

BOARD OF ZONING APPEALS MEETING  
November 17, 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: Randy Campion

III PLEDGE OF ALLEGIANCE

IV SUMMARY MINUTES OF THE REGULAR MEETING OF SEPTEMBER 22, 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 November 4, 2020. There were 6 ordinances and 2 resolutions. 5 ordinances passed with a 7-0 vote, and the 6<sup>th</sup> was a 1<sup>st</sup> reading. All resolutions passed with a 7-0 vote.

Report on Planning Commission

Mr. Hall provided a report on the Planning Commission for November 10, 2020. There were 3 cases that were scheduled for the meeting. All 3 cases passed.

VII CHAIRMAN'S STATEMENT

Chairman Anderson read the Chairman's Statement.

One member of the audience were sworn in.

VIII OLD BUSINESS

None.

IX NEW BUSINESS

A. Ms. Neoma Gardner, 519 W. Kemper Road, Springdale, Ohio, is requesting a variance from the Zoning Code Section 153.252 (F) (14), which allows only one detached garage and one detached shed.

**PUBLIC HEARING** (BZA Application 38198)

Mr. Campion provided an overview of the application describing the work that the applicant wants to do that would require a variance.

Ms. Gardner stated she has a difficult time walking. She wants a carport to protect her car from the elements, and to aid her when carrying in groceries.

Mr. Nienaber stated the staff review states if she connected the carport to the home she would not need a variance because it would not be a 3<sup>rd</sup> structure on the property. He asked if she spoke with her contractor in regards to this.

Ms. Gardner stated she has not addressed it.

Mr. Nienaber restated that the contractor could change the design to attach it to the home.

Mr. Stahlgren stated there is an overhang on the porch. He asked if she considered changing that overhang to one structure to make room for a carport.

Ms. Gardner stated the carport would be right next to the porch.

Mr. Hall stated the applicant mentioned it was a temporary structure that could be taken down at any time. He asked Ms. Gardner if that is why it will not be attached to the house.

Ms. Gardner stated it can be taken down it is not permanent.

Mr. Anderson explained that the variances live at the property forever. He stated the Board is encouraging her to make it an attached structure. He asked Mr. Champion to explain the building departments stand on this matter.

Mr. Champion stated the biggest difference is a shed or fence is not in the building code. This is a zoning matter not a building matter. If you attach this structure to the existing structure it would need a footing inspection. The drawings submitted show on the corners just a tie down. The biggest difference Mr. Champion can see from the carport submittal would be that the building code would dictate that she would need a footing. If it's a ½ inch away it's a detached structure. If it is bolted to the house it's an addition.

Mr. Anderson said this would be a 3<sup>rd</sup> detached structure.

Mr. Champion agreed and stated that is not allowed under the zoning code unless there is a variance, or if it would be attached to the covered patio.

Mr. Anderson asked Mr. Champion if he is aware of any other carport like the one submitted in the city.

Mr. Champion stated he does not know of any.

Mr. Gleaves asked Ms. Gardner if she has discussed any other options with her contractor.

Ms. Gardner stated she has not. It will just be easier for her in snow and ice.

Mr. Gleaves stated he was concerned about the structure being removable and who would assist her with this.

Ms. Gardner stated her son would take care of it.

Mr. Anderson stated it is a temporary structure, and asked Ms. Gardner if she had a timeframe to use it.

Ms. Gardner stated she would like to use it as long as she needs it.

Mr. Nienaber stated they are all favor of her having a carport. The issue is a domino effect of everyone with 2 structures wanting a carport as well. That is why he is opposed to the variance. He suggested she speak to her contractor and see if he can bolt the structure to her porch overhang. In that instance she would not need a variance.

Mr. Anderson stated the challenge is she has 2 structures. He stated she could get rid of the shed. He stated he wants to help her get the carport, but there needs to be consistency. He also explained if it wasn't possible to attach the carport to the existing house there would be reason, and it would make it easier for them to give her approval. He believes there are other options.

Mr. Hall asked staff if it is a temporary structure is a variance really necessary.

Mr. Campion stated temporary structures, like a tent, would be approved for only 30 days. So this would have to be a set timeframe. He also stated the contractor did give a plan with a pier option. The structure would just need to be attached to the house.

Mr. Anderson explained to the applicant if the carport followed the pier plan that was submitted and attached to the house in some way, she would not need a variance.

Mr. Campion explained she could also put up a breezeway between the house and the carport and that would be considered attach.

Mr. Anderson stated they are trying to give her ideas. They don't want her to walk away without the variance, and not have other options.

Mr. Stahlgren stated the structure is a temporary structure, but asked the applicant to clarify that she is planning to use it as a permanent one. He is concerned with how it would be anchored.

Mrs. Ghantous asked Ms. Gardner if she would be willing to have this tabled and have no vote. That would give her time to speak to her contractor and go over options. Mrs. Ghantous stated Ms. Gardner could return with the contractor.

Ms. Gardner stated the contractor just puts it up and isn't a designer.

Mrs. Ghantous asked if she could get in contact with someone else to get professional answers. She stated she wants her to have the carport, but questions need to be answered and it needs to be attached to the porch roof. Mrs. Ghantous explained that if this item is tabled and they don't all vote no, Ms. Gardner could get some questions answered and return to the board.

Mr. Anderson explained that if she did chose to table it and attaching it to the house was an option, she would only need to work with the building department, not Board of Zoning Appeals.

Ms. Gardner stated it was ok to table the item.

Mr. Anderson verified Ms. Gardner did want to table it, and asked for a motion.

Mrs. Ghantous made a motion to table the item for Ms. Gardner to the next meeting. This will give her an opportunity to speak to someone and get additional information.

Mr. Stahlgren seconded the motion.

Secretary Hall took a voice vote and the item was approved to be tabled with a vote of 7 to 0.

X DISCUSSION

None

XI ADJOURNMENT

Mr. Nienaber made a motion to adjourn.

Mr. Hall seconded the motion.

Chairman Anderson adjourned the meeting.

Respectfully submitted,

\_\_\_\_\_, 2021 \_\_\_\_\_  
Chairman, Jeffrey Anderson

\_\_\_\_\_, 2021 \_\_\_\_\_  
Secretary, Tom Hall