

BOARD OF ZONING APPEALS MEETING
APRIL 15, 2014
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: Carolyn Ghantous, Lawrence Hawkins III, Ed Knox,
Joe Ramirez, Dave Nienaber, Robert Weidlich and Jane Huber

Others Present: Randy Campion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF MARCH 18, 2014

Chairman Weidlich: Are there any changes, corrections or additions to the Minutes of our last meeting from March 18, 2014?

Mrs. Ghantous: I move to adopt.

(Mr. Knox seconded the motion and with a unanimous “aye” vote from the Board of Zoning Appeals Members, the Minutes of the March 18, 2014 meeting were approved.)

V CORRESPONDENCE

Chairman Weidlich: We had no correspondence this month.

VI REPORT ON COUNCIL

(Mr. Hawkins gave a summary report of the March 19th, 2014 and the April 2nd, 2014 City of Springdale Council Meetings.)

VII REPORT ON PLANNING COMMISSION

(Mrs. Ghantous gave a summary report of the April 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: The first order of business is the owner of 1205 Wainwright Drive has submitted an application to the Board of Zoning Appeals requesting a variance to convert the garage to living and storage space. Said variance is from Section 153.105(B) “A single two-car garage and related parking area is

required...". Please step to the podium and state the facts as to why you are requesting this variance.

Mr. Jonathan Arroyo: I lived at that residence and I have moved from it and it is currently being rented. I converted it while I was living there for my family and we enjoyed it like that. I did not know there was a necessity to get a permit to change it the way that I did. So, when they had the inspection they noticed it and informed me of that and I came in and submitted an application. During that, there were other improvements that needed to be made and that has been done and I am waiting to tape and mud the wall inside of the garage portion for the fire safety issue; if a fire ever broke out they said it would take longer for it to get to the other side. If it is not approved I have to take out the wall. The renters are currently using it and they enjoy it that way and they are hoping this goes in the fashion that it can stay the way it is currently, but we will see.

(At this time Mr. Campion read the Staff comments.)

Chairman Weidlich: Is there anyone in the audience that would like to speak on behalf of this application?

(At this time, no one came forward to speak and the public portion of the hearing was closed.)

Chairman Weidlich: We will have an interactive discussion with the applicant and the Board Members.

Mr. Jonathan Arroyo: The rear of the home does have space behind it, however there is a glass room that was constructed there and to the left of that glass room there is also a deck. The glass room or sunroom is 12' x 20' directly behind the garage; the soffit has been cut off and the roof is all one piece basically now. To the left of that is a deck that is 16' x 18' and it is right next to that, so I would have to remove one of those two items to construct something behind the house. Also, the driveway is capable of holding three cars. One of the things that I noticed on the paperwork that was sent to my house was that it would cause more of a parking issue on the street but they have adequate space to park their cars. They do own three cars and when I have visited they have been parked in the driveway.

Mr. Hawkins: In the back of your house there may be some topographical issues, does it start to go down or is there a hill at the end of your property in the back?

Mr. Jonathan Arroyo: Yes, at the very end, not near the house though.

Mr. Hawkins: Is it fair to say that from where your deck is and that glass room in the back, does it start to slope down away from the house at a downward angle?

Mr. Jonathan Arroyo: A small slope but not extreme. Water does go through the backyard when it rains really hard and it does not get up towards the house, it goes basically through the center of the yard.

Mr. Hawkins: So you are at a higher elevation than your backyard neighbor?

Mr. Jonathan Arroyo: Yes, but their yard goes up too.

Mr. Nienaber: I was wondering, did you do the alteration to the garage or did the tenants?

Mr. Jonathan Arroyo: No, that was done during the time that I lived in the house.

Chairman Weidlich: Do you have any plans to put any legal egress in that space?

Mr. Jonathan Arroyo: No, I am probably not going to do that. So, I will ask them to not use that as a bedroom if this is passed.

Chairman Weidlich: My concern is if the tenant or whoever you have in there in the future or for the future owner chooses to use that as a bedroom and they put a child in there, there is no way for a child to get out of that room in case something happens on the outside of the door where they are at.

Mr. Hawkins: Just a question for Mr. Campion, the garage is 275 s.f. and then we have 149 s.f. converted for living space and 116 s.f. for storage?

Mr. Campion: It doesn't add up, is that what you mean?

Mr. Hawkins: I was wondering about that additional 10 s.f., unless there is something that I was missing.

Mr. Campion: I don't know why the numbers don't add up.

Chairman Weidlich: In the event that someone down the road is using that as a bedroom and possibly, most likely for a child, I won't be supporting your variance request for not having an egress window access in that room.

Mr. Jonathan Arroyo: Mr. Campion, would it be possible to maybe open or remove the door there and put a larger opening so it wouldn't be suitable as a bedroom for them, if they like that? If not, I will just remove the door because that is the cheapest thing for me but I want my renters to be happy, if I can keep it that way. So, if it was more like a large hall opening would that be a possible thing to prohibit someone from using it as a bedroom because it wouldn't be private?

Mr. Campion: If this Board was to grant a variance and they wanted to make that a condition that a portion of that wall be removed, like a 6' area, then you would still be required to get a permit for that. Any time you do any remodeling in a house now you are supposed to have carbon monoxide detectors put outside the bedrooms. Just in the process of getting a permit, there might be other things that you have to do on the house; small things.

Mr. Jonathan Arroyo: I will make it their option, it is up to them whatever expenses or cost, if they prefer or not, or I will just take the wall out.

Mr. Campion: That is a possibility.

Mr. Knox: I agree with our Chairman, that having a single exit is not a safe situation, you must always have two exits. If you were to put a wide doorway in there, that would be a separate situation where you would have to go to the Building Department. So, therefore I will be voting against it as it stands now. If you convert it then that will be a different situation and we could address it at a different time. I will be voting "no".

Chairman Weidlich: Would somebody like to make a motion?

Mrs. Huber: I move to grant a variance to Section 153.105(B) so as to allow the conversion of a one car garage into living and storage space on property located at 1205 Wainwright Drive. The Code Section is "A single two-car garage and related parking area are required".

(Mr. Nienaber seconded the motion.)

Mr. Hawkins: No further deliberation, I just want to state for the sake of the record; would find that the granting of the variance is likely to cause - the area back there is highly condensed population and a lot of houses back there - is likely to cause potential for parking on the street burden. I understand that you say that you have some space in the driveway, extra space there. Also, would note that it is a significant and substantial variance, considering the Code requiring a garage. If a new home were manufactured it would have a two-car garage. I know that this is legal and non-conforming right now. I just want to state that for the record.

Chairman Weidlich: Anyone else? Is there any amendments? Mrs. Huber would you call the vote?

(With a unanimous "no" vote from the Board of Zoning Appeals Members the request for the garage conversion at 1205 Wainwright Drive was denied.)

Chairman Weidlich: Sir, your application has been denied. If you have any other alterations please get with the Building Department and discuss it with them, if you plan to do anything else.

Mr. Jonathan Arroyo: And that whole process would end up back here, I assume?

Chairman Weidlich: It could.

Mr. Campion: Yes, if you propose to use that space for anything other than a garage, then you would need a variance.

XI DISCUSSION

Chairman Weidlich: Does anyone have anything for discussion this evening?

Mr. Nienaber: I was going to remark that even with a change, I would still be inclined to vote against it because it is a two-part problem.

Mr. Ramirez: I would tend to agree with Mr. Nienaber, I am on the same path.

XII ADJOURNMENT

Mr. Hawkins moved to adjourn, Mr. Knox seconded the motion and the Board of Zoning Appeals meeting adjourned at 7:26 p.m.

Respectfully submitted,

_____,2014
Chairman Robert Weidlich

_____,2014
Secretary Jane Huber