjourn and a second.

Mr. Nienaber: I move that we adjourn.

Mr. Anderson: Second.

President Ramirez: Voice vote to adjourn.

(Voice vote taken and move to adjourn accepted with a vote of 6-0.)

President Ramirez: So adjourned.

Respectfully submitted,

_____, 2019

Chairman, Joseph Ramirez

_____, 2019

Secretary, Carmen Daniels