

BOARD OF ZONING APPEALS MEETING
AUGUST 21, 2018
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, Jeffrey Anderson, Carmen Daniels, Robert Weidlich, Carolyn Ghantous, Gregory Johnson

Staff Present: Gregg Taylor

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF JULY 17, 2018

President Ramirez: At this time, members, have we read the minutes from the July 17, 2018 meeting and the Chairman would accept a motion to approve those minutes at this time. Do we have somebody who would like to approve those?

Mr. Anderson: I move to adopt.

Mrs. Ghantous: Second.

President Ramirez: We have a move and a second, to approve the minutes, all in favor, we will do a voice vote.

(Voice vote was taken and the minutes were approved with a vote of 6 to 0 with 1 abstention, Gregory Johnson.)

V CORRESPONDENCE

None.

VI REPORTS

A. Report on Council

President Ramirez: Mrs. Ghantous.

Mrs. Ghantous: Thank you Mr. Chairman. So City Council met on August 15, 2018. The first item was a presentation from Greg Karle over at the rec, from the Recreation Center and he was talking about the ComeUnity Bash. This year it will be Saturday, September 8th from 3 to 9pm. Has everybody been?

President Ramirez: I've not.

Mrs. Ghantous: You have to come. It is really a good time. So there is food and all of the service organizations in the City sell food. Everyone we have is there. So, it is a money making opportunity for the service organizations. There is live music, petting zoo, circus acts, there is like split the pot. It is just a fun day. So if you haven't come out you should because it is a really good time. So that is Saturday, September 8th from 3 to 9pm. The next thing was interesting, Mayor Webster had a Proclamation for a 12 year old resident named Lily Ruthen. Lily is a two time world champion of disc golf in her age category and I guess even since winning her second world

championship she has won some other very prestigious awards. So, I thought that was very cool, having a little celebrity here. Then on to the regular business of the evening. We had two ordinances and three resolutions. Ordinance No. 40-2018 was reducing and recertifying special assessments levied for the purpose for constructing certain improvements. That passed with a 7 to 0 vote. There was Ordinance No. 41-2018 levying special assessments for the improvement of driveway aprons in the public right of way and that was related to the 2017 Street Program. That passed with a 7 to 0 vote. Ordinance No. 42-2018 authorizing the City's participation in the financing public improvements in cooperation with the Port Authority. That was relative to the Springdale Commerce Park, formerly GEEAA. That passed with a 7 to 0 vote. We had two resolutions. Resolution R12-2018, authorizing the filing of continuing disclosures related to the March, 2017 Street Improvement Bonds. That passed with a 7 to 0 vote. The last Resolution, R13-2018 was commending our City Administrator. If you guys didn't know he is retiring Friday. Next Friday. So, it was nice. There was a Resolution commending his, all of his contribution to the City. He has been here for 25 years and was certainly a very, played a very significant role in maintaining the financial stability of the city during the economic crisis that began in 2009. So that was, what he did was nothing short of amazing. I mean it was a little bit of an emotional evening and I think everybody is sad to see him go but we do have a new guy. A nice new guy coming on John Jones. So I guess everybody will get to know him shortly. Did I forget anything Mr. Anderson?

Mr. Anderson: No, only that I believe that Mr. Jones started today. Today was his first day. Yesterday, I'm sorry what day is today? Is today Tuesday? Yesterday. School started and my schedule.

Mrs. Ghantous: I can relate. So, if there aren't any questions then that will conclude my report.

President Ramirez: Thank you for that report. Just a reminder, you did really well but I have been reminded to make sure that you turn on your microphone when speaking.

Mrs. Ghantous: It is on.

President Ramirez: It is very difficult for the secretary to take notes. No, I said you were fine. Just reminding the rest of the members to please turn on your microphone when speaking.

B. Report on Planning Commission

President Ramirez: We had a very long Planning Commission meeting and this is the report on Planning. We didn't actually accomplish a lot. In the end, at least voting on the subjects. We had an old business which was the Thorntons, 12185 Princeton Pike, revision to the development plan. They asked to table that and that was voted 7 to 0 to table that. Under new business, this was the long subject. T.J. Ackermann on what is called Springrose Subdivision, is looking at 13.316 acres on West Kemper Road to amend the developing plan from low density to high density, adding 54 homes of various sizes and to create a planned unit development with an HOA. A lot of discussion. We had a full house on this one. Residents were concerned what was going in there and how it was going to affect them. The traffic, their properties. Like I said a lot of discussion. In the end, if you know where this is, this is next to CVS. That property right there, people wanted various different things such as green space, reduced home size. In the end we are going to continue that, we did not table that, we are going to continue the public hearing and I'm sure we hear from him, the next meeting we will hear from him. Any questions on that before I go to the other ones because that was quite a long subject matter. Mrs. Daniels.

Mrs. Daniels: Yes, when is the next public hearing? Is it going to be held at the next meeting or will you post again?

President Ramirez: It will be our normal time frame is that correct?

Mr. Taylor: Correct. It will be at the normal September Planning Commission meeting which is the 11th I think.

President Ramirez: Item B was Meda Care, 12190 Springfield Pike, better know as the old Tire Discounter location. Meda Care, you have probably seen them around town, they have cars and vans to transport people for medical issues to appointments. They are looking to use that facility temporarily to use it for repair of the vehicles. They think that they may be there only six months or so. In the end we did approve that with a 7 to 0 vote. Finally, it was Professional Design Associates, this is at 1300 Century Circle North, Revised Development Plan, looking for a signage and this is the Sheraton location because the way that the property sits down in the hole they needed signage to stick up into the air. Not this one? Oh, okay that was tabled 7 to 0 concerning the parking lot. The other subject was actually bouncing back and we see that on our list is that right Mr. Taylor, we will not address the Sheraton Lane location?

Mr. Taylor: That is correct. It was determined that the Sheraton property was actually part of a PUD so that question about the sign needed to be brought before Planning Commission instead of this board. So Planning actually heard that last month as Mr. Ramirez said. So, it was removed from your agenda tonight.

President Ramirez: Thank you. There will be plenty more on the Springrose subdivision coming up. I'm sure that will be another long meeting coming up. I think we had six out of the seven council people were on site and it was good to hear and good to see all of the residents express their concerns. That concludes the report on Planning Commission. At this time if you have a cell phone would you please turn it to mute or off?

Chairman's Statement (read by 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 the public record. All testimony and discussion relative to said variance is recorded, and it is from this recording that our Minutes are taken.

Citizens testifying before this Board are directed to sign in on the clipboard in 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 this 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 members of the audience were sworn in at this time)

Please be seated.

Be advised that anyone who was not standing and sworn in cannot testify unless they request the Chair to be sworn in as they come to the podium.

VII OLD BUSINESS

None

VIII NEW BUSINESS

- A. Corey Shreffler, 96 Silverwood Circle, Springdale, Ohio, has submitted an application for a Zoning Variance from section 153.252(F)(14)(a) of the zoning code that states there may be one detached storage structure or accessory building and one detached garage on the same zoning lot with a main building. Applicant wishes to construct an additional shed in the rear of the property. (Application 33987)

President Ramirez: As we have changed the sequence of our meeting I believe that at this time Mr. Taylor will give us a report from staff.

Mr. Taylor: Thank you Mr. Chairman. This is the case before you. It is 96 Silverwood Circle brought by the Shrefflers. This is from CAGIS. This is an aerial of their property which is right here. This is the house of course, the driveway. This is kind of the issue if you will. This is an existing shed that is already on the property and the request before you is to construct another shed basically back in this area, right in here that would be 10x14. This is a photograph that was provided by the applicant that indicates where the proposed shed would be. This tree is dead and it would be taken down and the shed would be in this general location. Again you can see the shed that is existing on their property. This is a rendering of the way that the shed would look, also provided by the applicant. There is a number of other pictures which are included in your packets, I just picked out the highlights if you will to show on the screen here. As you can see in our staff report according to our zoning code you are only allowed to have one detached accessory structure on a property in addition to one detached garage. They currently have one and they want to do another one, hence the reason for the variance and that is the issue that is before you all tonight. In addition to the staff report is of course is our normal statement of conditions and findings which basically list the factors that are spelled out in your zoning code that you need to consider when granting a variance. That is all that I have Mr. Chairman.

President Ramirez: Thank you for that report. At this time would the applicant please step up to the microphone and give us the reason why you believe you should be approved for a variance.

Mrs. Shreffler: Thank you. Good evening everyone. That means why

President Ramirez: I'm sorry, I missed a spot, a point. Please state your name and address.

Mrs. Shreffler: My name is Marilyn Shreffler and my address is 96 Silverwood Circle, Springdale, Ohio.

President Ramirez: Thank you. Go ahead.

Mrs. Shreffler: So, the reason why we are requesting for additional shed is because the shed that we currently have right now is a small one and it has already been there when we bought the house about ten years ago or so. I couldn't work full time because of health reasons so to add our household income I am doing some side jobs which is like doing upholstery. I go to the curbs and get furniture that are thrown away and I reupholster them and do some staging. Right now we only have a very small one car garage, attached garage and that is already full and some of our stuff is also in my spare bedroom and in fact a little bit of them are in the front room. I desperately, we desperately need to have additional storage mainly because of, again, I need to have, we need to have additional income and we ran out of storage. That is basically it.

President Ramirez: Okay. You can address, we may have questions for you that you can answer further on if you would like.

Mrs. Shreffler: Okay.

President Ramirez: At this time, we are going to let the Board ask you questions and if you don't mind stay at the podium and if members have questions for the applicant please ring in.

Mrs. Shreffler: Okay.

President Ramirez: Mr. Johnson.

Mr. Johnson: Hi how are you?

Mrs. Shreffler: I'm very good sir, thank you.

Mr. Johnson: The question I have is, is there a possibility of taking the existing shed down and replacing it with a newer, larger one?

Mrs. Shreffler: We can actually do that but then if we would buy a bigger shed, #1 is that it is only an additional 30 square which is so much, very small.

Mr. Johnson: Okay.

Mrs. Shreffler: Additionally, the bigger shed is expensive and so we are kind of limited as far as our finances are concerned right now. So, we really wanted to submit to the rules of this county but we just want to tell you guys of our needs as of now.

Mr. Johnson: Okay, thank you.

Mrs. Shreffler: You're welcome sir.

President Ramirez: So that small shed is 10x12 is that correct? Is that the current shed?

Mrs. Shreffler: I'm not sure if it is 10x12, I think it is smaller than that. I'm not sure.

President Ramirez: The drawing, I'm just going by the drawing that says it is 10x12. On sheds and additional structures in the back yard, it is very difficult to have to escape that variance with a variance for an additional shed or structure. I think your best bet might be to build a larger shed. I know that there is an expense but if you actually need that 10x12 area to store things in to get a variance would be most likely easier to go to a larger one shed than to have two sheds.

Mrs. Shreffler: Yeah.

President Ramirez: Have you thought of that at all? Is that even an option for you?

Mrs. Shreffler: We did but looking at our stuff right now that shed is already full and if we move that to a bigger shed we have a very small remaining area cannot contain all of our stuff inside the house and the garage right now.

President Ramirez: It looks like you have a very large back yard though.

Mrs. Shreffler: I'm sorry sir.

President Ramirez: You have a very large backyard.

Mrs. Shreffler: Yes.

President Ramirez: The size of the shed is dependent on the size of the property or to the size of the house on how large of a shed that you can have and it looks to me like you could accommodate that larger shed without getting a variance for one shed.

Mrs. Shreffler: Right, I was told that we can do a 10x15 which is 150 and that is not enough. If we would demolish the old shed it is pretty much like almost nothing left in the new shed if we put the contents of the old shed in there.

President Ramirez: Mrs. Ghantous.

Mrs. Ghantous: I was just going to ask Mr. Taylor, oops sorry. I was just going to ask Mr. Taylor, what is the calculation for the, what is the maximum size of a shed that she can have if the other shed went away?

Mr. Taylor: It is 151 square feet would be allowable with no variance. There is nothing that prevents you from coming before the board with a different request. I think that Mr. Ramirez is suggesting that possibly the board might be more inclined to grant a variance for a larger shed than for an additional shed, however; that is entirely up to you folks. Did that answer the question?

Mrs. Ghantous: I feel like that. I would be more inclined to give a variance to have a larger than allowable shed before I would be inclined to vote to allow you to have two, only because we have turned down so many people that have asked for two sheds or similar requests. You know we have to have some continuity. So, I sympathize with your problem, I understand that but we have told so many people, and I live in the same neighborhood that you do and since I have been serving I can think of three times that we have already told people over just in our neighborhood that they could not have it, therefore; I don't know how to say yes to you when we said no to three other people.

Mrs. Shreffler: Right.

Mrs. Ghantous: So, I would, however; be willing to vote in favor of a larger shed within reason, you know not the size of the house, but a larger shed that would help out your situation. That just feels like a better thing to do as opposed to just telling you yes when we have told at least three people in our neighborhood no.

Mrs. Shreffler: Thank you ma'am. I fully understand that and it would, it is of reason if you say no to my request. I fully understand that. We have rules to follow and it would be unfair to the other applicants if you say yes to me and no to them. My question is, can I have, what is the maximum size that I can have because right now that shed there, I think that needs to be doubled for my stuff to be in.

President Ramirez: I think as stated, I'm sorry Mr. Taylor.

Mr. Taylor: Just to, I don't know if this clarifies or muddies the water but it is just a comment I guess really more for your consideration than the boards. I think the, however big you folks would be interested in making it, that is your decision. The only way you can do it and not require a variance it would only be 151 square feet. So, however farther beyond that limit you folks wanted to go would be entirely up to your discretion. I will say, however though for the applicants benefit, if the building gets beyond 200 square feet, anything under 200 square feet is not regulated by the building code per say, it is regulated solely by the zoning code. Once you cross that 200 square foot threshold, then you have to comply with the residential code of Ohio which is the building code and that may involve a little bit more work on your part. Basically, foundation work and anchoring the structure to the ground and so forth. So, guess I am encouraging everybody to maybe try to stay to that number just because I think if we get to far beyond that it is going to be, it is going to be considered more of a significant structure if you will. Again, this is strictly an opinion on my part because you all certainly have to do whatever you believe is in the best interest of the city and the party. So, that is all that I have, thank you.

President Ramirez: Thank you for those comments. Mrs. Daniels.

Mrs. Daniels: Hello. Is there anyway that you can add to the back of your home, add an addition so that you wouldn't have to have, an additional garage, have you thought of that?

Mrs. Shreffler: It would be more expensive and I believe that we would have to process some permits and have engineers look at it. So, right now financial wise our best option is to get another shed but if we are only allowed 151 square feet it doesn't work. I don't know. It would not work. Mr. Taylor, I'm sorry sir. I have a question, did you say one shed in addition to a detached garage or attached garage.

Mr. Taylor: Detached garage. The idea being that there are a number of locations, in particular in the older part of town where the houses were not built with an attached garage and so they had a detached garage and so the provision in the code was to allow those to remain but still allow someone to build a shed. The problem, you would not have the ability to build a detached garage because you couldn't actually get a car back to it because of the way that your house is arranged.

Mrs. Shreffler: Right.

Mr. Taylor: So, that kind of functionally eliminates that.

President Ramirez: Mrs. Ghantous.

Mrs. Ghantous: So, I feel like I would be willing to consider a variance if you were willing, maybe to go to one shed that was bigger, maybe certainly maximum 200. Would anybody else feel inclined to consider that?

Mrs. Daniels: I would

President Ramirez: My thought on that, you know since we do have rules and regulations in place now and the size is determined by the size of the property, we do have that 151 to deal with and if we have to go, everybody that comes in vary from that shed size we may be all over the place with variances for different shed sizes.

Mrs. Ghantous: You're right. There is no doubt about that.

President Ramirez: So, we won't have any standard anymore.

Mrs. Ghantous: That is true. Having said that I probably would be in favor of one bigger shed myself personally. I can just can speak for myself. So, we are trying to give you options here, we don't want to just send you away and say and act like we don't care that you have this need and you are trying to find a solution to it because that is not the case. I'm just throwing out one option which would be maybe one bigger shed. Carmen's option is actually the better option which would be to add on to your house, add more living space to your house but I realize that there is additional cost that comes along with that. So, we are just not trying to shoot down your idea, we are trying to maybe help you think of some way that would be less problematic that would still give you some relief from your overcrowded situation.

Mrs. Shreffler: Thank you ma'am. I really appreciate your consideration. As of now, like financial wise, we couldn't do additional to the house. Probably in the future if I become rich. We can demolish the old shed for a bigger one but I couldn't do 200 or 199.9?

President Ramirez: Well we haven't approved that. That was a thought that Mrs. Ghantous had.

Mrs. Ghantous: We are just problem solving talking trying to give you some ideas of other things that might work.

Mrs. Shreffler: Yeah, if you would kindly allow me to build a 200 shed I think that would work better than what, than just 30

Mrs. Ghantous: You would have to come back again with a different request with all of your application and the specs just like you have done. Unfortunately, you would have to do all of this again, come before the board and see how the board would vote. What we are just trying to say here is that we can't, we probably not going to solve your problem tonight.

Mrs. Shreffler: Right.

Mrs. Ghantous: But we are willing to talk about the problem with you a little bit more but we have to go through the process just like coming tonight. You would need to come with the specifics of what your plan was.

Mrs. Shreffler: Right, so we couldn't make a solution tonight right?

Mrs. Ghantous: No, I'm sorry, I mean I don't think so. That is not my, I am only one vote but I don't have that feeling that we could solve your problem this evening.

Mr. Taylor: No, this is the case that is before you tonight, I think we would need to respect the process as you said.

President Ramirez: Mr. Anderson.

Mr. Anderson: Thank you Mr. Chairman. I just wanted to share also that I know that Carolyn shared her support of a change like that. In the future just to give you more hope. Looking at your property, and I am familiar with the neighborhood, I think, I know that I would be in favor of supporting a variance for that shed size based on the fact of how your house sits and the size of the rear yard. It would be something that I know I would be personally would be in support of up to that under 200 square foot size, which with the paperwork that you provided with your examples, that is like a 12x16ish of your standard sizes. That's real close that keeps you under that 200. But, based on your yard size, I think that it meets the intent of the zoning code to keep them small and not affect the neighbors. Just to encourage your, if that is what you want to do and it gets you where you need to be, I know I would also be in support of something like that.

Mrs. Shreffler: Thank you so much Mr. Anderson, I really appreciate that. Actually, the shed that we have proposed, I mean the location that we have proposed, I don't know if you have a copy, it is actually, I think 10 feet from where the property line is toward the back and so we have a decent size of yard and that shed wouldn't even be seen from the road because our house is kind of blocking it. So, I really do appreciate your consideration.

President Ramirez: Mr. Taylor is the calculation to come up to the 151 for the property size or for the home size.

Mr. Taylor: The home size actually controlled it. The 18% of the rear yard is a huge number. I have my notes back in the office and I apologize I didn't bring them with me but what is holding, what is controlling that is the size of the house and you are absolutely right Mr. Anderson, in that I think the intention is to keep these things proportional as best that you can. So, I think that as long as you keep all of these things in mind, I don't think you are going too far off of the reservation. If that is the right phrase.

Mrs. Shreffler: If I may, I was told that the maximum was 150 so if it is 150 than it would be a waste of money on my part.

President Ramirez: Something else to keep in mind to when you do come back, if you plan on coming back as Mr. Taylor stated, I think 200 is the high water line where now you are under building codes is that correct?

Mr. Taylor: That is correct.

President Ramirez: So is 200 a threshold or once we hit that number? So a 10x20 would not work?

Mr. Taylor: Anything over 200 square feet, I believe the code say in excess of 200 feet, I don't think it is equal to but the idea is that 200 square feet is sort of the magic number where you begin to enter into a more complex structure.

President Ramirez: Okay. Any other questions? So, we are going to have to vote on this one and then go forward if you care to come back with new plans, new sizes and we will just start the process all over. Mr. Anderson.

Mr. Anderson: Are you ready for the motion?

President Ramirez: Yes, we are.

Mr. Anderson: I would like to make a motion to approve a zoning variance to section 153.252(F)(14)(a) for application 33987, 96 Silverwood Circle, Springdale, Ohio as a variance for the number of accessory structures as well as the total square footage of accessory structures on a lot.

President Ramirez: Thank you do we have a second?

Mrs. Ghantous: Second.

President Ramirez: Secretary would you please poll the members.

(Secretary Daniels polled the members and the motion was defeated with a vote of 7 to 0 against the motion.)

President Ramirez: So, now we have finished our paperwork and you can move on and please come back. We look forward to seeing you again.

Mrs. Shreffler: That would be on September, next meeting sir?

President Ramirez: The deadline, we have to get in before?

Mrs. Shreffler: Yes, I would make the plan tonight and then submit it and come back on September 18th and I am working part time, would it be okay if my husband coming here instead of me just in case if I am working?

President Ramirez: Yes, that would be fine. Mr. Nienaber.

Mr. Nienaber: Thank you. I just want to, the way I am reading the zoning schedule and due dates, it is already too late to make it onto the next month's calendar, that was August 20th was the due date for the September calendar so, August 20th was the deadline for the September 18th meeting. September 17th would be the due date for the October 16th meeting so the soonest that we would see her is October.

Mr. Taylor: That is correct. The reason for this is, we have by law, for these public hearings, we have a statutory requirement for advertising and we have to put it in the paper and the paper is the problem. Sending the notices out to the neighbors we can control that it is pretty easy but the newspaper, first of all we have to have 15 days and then in order to get the thing published in the paper they have some lead time so it is very difficult to use to work with their schedule and that is the reason for the long lead time. So, I would, I'm sorry but it is kind of the way that it needs to be.

Mrs. Shreffler: That is perfectly fine sir. So when do you think I am allowed to come back?

Mr. Taylor: I don't know if you still have a copy of your application or not but basically if you file by September 17th then you would be on the agenda for October 16th. So, you have between now and September 17th to get the new paperwork. Okay?

Mrs. Shreffler: Yes, sir.

Mr. Taylor: Okay, thank you.

President Ramirez: Mrs. Daniels.

Mrs. Daniels: I just want to let you know that it was a positive that your neighbors did not come to deny your request or comment on your request. I thought that was

a positive as well that they did not have a problem with you building a larger or two sheds in your back yard.

Mrs. Shreffler: Thank you, yes, I think they do.

President Ramirez: Just so we can button this up, next time out if you change the design of the shed would you please include the photographs of the design because that is always, questions come before the board and what you did previous is fine.

Mrs. Shreffler: Yes, sir.

President Ramirez: Thank you.

Mrs. Shreffler: Thank you so much for your time I really appreciate it.

President Ramirez: Thanks for coming in.

Mrs. Shreffler: Am I done?

President Ramirez: Yes, you are finished, thank you.

IX DISCUSSION

President Ramirez: At this time any discussion amongst members about this or any other subjects? No.

X ADJOURNMENT

President Ramirez: So, finally do we have a motion to adjourn?

Mr. Nienaber: I move we adjourn.

Mrs. Ghantous: Second.

President Ramirez: By voice vote all in favor say Aye.

(Voice vote to adjourn approved 7 to 0.)

President Ramirez: We are adjourned.

Respectfully submitted,

_____, 2018

Chairman, Joseph Ramirez

_____, 2018

Secretary, Carmen Daniels