

BOARD OF ZONING APPEALS MEETING
FEBRUARY 19, 2013
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: Ed Knox, Carolyn Ghantous, Dave Nienaber,
Lawrence Hawkins III, Joe Ramirez, Robert Weidlich and Jane Huber

Others Present: Randy Champion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV ELECTION OF OFFICERS

Chairman Weidlich: Since we didn't meet the last two months, we need to have our election night for our Officers that should have taken place back in December. We will start out with the Secretary; does anybody have any nominations for Secretary?

Mr. Hawkins: I nominate Jane Huber for Secretary.
(Mr. Ramirez seconded the nomination.)

Chairman Weidlich: Any other nominations for Secretary?
(No additional nominations were brought forward.)

Chairman Weidlich: Are there any nominations for Vice-Chairman?

Mr. Hawkins: I nominate Mr. Joe Ramirez for Vice-Chairman.
(Mr. Knox seconded the nomination.)

Chairman Weidlich: Do we have any other nominations for Vice-Chairman?
(No additional nominations were brought forward.)

Chairman Weidlich: Does anybody have any nominations for Chairman?

Mrs. Huber: I nominate Mr. Robert Weidlich.
(Mr. Ramirez seconded the nomination.)

Chairman Weidlich: Any other nominations?
(No additional nominations were brought forward.)

Chairman Weidlich: We will take a voice vote at this time. Everybody in favor of Mrs. Jane Huber as Secretary please signify by saying "Aye". (Unanimous "aye" vote received from the Board of Zoning Appeals Members.) Any opposed? (No opposing votes.)

Now for the Vice-Chairman, Mr. Joe Ramirez, signify by saying "Aye".
(Unanimous "aye" vote received.) Any opposed? (No opposing votes.)

Now for the Chairman, Mr. Robert Weidlich. (Unanimous "aye" vote received and no opposing votes.)

V MINUTES OF THE REGULAR MEETING OF NOVEMBER 20, 2012

Mr. Hawkins: I have one edit on page 8, under the third paragraph; I believe the sentence that says "I am not saying that you have to write that variance", I believe it should be "I am not saying that you have a right to that variance".

Chairman Weidlich: Does anyone else have any corrections or additions?
(No further corrections were brought forward.)

(Mrs. Huber moved to approve the November 20, 2012 Board of Zoning Appeals meeting minutes as corrected; Mr. Knox seconded the motion and with seven affirmative votes from the Board of Zoning Appeals Members, the November 20th BZA minutes were adopted with one correction.)

VI REPORT ON COUNCIL

(Mr. Hawkins gave a summary report of the November 21st, 2012, December 5th, 2012, December 19th, 2012, January 2nd, 2013, January 16th, 2013 and the February 6th, 2013 City Council meetings.)

Mr. Hawkins: Also the issue that we dealt with at our last meeting; regarding the R.V.'s, that has been looked at by Administration as far as looking at what the industry standards are and what the other cities around us are doing; and that matter has been referred to Planning Commission to look at and examine further and bring a recommendation back to Council.

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the January 8th Planning Commission Meeting.)

VIII CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

IX OLD BUSINESS

(No Old Business presented at this meeting.)

X NEW BUSINESS

- A. Chairman Weidlich: Our first order of New Business is the owner of 11667 Lawnview Avenue is requesting a variance to allow a garage conversion. Said variance is from Section 153.105(B) "A single two-car garage and related parking area is required. The garage shall have a minimum floor area of 400 square feet..."

Mr. Oudeh Shteivi: I am requesting a variance to add a bedroom in half of the two-car garage of the home that I currently live in. The request for the variance is that we have a growing family, a fourth child on the way and we need a little bit more living space. On the corner lot that we live in, our back yard space is very limited. The corner lot can't be built on, neither the front. The request is for an additional bedroom in the back half of the two car garage.

(Mr. Campion read the Staff comments for this variance request.)

(At this time the owner of the property, Mr. Hokmon Shteivi, was sworn in and came to the podium to speak on behalf of the variance request.)

Mr. Hokmon Shteivi: I own the house at 11667 Lawnview Avenue and that is my nephew living there and he would like to have a little bit more room for his kids to have more space and I would like for the City to approve the bedroom for him.

Chairman Weidlich: Would anyone else from the audience like to speak on behalf of this request?

(No other members of the audience came forward and the public portion of the hearing was closed at this time.)

Mr. Hawkins: With the conversion are you going to keep an operational garage door?

Mr. Oudeh Shteivi: Yes. The front half of the garage would be storage and I do have a motorcycle; so I still have to have room to park that vehicle in the front part of the garage. With the distance there with the wall being down the middle of the garage, it gives me adequate space to park the motorcycle as well as to store paint and the kid's bikes, skateboards and any other items that need to be stored.

Mr. Hawkins: And so that we are clear from the drawings, how many means of ingress or egress would there be for getting in and out of the room of the addition?

Mr. Oudeh Shteivi: If you have the drawings in front of you, if you would take a look I actually drew out the existing and if you would then look on the back part of the house, you will notice there is a door that faces outward and there is an existing door to exit the garage there. That would be part of the bedroom and that would be the only means in and out besides the entry through the house.

Mr. Hawkins: And you have that marked with a "D"?

Mr. Oudeh Shteivi: The "B" would be the exit door. I spoke to the building inspector and he told me that in order for me to put a sliding glass door there, it would take 2 - 2 X 8 headers with a piece of plywood. So, I eliminated that sliding glass door and went to just a standard replacement door for the existing door that is there. There is a door that is existing there that exits into the backyard from the garage.

Mr. Hawkins: And this "D" would go into the house?

Mr. Oudeh Shteivi: Right. This is actually where you would go into the house. The "D" is to enter the closet which would be on this side of the wash room.

Chairman Weidlich: Just for clarification for the other Board Members, you are replacing item "B" sliding glass door with a standard entry door?

Mr. Oudeh Shteivi: Yes, I actually changed it on this plan and I would give a copy, with an approval, to the Building Department. What we are trying to do is keep it at a minimum because this is a temporary fix until we can move on to a larger home for the family. So, with the minimum amount of construction done here which would be basically four walls, it could still be converted back into a garage when we do leave the premises. That is why there is not a lot of structural changes there where the wall goes across the middle of the garage, it is a non-support bearing wall; so it could easily be removed and there could be a two-car garage when the time is right for us to move on to a larger home. It is basically a temporary fix until we can move on.

Mr. Knox: I want to compliment you on having two usable exits to that extra bedroom.

Chairman Weidlich: I don't see a closet in your plan; are you going to be putting a closet in that room?

Mr. Oudeh Shteivi: Yes. It would be towards the front of the garage.

Chairman Weidlich: It won't be in the bedroom?

Mr. Oudeh Shteivi: No. It is a separate unit. It actually takes a few feet away from the side of the garage, still giving the right side of the garage as storage. The closet would be back in this area (demonstrated by the drawing).

Chairman Weidlich: Then all of that could be taken down in the future for a garage?

Mr. Oudeh Shteivi: Yes.

Chairman Weidlich: I have a question for you, Mr. Campion; since they are going to have an egress with that door, are they going to need a window in that room, as well?

Mr. Campion: No. They wouldn't be required to have a window. The other thing that I would note is the wall that separates the storage from the bedroom, if you grant a variance; we would want it to be drywalled on both sides and fire taped so that you couldn't have any exhaust fumes. It doesn't have to be insulated; it just needs to be air tight. You would probably want to insulate it, but it wouldn't be required. As far as what is required for a bedroom, you would need either an egress window or a door that leads directly out of the bedroom, which he has provided. The other thing that would be required is a smoke detector in that bedroom.

Chairman Weidlich: Sir, you are aware that you will have to work with the Building Department to meet all of the current building codes and such for this addition?

Mr. Oudeh Shteivi: I did get quite a bit of insight from the Building Department about outlets and light fixtures and what the code is; I will definitely work with them on that.

Mr. Nienaber: Mr. Campion, is there a required rated wall for fire control?

Mr. Campion: There used to be but there isn't any more. It used to be that you had to have a twenty minute hourly rating between a garage and a house. Now, it is really just a smoke barrier and we are really just concerned about carbon monoxide fumes. We would require drywall on both sides of that wall and for it to be fire taped.

Chairman Weidlich: Does anyone else have any questions for the applicant? (No additional questions were presented.) We will move on to deliberation of the facts that have been presented.

Mr. Hawkins: For the sake of the record, it is a corner lot and a variance had been granted regarding a fence in the backyard, a couple years ago. Corner lots do present unique situations in terms of their position to their neighbors and being able to expand outward. I think, based on Staff's comments and based on the location, in order to feasibly build an addition, they would be pretty limited without building another floor on. I just wanted to note that for the record.

Chairman Weidlich: Sir, I appreciate you looking ahead to being able to convert this back to a garage and not making things one hundred percent permanent. I think that is a good idea on your part to keep it that way.

Mr. Oudeh Shteivi: Minimum expense.

Chairman Weidlich: Would someone like to make a motion?

Mrs. Huber: I move to grant a variance from Section 153.105(B) so as to allow for the conversion of an existing garage into a bedroom / storage room. The code requires the residence to have a two-car garage. The property is located at 11667 Lawnview Avenue.

(Mr. Knox seconded the motion.)

Chairman Weidlich: Is there any further deliberation on this item; or any amendments?

Mr. Hawkins: I would ask to amend it to add that they shall keep a garage area of 168 s.f. and an operational garage door.

(Mr. Nienaber seconded the amendment to the motion.)

(Mrs. Huber called a vote on the amendment to the motion and with a unanimous "aye" vote the amendment was accepted by the Board of Zoning Appeals Members.)

(At this time, Mrs. Huber called a vote on the amended motion and with a unanimous "aye" vote the amended motion was approved.)

XI DISCUSSION

(No items for discussion were presented at this meeting.)

XII ADJOURNMENT

Mr. Hawkins moved to adjourn, Mr. Knox seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:31 p.m.

Respectfully submitted,

_____,2013_____
Chairman Robert Weidlich

_____,2013_____
Secretary Jane Huber