

BOARD OF ZONING APPEALS MEETING
JULY 18, 2017
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, Meghan Sullivan-Wisecup,
Carmen Daniels, Holly Emerson, Carolyn Ghantous,

Members Absent: Michael Wilson (resigned) Gregory Johnson

Staff Present: Randy Campion

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF JUNE 20, 2017

President Ramirez: 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 public record.

All testimony and discussions relative to said variance is recorded and it is from this recording that our minutes are taken. Citizens testifying for this board are directed to sign in on a clipboard at 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 the board. As this is a public hearing being sworn in prior to giving testimony is required by law. At this time please stand up raise your right hand and repeat after me.

(all those in the audience wishing to speak or that might speak were sworn in as a group)

President Ramirez: Please be advised anyone who is not standing and sworn in cannot testify unless they request the chair to be sworn in as they come to the podium. So you can testify later if you care do we would just have to swear you in.

At this moment if you have a phone would you please put it on mute or turn it off.

Next we have the summary of our minutes for our regular meeting which was June 20 two thousand and, it says 16 it is 2017. Members have you read those minutes and someone care to have a motion to approve those minutes.

Mrs. Ghantous: Move to adopt.

Mrs. Emerson: Second.

President Ramirez: All in favor say aye. Aye. Thank you. One abstain. Please note. Mr. Johnson has not present did not vote and Miss. Daniels did not vote as well. She was not here. Mrs. Ghantous report on council please.

V CORRESPONDENCE

None

VI REPORTS

A. Report on Council

Mrs. Ghantous: Thank you Mr. President. The council met on June 21st. The first item was that the mayor issued a proclamation for the Parks and Recreation Department recognizing their contribution to the community and that was presented to Greg Karlee who is the director of the Parks and Recreation Department. The next item was a group of residents came requesting consideration for installing a splash pad in Underwood Park. Most of that discussion was around the cost and how it will be funded. Administration agreed to gather some information about the cost and operational requirements and I guess we will have a further discussion on that. We had four ordinances. Ordinance 25-2017 that was authorized in an agreement between the City of Springdale and the board of Hamilton County Commissioners for them municipal road funds for the improvement of West Kemper Road between Springfield Pike and Kenn Road. That passed with a vote of 6-0. Next was ordinance number 26-2017.

That was confirming designation of the Depository by the finance committee of active or interim deposit of public funds. That passed with a 6-0 vote. Next was ordinance number 27-2017 and that was accepting the bid and authorizing the mayor and the clerk of council to enter into a contract with Lykins Energy Solutions for gasoline and diesel fuel. That also passed with the 6-0. Ordinance number 28-2017 was authorizing the mayor and the Clerk of Council to execute an extension of the master service agreement to provide electric aggregation service to the City of Springdale. That passed with a 6-0 vote to. Also we had one resolution that was R5-2017 and that was adopting the tax budget for the period beginning January 1st 2018 and ending December 31st 2018 and there was a 6-0 vote on that as well. Are there any questions or Holly do you want to add anything? Alright thanks very much.

President Ramirez: Thank you for that report. Next up is the report on the planning.

B. Report on Planning Commission

President Ramirez: Planning Commission which met July 11, 2017. We had five members present. We had to subject matters before us one would be the SCP Springdale LLC which is better known as GEEAA Park, 12110 Princeton Pike, Springdale Ohio, a major modification to the PUD. After a long discussion it was approved with a 5-0 vote. Also be noted that we had members of the Crossing and senior living local residents to that park showed up to give their opinions and what they would like to see. Overall the residents were very pleased with the presentation and like I said it was approved with a 5-0 vote. Under new business we had the 15 acre site located in north, Northwest Boulevard, Springdale Ohio. It was the Final PUD Development Plan and was approved with conditional special notes. We were going to table it since we only had 5 members there and it would have to pass, it would have to have all 5 members so we did a conditional and it was approved with a 5-0. There were just a few subject matters that we wanted to see changed. By the way this is the Pictora location. The concrete siding the outside color we had some exception with and they were willing to work with us and instead the gray concrete looking siding we wanted something that the residents could look at that would be a little more appealing so they were going to come back with some earth tone colors to that concrete and maybe some texture. Also there was a cul-de-sac that we would like to have a bigger turn around for trucks and that was to be increased to 50 feet. They're going to come back with those plans for that. And finally they had planned on doing lighting on the building itself that was bright enough to project to the parking area and we seemed to think that was a little too obtrusive to people driving by, a little too bright of a light so they've agreed to go with the lighting on poles and install poles in the parking lot with less foot-candles on those lights so it will be more little more appealing. So that's all I have on planning, if there are any questions I'd be happy to answer them. Are we all good?

VII OLD BUSINESS

None

VIII NEW BUSINESS

A. Timothy Patrick, 667 Smiley Avenue, Springdale, Ohio, submitted an application to the Board of Zoning Appeals to request a variance to Section 153.252 (G)(1) to allow for construction of a porch/deck within the required front set. Application 32307.

President Ramirez: Would the representative please step forward. State your name and address. Yes sir. Is the microphone on?

Mr. Patrick: Good evening. My name's Timothy Patrick. I live at 667 Smiley Avenue.

Mr. Ramirez: Please state the reason you are requesting a variance.

Mr. Patrick: We did a major remodel on our house had a couple load bearing walls moved and the front porch was like recessed under the framing of the of the house, so we moved the wall out flush where the steps came to the entryway and before the project started back in April I came down I spoke to Mr. Taylor about needing a variance to cover the existing steps that were there and he told me that that would I didn't have to have one at that time.

So during the process of them building the new front porch and deck to cover the existing steps equally would leave the steps coming up the sidewalk offset about eight inches. So I'm requesting to have it moved out eight inches further toward the street which is still going to measure close to 38 feet to the curb.

I submit do you guys have the pictures and everything up there I submitted? Okay.

President Ramirez: Anything else at this time we got a chance to speak again. Do you have anything else any comments or further knowledge on that property?

Mr. Patrick: In what way?

President Ramirez: Anything you would like to speak of that you think might

Mr. Patrick: Well the property has been in my family since 1949 my grandparents had built it brand new and we were been there ever since. It was just kind of an unforeseen thing when they built the decks that are there and it will just make it look awkward. Nothing will be uniform. I mean we put up a real nice front door and brick siding and everything and it will just make the house look awkward. It's our opinion on it anyway.

President Ramirez: Okay, let's get comments from the staff and then we'll have a short discussion. Mr. Champion.

Mr. Champion: Request to construct an open porch and step projecting 6' 7 1/2" from the front of the residence at 667 Smiley Avenue. The subject property is zoned residential single household low density. The applicant wishes to construct an open porch and steps on the front of the residence which encroaches on the required set back of 35 feet. A yard projection for an entrance feature of a minimum to a maximum 6' into the required set back is permitted per section 153.254(D)(2). The

porch projects 6' 7 1/2" from the front of the house in order to align with the existing concrete sidewalk. A variance is required because the porch and the steps project more than six feet into the required set back. A copy of the section regarding the projections attached. A statement of conditions and findings lists the factors for consideration of the grant 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 my report.

President Ramirez: Thank you. At this time anyone in the audience like to comment on this variance before we move forward. No? At this point I'd like to close the public portion of that. Next to a discussion amongst the board members. Anybody have any questions for the applicant? Mrs. Ghantous.

Mrs. Ghantous: Thank you. I don't have a question I just want to say that I think it modernizes the look of your house and I think about that a lot, I live over here and so we you know we live in these 1960 looking ranch's, most us and so I'm always excited when I see somebody that comes up with something clever that kind of just makes it look more modern. I mean we have a nice looking little neighborhood but the houses look like they're from the 60s so I think you did something to kind of bring years into the 2017. That door's really attractive it's just a nice look.

Mr. Patrick: We've got plenty of comments that the house front looks beautiful.

President Ramirez: Thank you. For the record I also like to note that it is a very minor change, we are speaking of 7 or 8 inches of change and I also agree that it does enhance the property and in an unusual circumstance that presents itself because of the sidewalk and I agree with that as well. Any other comments suggestions?

At this point would anybody like to motion to approve this motion. Mrs. Emerson.

Mrs. Emerson: Yes, I moved to permit the owner of 667 Allen Avenue a variance to the city zoning code section 153.254(O)(2) construct an open porch steps on the front of the residence which encroaches on the required set back at 35 feet, a yard projection from an entrance features of up to a maximum of 6 feet into the required set back is permitted. The porch project 6 feet 7 1/2 inches from the front porch or from the front of the house in order to align with the existing concrete sidewalk. Oh 667 if I said that wrong, Smiley. What did I say.

(background chatter)

President Ramirez: Do we have a second? Mr. Nienabor second. Mrs. Secretary would you please poll the members.

(Mrs. Daniels, secretary polled the members and the variance was granted with a 6-0 vote with the seventh member Mr. Johnson not present.)

President Ramirez: Thank you sir your variance has been approved. Thanks for coming in today.

Mr. Patrick: Okay. What do I do I need any papers or anything?

President Ramirez: Mr. Champion.

Mr. Champion: You've already got a permit for the deck?

Mr. Patrick: Yes I did. Well that's a permit for the whole job site.

Mr. Champion: Okay. So at the at the next meeting we will sign the variance. So just go ahead and proceed with your with your project. It will take us about a month for the paperwork to follow up.

Mr. Patrick: Thank you very much.

President Ramirez: Thank you.

B. Olivia Coranza and Hector Ruiz, 678 Allen Avenue, Springdale, Ohio, submitted an application to the Board of Zoning Appeals to request a variance to Section 153.252 (G)(1) to allow the conversion of a garage into a living space. Application 32332.

President Ramirez: Yes Ma'am, please state your name and address.

Mrs. Coranza: Olivia Coranza, do you want the address where I am living now or?

President Ramirez: That's fine.

Mrs. Coranza: 430 Bancroft Circle, Cincinnati, Ohio 45246.

President Ramirez: Could you get closer to the microphone. Thank you. Please state the reason for you for requesting a variance.

Mrs. Coranza: Well the reason is that we would like to close up garage and convert it into two rooms just because its six of us so we have like five children and the house is not big enough for all of us in there and I didn't know I just wanted to close up the garage for the kids to I have more room for them. They all have their own bedrooms.

President Ramirez: Okay. Question is, is this a rental home or do you own this home?

Mrs. Coranza: No, we purchased it, we are buying it.

President Ramirez: There are different rules if there was a rental home that's the reason I'm asking.

Mrs. Coranza: No, we are buying it.

Mrs. Wisecup-Sullivan: You've already bought it?

Mrs. Coranza: Yeah, we've already did everything and I just haven't moved in yet.

President Ramirez: Okay.

Mrs. Coranza: Yes. Our plans are to move in, that's why we want to fix it up first.

President Ramirez: Okay. Anything else? We can come back to you. Do you have anything else at the moment? Okay. Thank you. Mr. Champion.

Mr. Champion: A request to convert an attached garage to living space at 678 Allen Avenue. The subject property is zoned residential single household low density. The applicant wishes to convert the existing garage to living space consisting of two bedrooms. A two car garage of at least 400 square feet as required in the residential district. A copy of Table 252- 2, Section 153.252(G)(1) is attached. In the event a variance is granted a separate building permit is required. Properly sized windows, code compliant electric smoke detectors and carbon monoxide detection devices will

be required. A statement of conditions and findings list the factors for consideration of the grant 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 for each case. Each case should be determined on its own facts and that concludes my report.

President Ramirez: Thank you. Anyone from an audience care to comment on this variance request. At this moment no so we will close a portion of the audience comments. Members of the board any questions for the applicant. Mrs. Ghantous.

Mrs. Ghantous: Thank you. How many bedrooms does the house have.

Mrs. Coranza: Two.

Mrs. Ghantous: Two, and you had all your children the same amount of children when you bought it. Did you think it was going to be big enough for everybody with two bedrooms?

Mrs. Coranza: No, I don't realize that I had to get permission to close the garage out first. When I came here to get a permit for the dumpster, that's when they told me that I needed to close the garage. I did not know.

Mrs. Ghantous: So when you bought it you just assumed that you were going to make those extra bedrooms.

Mrs. Coranza: That's a bummer.

Mrs. Emerson: That is a bummer.

Mrs. Ghantous: Thank you, that's all.

President Ramirez: You know one of the major factors we always have with conversion to the garage is when you sell your property and somebody else would move in, what would they do without a garage. Then we have to take in consideration without garages throughout the city, how many more cars what we have on the street. So that's always something we take into consideration as well. Do you plan on keeping the garage door operational?

Mrs. Coranza: No, I want to get rid it.

President Ramirez: Okay. Would you be opposed to doing your renovation with the garage door as it is intact so it's operational garage door and making your renovations on the inside so it's a livable property?

Mrs. Coranza: Leaving the garage door on there?

President Ramirez: Yes, certainly you could lock it or whatever is needed to be the inside. I'm not telling you how to build out your property but without an operating garage door is always a major deterrent for us to say yes on a variance.

Mrs. Coranza: I will just go ahead and leave it. Okay.

President Ramariz: So my question to you is, if we were to say that we would be okay with it as long as the garage door was still operational, or it could be in the near future so that the next owner would not have to come in the garage door put railing and such on the inside. Would that be something that will work for you?

Mrs. Coranza: I was just telling him and he was like but we are not planning on selling.

Mrs. Sullivan-Wisecup: Eventually it will be sold.

President Ramirez: Yes at some time it will be sold. I've been in my house for 40 years but I think sometime I might still sell it.

Mrs. Sullivan-Wisecup: Or when you're gone it's got to be sold eventually.

President Ramirez: Right sooner or later. So we've been doing this we've been working on our zoning and our code for quite a while and that's always one of the sticklers is whether or not operational garage door. I can tell you since I have been on the board we have not approved any from folks that came in and wanted to convert a bedroom that did not want to leave the garage door intact. So the question to you is if you can make some modifications, you might have a better opportunity for us to say yes today.

Mrs. Coranza: Okay

President Ramirez: Something to think about. Let's get some more conversation.
Mrs. Wisecup.

Mrs. Sullivan-Wisecup: Yes, I have a question. How many people are there how many children how many adults are living in the house?

Mrs. Coranza: Two adults four children.

Mrs. Sullivan-Wisecup: OK two adults and four children. Okay, thank you.

President Ramirez: You do know as well that staff comments that you would still have to do planning, give us plans on the modifications that you wanted to make concerning the windows smoke alarms and so forth. Did you understand that portion?

Mrs. Coranza: Yes I did.

President Ramirez: Okay, and that you would still have to come back, not to us but if it was approved you would still have to go to the building department to get a permit for that.

Mrs. Coranza: Okay.

President Ramirez: So I guess the question is at this point I don't know if we would really get an answer. Would you be okay with the garage doors setting as is or staying operational?

Mrs. Coranza: I will, yes.

President Ramirez: You would be?

Mrs. Coranza: Yes.

President Ramirez: Okay. Anybody have any further comment on the garage door situation.

Mr. Nienabor.

Mr. Nienabor: While I really appreciate the family's difficulties, I kind of approach this from the mentality that when the new zoning ordinances came out that we were finished with approving garages to be converted. So I guess I'm hard pressed to follow your line of questioning Joe, I came in here to say no. I just....

President Ramirez: Well certainly and at this point then since you know we will be setting a precedent if we say yes to this one because every other one will certainly be yes well, in the past it's just been a garage door situation and what they did behind the garage door as long as it was meeting the code inside they were okay. If members seem to feel that we were the first one with a garage door with the conversion that going forward we will not entertain any garage conversions then we'll make that stance today.

Mr. Nienabor: Okay.

President Ramirez: Any other further comments on the past code? Is there any other opportunity to build on behind the house or do you have room to build on the side of the house other than converting the garage? Do you have any other way that you could increase your living area?

Mrs. Coranza: We were thinking about it but in the future because it's the cost.

President Ramirez: Yea it certainly

Mrs. Coranza: And there's a huge tree behind and it is going to cost a lot to take that tree out. That is why I was just planning on just doing the garage for now and then in the future extend it.

President Ramirez: All right so if we don't have other lights on would something like to make a motion on approving the garage conversion? Mrs. Emerson.

Mrs. Emerson: Thank you. I move to permit the owner of 678 Allen Avenue a variance to the city zoning code section 153.252(G)(1) to convert the existing garage to living space consisting of two bedrooms.

President Ramirez: Do we have a second motion second?

Mrs. Ghantous: Second.

President Ramirez: Second thank you. Mrs. Secretary.

(Secretary Mrs. Daniels called roll and the variance was defeated with a vote of 5 – 0 not in favor and one absent member)

President Ramirez: Sorry ma'am your variance appeal as has been defeated. I wish you good luck in future.

Mrs. Coranza: Okay. Thank you.

IX DISCUSSION

President Ramirez: Discussion. Any discussion on those two or any others? I guess a point to bring up like Mr. Nienabor, while we set our standards, we used to have quite a bit of conversation about garage conversions and it looks like we just set that standard tonight. So comment from Mr. Campion.

Mr. Campion: I just wanted to comment that the staff comments really didn't address the code requires you have at least 400 square feet of a garage so I didn't really I didn't see a plot plan in here that showed the lot and showed if it was possible build a second garage, a detached garage on the property.

Mrs. Emerson: So in the motion that needs to be recognized?

Mr. Champion: Well no it doesn't. It doesn't necessarily. But that there might have been helpful, maybe we'll make sure that's in there in the future. You know because they could add on to the house for maybe they can't, maybe its just too close to the property line to do that. But certainly they could have put in addition out the back and accomplish the same thing and left the garage where it is. But I don't know if it's a really big lot like the one last month. It's possible have it detached garage. That's all I had.

President Ramirez: Thank you. Mrs. Wisecup.

Mrs. Sullivan-Wisecup: I was going to ask Carolyn because you were our real estate agent here. When you show houses do you, in Springdale especially do you explain to people like if they already have a garage they are talking about converting, if you see them with four children in a two bedroom house is that something that anybody would address like that?

Mrs. Ghantous: Most Professional realtors would speak to that person but we just found out that she bought that on a land contract. So there was probably no real estate professional there to advise her it was just the owner of the property who they were you know just making the agreements between themselves and it's likely he didn't know. I mean maybe he didn't care but likely he didn't know. And she just didn't know what she didn't know. Oh here's a garage space I can make these rooms for my kids she didn't know it. So that's why I said it was a bummer it is a bummer because she truly didn't know.

Mrs. Sullivan-Wisecup: When I bought my house that I already had a converted garage but my grandmother was my realtor and she said you know they had ever variance to have this done already pulled the variance. This is what it is. And because there is no existing garage so you know it's I couldn't change back it would be insane to be able to change it back.

So I mean I understand I like having the space but I would love to have a garage and if I was looking at it now I might look at it differently. Not having a grudge for all these years.

Mrs. Ghantous: Well historically land contracts only you have maybe a 10 percent chance of coming to fruition anyway. So I said to myself, well they can't stay there. I mean they have five little kids now, what happens when they're five kids in a two bedroom house. That will be crazy.

Mrs. Sullivan-Wisecup: I could even imagine five little kids.

Mrs. Ghantous: Well back then we did those stuff, but you know today it's... I feel bad for her but we just...

Mrs. Sullivan-Wisecup: That's five kids in one bedroom. It's only a two bedroom house.

So she and he have one bedroom that leaves all the kids in the other bed which I sympathize with but

Mrs. Ghantous: I've been in that house before and oh my gosh the bedrooms are tiny. The bedrooms are, I mean you think the bedrooms are small back in our neighborhood. This one is like this is the biggest one it's like the smallest one in my house.

Mrs. Sullivan Wisecup: I think we have a same house.

President Ramirez: You know in her defense as well she looked at the neighborhood and saw that there were other closed off garges.

Mrs. Ghantous: She probably did do that.

President Ramirez: And then assuming why wouldn't she be able to do the same.

Mrs. Sullivan-Wisecup: That's on the Holly's street.

Mrs. Emerson: That's my street. I don't think there any converted garages.

Mrs. Ghantous: Really.

President Ramirez: Well there are elsewhere throughout.

(talking not audible no mic.)

Mrs. Ghantous: Throughout the city there's a lot of them.

Mrs. Sullivan-Wisecup: She lives on Bancroft.

President Ramirez: On some of them you don't know as well. That's why I ask about the rental because I think you do inspections and you would know that.

Mr. Campion: We find a lot when we do the rental inspections and licensing that's what we usually discover.

Mrs. Ghantous: Well remember we had that one where the lady, I forgot what street it was right down the street here. She went to sell her house and when the appraiser saw that the garage has been converted and we found out that there was never a permit because it actually took place before that lady bought the house. The current owner that was trying to sell it. So then it came to light but it was done that way when she bought it. She didn't know it wasn't supposed to be that way. So then it prevented one sale from going through then she came here and we did end up giving her a variance so she could get that straightened out. But you know people just don't know what they don't know.

President Ramirez: Mrs. Daniels.

Mrs. Daniels: Hello. I was thinking the same things as Mr. Nienabor, I had already had my mind made up because I thought we had already discussed that. I remember we had a lady come in and we even talked to them about can you build on top and we said no so I was really surprised that we had a lot of dialogue about this because I really thought it was a done deal even though the staff minutes were kind of confusing because it kind of seemed like you wanted us to approve it from what I they're reading so what did you say Mr. Neinabor?

Mr. Neinabor: The staff notes were phrased differently.

Mrs. Daniels: Yeah they were phrased differently so it kind of made me think by you saying that carbon monoxide electricity that you were kind of pushing for them to get us. I was kind of confused by that.

Mr. Campion: Those comments were in there because the pictures that they showed us had windows that wouldn't comply with a bedroom. So they sill can't be higher than forty four inches off the floor and you have to have so much square footage to get out, and they were too small. So we just wanted to make sure that they knew that they would have to come before us and get a permit and then we would make sure that they did all the things that you would need for a bedroom if it was granted.

Mrs. Daniels: Okay thank you.

President Ramirez: Mr. Neinabor.

Mr. Neinabor: I regret that it had to be them that we had to say no to but I am glad that we've drawn the line now on these garage conversions because it will make it all that easier going forward because it seemed like that was every other hearing over the last two years. So that's all I had to say.

President Ramirez: Thank you.

X ADJOURNMENT

President Ramirez: Final subject matter move to adjourn anyone?

President Ramirez: Second?

Mrs. Sullivan-Wisecup: Yes

President Ramirez: Vote (verbal vote all in favor 6-0 to adjourn)

Respectfully submitted,

_____, 2017

Chairman, Joseph Ramirez

_____, 2017

Secretary, Carmen Daniels