

BOARD OF ZONING APPEALS MEETING  
JUNE 21, 2016  
7:00 P.M.

I. CALL MEETING TO ORDER

The meeting was called to Order by Joe Ramirez at 7:02 p.m.

II. ROLL CALL

Members Present: Carmen Daniels (tardy), Holly Emerson, Carolyn Ghantous (tardy), Jane Huber, Dave Nienaber, Joe Ramirez, Michael Wilson

City Staff Present: Randy Campion (Building Inspector)

III. PLEDGE OF ALLEGIANCE

IV. MINUTES OF THE REGULAR MEETING OF APRIL 19, 2016

Mr. Ramirez: Please note if you have a cell phone, please put those on mute or silence, and anybody that's going to testify or present before the Board, have you, or would you please sign in in the back. Thank you. Please note Mrs. Daniels is here. Give her a minute toí First matter is to approve last, well actually it was April 19<sup>th</sup>, the minutes from our meeting. Anyone move to adopt those minutes?

Mr. Nienaber: Move to adopt. (Mrs. Huber seconded the motion and with a Vote of 4-0 from the Board of Zoning Appeals Members present at the time, the Minutes of the April 19, 2016 BZA meeting were approved. Mrs. Ghantous was not yet present. Mrs. Emerson and Mr. Wilson abstained as they were absent from the meeting.)

V. CORRESPONDENCE

Mr. Ramirez read a letter from Secretary Bauer of the Planning Commission regarding The Atrium Hotel and Conference Center.

VI. REPORT ON PLANNING COMMISSION

Mr. Ramirez gave a report on the June 14<sup>th</sup>, 2016 Planning Commission Meeting.

REPORT ON CITY COUNCIL

Mrs. Ghantous will present her report at the July 19<sup>th</sup>, 2016 BZA Meeting.

VII. OLD BUSINESS - None

VIII. NEW BUSINESS.

a. The owner of 11797 Lawnview Avenue has submitted an application to the Board of Zoning Appeals to appeal Section 153.252(G)(1) of the zoning code requiring a minimum rear yard setback of thirty-five (35) feet and seeks a variance to allow the construction of a patio cover.

Mr. Ramirez: Will the owner or the person speaking on behalf of that please step forward?

Mr. Ulliman: How you doing?

Mr. Ramirez: Good afternoon, evening.

Mr. Ulliman: My name's Joe Ulliman. I live at 11797 Lawnview. There is an existing patio back there. What I'd like to do is put an awning up. What I

need it for is for the heat. I have no trees, no shade. This will give me shade. It will also help with keeping my air conditioning from working constantly, plus I have a dog that has nowhere to sit when we're outside. We usually don't go out until the evening. It's too hot during the day because there's no shade. It's not enjoyable. We want to put that up so we can enjoy our backyard, so we can have family over and things like that. That's basically it.

Mr. Ramirez: Thank you. Staff comment and report, please.

Mr. Champion: Mr. Champion read the staff report.

Mr. Ramirez: Thank you, Mr. Champion. Mr. Nienaber? Thank you.  
Comments? Mrs. Huber.

Mrs. Huber: I just want clarification. Is this a permanent awning, or one of those retractable ones?

Mr. Ulliman speaks inaudibly.

Mr. Ramirez: Would you, if we have some questions, would you please stand at the podium? Thank you.

Mr. Ulliman: Yes, it is a permanent one. It will be attached to the house. It's an aluminum awning. It's not made out of shingles or anything, it's actually just aluminum.

Mrs. Huber: Thank you.

Mr. Ramirez: Mr. Champion, are there any codes requiring the attachment of said awning to the house?

Mr. Champion: Uh, yeah. If the variance is granted, then he'll need a permit for the construction and there are requirements as far as is it attached and how it's anchored to the ground.

Mr. Ulliman: I did turn all that in the first time.

Mr. Champion: Yeah I think he applied for a permit so it's conditional upon whether a variance is granted.

Mr. Ramirez: Thank you. Any other discussion on this matter? No other discussion. Anyone, I'm sorry, Mr. Wilson.

Mr. Wilson: Will you be constructing the awning yourself, or will you have that professionally?

Mr. Ulliman: I would do it myself.

Mr. Wilson: Okay.

Mr. Ramirez: Mrs. Emerson.

Mrs. Emerson: Thank you, Mr. President. Do you have any intent in the future to close this in?

Mr. Ulliman: No.

Mr. Ramirez: Thank you. Any other comments? I might note that it does have unusual circumstances of the property because it is a narrow lot, and it does cause some hardship on adding an awning with the way the property is. That does not mean that all the other folks that are in your neighborhood that have

one, it's okay for them to have one without getting a zoning variance from the Board. Would somebody like to make a motion on this?

Mrs. Huber: I move to grant a variance to Section 153.252(G)(1) so as to allow for the construction of a patio cover, 10' by 22' on the rear of the residence located at 11797 Lawnview Avenue, and the code requires a minimum rear yard setback of 35 feet.

Mr. Wilson seconded the motion.

Mrs. Huber polled the Board; the motion was passed with a vote of 7-0.

Mr. Ramirez: Thank you, sir. Your variance has been approved.

Mr. Ulliman: Thank you.

b. The owner of 249 Ruskin Drive has submitted an application to the Board of Zoning Appeals to appeal Section 153.252(G)(1) of the zoning code requiring a minimum front yard setback of thirty (30) feet and seeks a variance to allow the construction of a front porch.

Mr. Ramirez: Would said owner please step forward? Please state your case.

Mr. Shroyer: My name is Dan Shroyer. I live at 249 Ruskin. I have a similar situation on the front of the house instead of the rear of the house. I would like to construct a porch or porch covering. This would be a constructed porch, tied into the roof as a gable-type porch. I've provided a packet of information, I think with some CAGIS, pictures of other houses in the subdivision that have done the same thing. In beginning the process or doing some research, I found it a little unusual that as Mr. Campion had said, the 1960 zoning regulation set a 30 foot, in this case 30 foot front yard setback. In looking at CAGIS and doing some dimensioning and most of these houses were built in the late fifties in this area, probably a large percentage, I'm gonna say over half, but probably much more than that, are already non-conforming uses because they were closer to, closer than 30 feet to the right of way at the time that the 30 foot zoning went into place. So, there is virtually no front yard or front face use or alteration of the house without a variance to the zoning. We've been there for almost 40 years. There's some issues with weather. Ice, snow builds up on the front porch. The morning sun has a tendency to fade the drapes in the large living room picture window. But the current issue is we have four grandchildren, seven and under, and at times, for my wife and I to, usually carrying one and a diaper bag and maybe leading the other three, to try to get everybody collected up in front of the house and get the front door open, everybody's standing in the weather, whether it's rain or snow or whatever. So a porch covering would allow an opportunity to get out of the weather as we're getting in and out of the house. We're actually, as you can probably tell by the drawings, we're two feet, well we would like to do, the current concrete front porch is 16 foot wide. We'd like to come out eight feet just to be proportional. That puts us, I believe, just about two feet into the required 30 yard setback, or 30 foot setback, so we'd still be somewhere in the 28 foot range. That's our case, and aside from those issues, obviously, there's the aesthetics. There's some increased property value probably, but generally we would like to get in out of the weather.

Mr. Ramirez: Thank you. Staff comments, Mr. Campion.

Mr. Campion: Mr. Campion read the staff report.

Mr. Ramirez: Thank you, Mr. Campion.

Mr. Shroyer: I might also mention if I might that the timing is now because even though we've been there a number of years, this is something that we've talked about for a number of years, we have contracted with a roofer to remove the roof and reshingle, so now is the time. We were kinda putting it, talking about it but putting it off, ya know, until we were able to do the whole new roof at one time.

Mr. Ramirez: Thank you. Mrs. Huber.

Mrs. Huber: Yeah, excuse me. My voice is gone. What is the exact size of this proposed porch?

Mr. Shroyer: It'd be 16' wide and 8' from the face of the house, but these houses already have a 3' soffit overhang, so we're actually only 5' further out than the front face as it is.

Mrs. Huber: And what is the length?

Mr. Shroyer: 16' wide, 8' projected off the house.

Mrs. Huber: Thank you.

Mr. Ramirez: Mr. Nienaber.

Mr. Nienaber: He's answered my question.

Mr. Ramirez: Thank you. Mrs. Ghantous.

Mrs. Ghantous: Mr. Shroyer, will your porch look a lot like this?

Mr. Shroyer: It'd look a lot like the one that's just a porch. There's a couple that have an extension that goes out over the driveway.

Mrs. Ghantous: Yeah, I think this one's just

Mr. Shroyer: The one on Lawnview?

Mrs. Ghantous: Well aside from the serviceability for your family, I think it modernizes the look of the house. You know, all those little ranches over there look like they're from the fifties. I mean that's where I live, so my house looks like that too, so no offense intended, but they all look like they're from the fifties and sixties and I think something like this kinda modernizes. It'd be great if

Mr. Shroyer: I think they do really change the look of

Mrs. Ghantous: It does, and it really would maybe make the neighborhood look not so fifty-sixtyish.

Mr. Ramirez: Thank you. I agree. I love the look of that, especially that one on Lawnview, but I see that one has a fence in front. Will you have a fence?

Mr. Shroyer: No. We'd have just the two posts.

Mr. Ramirez: Okay. Mrs. Daniels.

Mrs. Daniels: I went by your house today and I couldn't remember, do you have a side, another entrance on the side? Is that covered, on the other side of your house?

Mr. Shroyer: No, it is not. It has the same soffit type of an awning.

Mr. Ramirez: Any other comments, questions? Also, for the record, like to state the unusual circumstance of the 30 foot setback and that this awning will be attached to the current roof, and it does add some value to the home.

Mrs. Ghantous: It's a corner lot, also.

Mr. Ramirez: Thank you.

Mrs. Ghantous: So these corner lots are always a little trickier.

Mr. Ramirez: We're going to have a motion here. Mrs. Huber.

Mrs. Huber: I don't wish to be a pig, but I'll do it. To grant a variance to Section 153.252(G)(1), so as to allow the construction of a front porch on residence located at 249 Ruskin Drive, and the code requires a minimum front yard setback of 30 feet.

Mr. Ramirez: I think we need to add the size of that porch.

Mrs. Huber: 8' x 16'?

Mr. Ramirez: 16' x 8'

Mr. Shroyer: 16' x 8' whichever way you prefer it to be.

The motion was seconded by Mr. Nienaber.

Mr. Ramirez: Mr. Champion.

Mr. Champion: I'd like to point out, if you're going to make a motion, you should probably put in there how much it's going to project into the setback, so we're asking for a variance of how many feet? Three feet into the setback? Or is it five feet?

Mr. Shroyer: Well, eight feet off the front of the house.

Mr. Champion: And you said we're five feet from the setback? From the front yard setback right now?

Mr. Shroyer: Yeah. Well, from the gutter line of the house, yes.

Mr. Champion: Okay, so you're really asking for a variance to project three feet into the setback, is that correct?

Mr. Shroyer: I think on one of the sheets, it's

Mr. Champion: Whatever the distance is

Mr. Shroyer: It doesn't actually project that far into the setback because we were

Mr. Champion: Whatever the distance is, that's what should be in the motion. If that's the direction you're going.

Mr. Shroyer: Currently 36 feet, we currently have a 33 foot setback to the soffit on our house.

Mr. Champion: So you need a three foot setback, three foot variance. Five foot variance, I'm sorry. I'm just trying to get the math right. Five foot, okay.

Mr. Ramirez: So as I understand, we need a setback of 25 feet?

Mr. Champion: Yeah, that's the way to do it. Yeah.

Mr. Ramirez: Mrs. Huber, would you make that change please to put the setback, to approve a setback of 25 feet I think most likely we're going to have to withdraw that motion and restate the motion with the corrected facts. So Mr. Nienaber would have to withdraw his second.

Mr. Nienaber: That's fine.

Mr. Ramirez: And Mrs. Huber, would you please read the new motion?

Mrs. Huber: To grant a variance to Section 153.252(G)(1), so as to allow the construction of a front porch on residence located at 249 Ruskin Drive. The size will be 8' x 16' and it will leave a front yard of 25 feet instead of the 30 required.

Mr. Nienaber seconded the motion.

Mrs. Daniels: I just want clarity so in his first, in number one where he described it, he was originally saying it was three, now it's been determined that it's five? Is that what? Because first he said it was three feet into the setback, now it's five? Is that correct?

Mr. Ramirez: Well, it's, there was probably a miscalculation on the where that setback started from, was it not from the eaves, or is it from the house?

Mr. Shroyer: It's gonna be eight feet off of the face of the house, so that's gonna determine the setback.

Mr. Ramirez: So you currently have 33, if you subtract eight, we have 25.

Mr. Shroyer: I'm confusing myself. We're confusing the face of the house and then the three foot soffit.

Mr. Ramirez: Mr. Champion, can you comment on the setback? Does the setback go from the soffit or does it go from the face of the house?

Mr. Champion: I'm actually not sure. The CAGIS map that's in here is saying, and it could be the soffit or it could be the house, is 29.13 feet, so it looks like the house. It looks like the house, looks like the house or that could be to the soffit, I don't know. Is the soffit about a foot, or is it a three foot?

Mr. Shroyer: Three foot.

Mr. Champion: Three foot. I am not sure.

Mr. Ramirez: So if we stay with our reducing your setback to 25 feet, I believe we'll be okay either way. Is that correct?

Mr. Shroyer: Yeah, or eight foot off the face of the house.

Mr. Champion: If you, if you want to so that and approve the size, you know 8' x 16' front porch, we'll be covered both ways.

Mr. Shroyer: Actually if the setback were to the front face of the house, I wouldn't even need the variance, would I?

Mr. Champion: Well, according to this map, it looks like the house is set at 29.13, according to CAGIS, but I don't know that that's accurate either, you know the aerial.

Mr. Shroyer: Yeah I know the dimensions on my drawing are accurate because it was my tape measure.

Mr. Champion: Okay.

Mr. Shroyer: I think we're probably 28 and 3, probably 31 to the front face of the house.

Mr. Champion: Okay.

Mr. Ramirez: So the current motion, you can work with the current motion of a 25 foot setback, and if it's determined that the measurements are from the house instead of from the eaves, you're still good. We had the motion, Mr. Nienaber seconded. We need to poll the members.

Mrs. Huber polled the Board for a vote of 7-0.

Mr. Ramirez: Thank you. Your variance has been approved.

Mr. Shroyer: Thank you.

IX. DISCUSSION - None

X. ADJOURNMENT

Mr. Nienaber motioned to adjourn and Mrs. Emerson seconded. The Board of Zoning Appeals meeting adjourned at approximately 7:35 p.m.

Respectfully submitted,

\_\_\_\_\_, 2016 \_\_\_\_\_  
Chairman Joseph Ramirez

\_\_\_\_\_, 2016 \_\_\_\_\_  
Secretary Jane Huber