

BOARD OF ZONING APPEALS MEETING
August 25, 2020
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Chairman Anderson.

II ROLL CALL

Members Present: Jeffrey Anderson, Dave Nienaber, Tom Hall, Carolyn Ghantous, Douglas Stahlgren, Michelle Miller, David Gleaves

Staff Present: Carl Lamping

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF June 23, 2020

Motion to approve the minutes presented by Mr. Nienaber and seconded by Mrs. Ghantous.

(Voice vote taken and the minutes were approved with a vote of 7 to 0.)

V CORRESPONDENCE

None.

VI REPORTS

Report on City Council

Mrs. Ghantous provided a report on City Council meeting held on August 19, 2020. There was three ordinances and one resolution. All items passed with a 7-0 vote.

Mrs. Ghantous stated that in Old Business, Assistant City Administrator, Brian Uhl gave a presentation to discuss the appropriation of CARES Act funds. Mr. Anderson gave a brief explanation regarding the CARES Act and how the funding can be utilized in regards to COVID-19.

Report on Planning Commission

Mr. Hall provided a report on the Planning Commission for August 11, 2020. There were three cases that came before the commission. All items were approved. There was no questions or discussion.

VII CHAIRMAN'S STATEMENT

Chairman Anderson read the Chairman's Statement.
Two members of the audience were sworn in.

VIII OLD BUSINESS

None.

IX NEW BUSINESS

A. Nellie R. Ivanitsky, 11760 Lawnview Avenue, Springdale, Ohio, requests a variance from Section 153.252(F)(14)(a)(v) to construct a new 12'x24' shed to replace the existing 10'x12' shed in the back yard. **PUBLIC HEARING** (BZA Application 37399)

Mr. Lamping provided an overview of the application describing the work that the applicant wants to do that requires a variance.

Ms. Ivanitsky's daughter (Ms. Galina Gala) spoke to the Board and explained why she wanted to have a larger shed than is currently allowed on her property. The current shed on the property is in poor condition. Due to a previous garage conversion, storage space in the home was limited, and a larger shed would be beneficial.

There was discussion by board members and Ms. Galina Gala about the existing garage conversion; the size of the existing shed which was previously approved with a Variance in 1996, and the proposed size and height of the new shed.

Mr. Stahlgren asked Ms. Gala why the shed size (10 square feet by 16 square feet) that was previously approved would no longer be a sufficient size.

Ms. Gala stated that they planned to have the larger shed (12 square feet by 24 square feet) to store the usual items, such as outdoor equipment, but would use the other side of the shed for additional storage for items that would normally be stored in a garage. Such as, additional dishes, clothing storage.

Mrs. Ghantous stated that the Springdale Zoning Code many years ago would honor requests for garage conversions that would be turned into living space. While the Code had now changed, Mrs. Ghantous was concerned that this family was paying the price for the loss of space in the home.

There was discussion between the board, the applicant and staff about the size of the shed and the possibility of building a garage in the back yard, and what would the impact it would have on the family if they would not have this newer, larger shed.

Mr. Anderson stated that the lot is an irregular shape, so, in addition to the previous conversion it is an irregular shape on a small lot. He felt that the spirit of the code to keep the green space up relative to the density of the accessories is to prevent high density of buildings on that same site. The nature of how this site is spread out, that accessory structure is further away and still maintains that intent of the Code to have green space in a yard so further problems were not created in the future. Mr. Anderson felt that the shape of the lot makes it easier for him to support a change like this. He stated that part of the challenge that Mrs. Ghantous was bringing up for him was that the Code did change and there was some "legacy" with that, but just because you have had a garage conversion, doesn't mean that you're automatically exempt from the current code. Mr. Anderson stated that he wanted to be careful that precedent was not set due to this. He further stated that the garage conversion was already in place when the home was purchased and the current storage situation was already known.

Mr. Anderson said that the responsibility of the Board of Zoning Appeals is to ensure that the integrity of the code for the entire community. Mr. Anderson stated that once a variance is granted, it stays with the property forever. It's not just a variance for the current homeowner, it is for all future homeowners of that specific property. He did find that the irregular shape of the lot and the fact that it is in the rear of the building directly adjacent in the neighboring property is another garage and this goes back to more green space. So, he believed that the shape of the yard and the nature of the building is relevant. He also stated that he struggled with the percentage number that is used in the Springdale Building Code. Part of the variance is it cannot be more than 2% of the building size. He felt that would be difficult in this situation because the house is small, and the lot is also small. He thought that it assumes the house is taking up a certain percentage of the property that this one isn't. Mr.

Anderson felt that the size of the house and the shape of the lot makes this a unique circumstance.

Mr. Anderson asked if there were any other questions from the Board. There were none.

Mr. Stahlgren made a motion to grant a variance to Nellie Ivanitsky, the owner of 11760 Lawnview Avenue regarding BZA Application #37399, received July 27, 2020. Applicant is requesting a variance from Springdale Zoning Code Section 153.252(F)(14)(a)(v) titled Storage Structures and Accessory Buildings to construct a new shed size 12' x 24' to replace existing 10' x 12' shed. Variance request is to allow new construction of a shed structure that exceeds the square footage allowable size.

Mr. Anderson wanted to state before asking for a second of the motion that this is to replace the existing variance or extend the existing variance. It is not to provide a second structure.

Mr. Stahlgren confirmed that.

Mr. Gleaves seconded the motion.

Secretary Hall took a voice vote and the motion was approved with six affirmative votes and one opposing vote (Nienaber).

Chairman Anderson thanked the applicant and stated that Mr. Lamping would assist with paperwork necessary to replace the shed.

X DISCUSSION

Mr. Nienaber and Mrs. Miller voiced concerns that this case may set a precedent for future garage conversions. Mrs. Miller felt that the irregular lot shape, in this case, contributed to the decision to allow for the larger shed.

Mr. Nienaber thought that there was a ten foot space on the side, which would allow for a garage.

Mr. Anderson stated that he wanted to remain cautious on further discussion after the applicant has been approved since the applicant would not have a chance to respond.

XI ADJOURNMENT

Mr. Nienaber made a motion to adjourn.

Mrs. Ghantous seconded the motion.

Chairman Anderson adjourned the meeting.

Respectfully submitted,

_____, 2020 _____
Chairman, Jeffrey Anderson

_____, 2020 _____
Secretary, Tom Hall