



Building and Zoning Appeals Minutes

Meeting held in Boards and Commissions Room, Monday, October 10, 2022, at 6:00 p.m.

Members Present: Mike Svasta, Greg Seifert, Edward Franks, and Peggy Sykora.

Members Absent: Randall Roberts

Also Present: Councilman Brian Lowdermilk, Josh Speas, Debora Smith, Zack Cowan, and Mary Botts

Approval of Minutes: Minutes of the September 12, 2022, meeting, motion to approve by Mike Svasta, seconded by Peggy Sykora, motion passed 3-0, Greg Seifert abstained as he was absent at this meeting.

Meeting called to order by Chairman Edward Franks at 6:00 p.m.

Attendees sworn in.

Case #22-21

This is a request by Josh Speas, applicant, for approval to construct a shed in the front yard. The property, located at 4099 Beckley Road, (parcel 56-04822) has an approximate area of 0.41 acres and is zoned R-3 - Residential. The applicant proposes constructing a 280 sq. ft. shed (20 ft. x 14 ft.) in what is considered a front yard by definition in the zoning code. Accessory structures are only permitted in the rear and side yards.

The property abuts a street right-of-way on opposite sides of the home along Beckley Road to the west and Baird Road to the east. The code defines a front yard as the area between the home and the right-of-way. Therefore, this property contains two front yards, two side yards, and no rear yard.

The applicant is requesting the following variances:

1. Variance from the accessory structure location requirements to allow a shed in a front yard. - C.O.S. Section 1143.07(a).

Mr. Speas said he was trying to put a shed in which he said was his "front yard" which he thought was his "back yard" but apparently the code states that I don't have a back yard so it is a 14' x 20' shed and I am keeping it 8-1/2' off the property line which is in line with the house and it is a little over 50' from Baird Road which is the road behind in the back of my property and the setback is 40' as far as I know it is not within the front setback if I was to build a house or whatever on that if I split the lot. The lot, as far as I know, has always been one lot. Most of the

houses on that street have been split, not all, but I think almost all of them. It is just going to be a storage shed. Mr. Svasta asked was there a storage shed there prior? Mr. Speas said I bought the lot in 2006 and it was a vacant lot. Mr. Svasta said I saw the site was prepared. Mr. Speas said I had it prepared. Mr. Svasta said it certainly is an odd situation but I had the same situation with my first house and my driveway actually came in off of the road in the back yard so I can appreciate the situation that you are in. It is a hardship to have two front yards and two side yards. Mr. Cowan said when he applied for the permit, when we have lots like this, there are probably a couple dozen in the City, those come up, Council wanted to get them changed by code, so we are in the process of doing that now, we were hoping that this would languish through Planning Commission and recommend approval Council but that process takes months and will probably take a couple of months until it is actually approved but within that time it will be allowed but for the time being it is part of the code and is still a requirement and that is why we are here today. Mr. Franks asked if the size of the shed is o.k.? Mr. Cowan said the size of the shed is fine and the setback is also under 500 s.f. is fine. The height is fine at 14'. Mr. Seifert asked if he was taking down any of the trees and Mr. Speas said he preferred to leave the trees to leave some privacy. Mr. Speas said he would stain the shed the same color as the deck and garage (brownish). Mr. Svasta asked Ms. Botts if we have heard from any of the neighbors and she stated we had not.

Mr. Debora Smith, who lives at 4115 Baird Road, spoke. She stated she lives right in front of that lot and I just have some concerns. Mr. Speas is a nice neighbor and there are no problems with him. My concern is, and he does use that periodically to come through with his trailer. I don't know if he does any side business and I have a concern to make sure I am not going to be looking directly looking from my front yard view construction, trailers, debris because now there is going to be a shed there. It is wooded a little bit, there is a very thin line. When the leaves are gone six months out of the year concealing anything that might be attractive because I have a fear that can devalue my property or have someone not be adept to purchase so I would want to know what Mr. Speas would be willing to do to accommodate, I hate to say it that way, to guarantee that I am not going to have anything outside of the shed or being used as an inlet when that is not the front of his house. Ms. Sykora said so you are on 4115 Baird Road? Ms. Smith said I face his vacant lot. Mr. Franks asked Mr. Speas if that shed was going to be used for storage only and Mr. Speas stated yes. Mr. Franks said you are not going to have anything else? I know a lot of people tend to use the shed to lean stuff against it like wheelbarrows, lawnmower, trailers, etc. and things like that, unsightly things, I think that is what Ms. Smith is concerned about. Mr. Svasta asked if Ms. Smith had seen what it had looked like. Ms. Smith said no, she had not seen what it looked like, she had just gotten a letter regarding the case. Mr. Svasta said this is a very expensive shed so this is a very nice looking structure and you will be looking at the backside of it. Mr. Franks asked which way will the doors of the shed be facing, towards your house? Mr. Speas said towards my house. It is an Amish company that is out of Sugarcreek so they will bring it and basically they will build part of it and then we will put it together on site, it will take 2-3 hours. There are no windows, just a door that faces the house. Mr. Franks asked per zoning, can he actually be allowed to come in off of Baird Road with this property with vehicles? Mr. Cowan said you are allowed one access to your property, an additional one needs to be discussed with engineering but by zoning code, you have one access.

Mr. Speas said as far as I know, it was approved when I got the building permit, building and zoning approved it, it was done then, I did it when I built the house during construction. Mr. Svasta stated maybe it was a temporary construction driveway. Mr. Cowan said possibly. Mrs. Smith said there is one already there now. Mr. Speas said I put a culvert in the front and back the same day. Mr. Svasta asked Ms. Smith if that was part of her concern of having another driveway coming in off of Baird? Ms. Smith said no, my concern is he does have a trailer and he does come in and use that and goes through his back yard and I just want to make sure that there is not going to be trailers or construction materials. I have never asked what Mr. Speas does or if he has any side businesses and I just want to make sure that there is nothing stored that I would have to look at in front of my yard. Mr. Franks said it is possible that the drive approach and culvert on Baird may not be approved. Mr. Cowan said it is possible it was approved in 2007. Today's standards requires any apron to be concrete. Mr. Svasta said I believe there is an Ordinance prohibiting construction equipment in a private yard as a nuisance on site so that would be something. Mr. Cowan stated yes, there is and there are also home occupational requirements if there is a business being run out of the property so there are avenues to regulate that. Mr. Seifert said and they are probably more stringent because of the fact that it is a front yard as opposed to a rear yard so there is a bit of extra insurance for you because it is classified as a front yard so the rules are a little more stringent on a front yard versus a side yard or a rear yard. Mr. Franks said so a trailer by a shed would be in violation by code for storing equipment in the front yard? Mr. Cowan said I would need to see what was going on. Mr. Speas said I have a landscaping trailer that I mow, I have a rental in Cuyahoga Falls and I take my mower over there and mow. A lot of people have landscaping trailers or if I need to get lumber for something or whatever. I don't use it that often, maybe one every week and a half. Ms. Sykora asked where he stored the trailer. Mr. Speas said in my back yard, in the trees. Mr. Speas said getting back to the original question, I am not doing any type of business. I will have the trailer out there and the shed, a swing set and a trampoline if that matters. I have two kids.

Mr. Svasta asked Councilman Lowdermilk if he had something to say. Mr. Lowdermilk said I just came here to kind of back up what Zack was talking about. I am not sure if you listened to the meeting we had two weeks ago with our zoning consultant which basically went into our zoning code and we are now, even prior to that, we were working to fix this, so I just couldn't get before my committee without having the public hearings because this is obviously, I think, when this was done this wasn't thought through and to have two front yards is to me somewhat ridiculous. You have a front yard which is where the property address is. The fact that your property abuts up to an adjacent road shouldn't make that a front yard. Now if he were to chose to split the lot, that would change things which many of those properties have done but it would change it at that time so I think that somebody who has been caught up in something that probably should have been addressed in the code years ago so it is our intention to fix this. Unfortunately, it didn't come to our attention in time to get it done before this winter with trying to get something built on that property. Meeting with Nate Leppo and Zack Cowan, we think we have a solution for this but this is another one of those things that the zoning consultant pointed out that is very cumbersome to our residents that cost them extra money and no reason when you look at many of these properties and not only split the properties and put up another house and so I am familiar with that area and the properties are well maintained and if he was going to start a

lumber business or landscape business he would already have that all in his yard. I just wanted to make sure everybody is aware what Council is preparing to do and so hopefully you will look favorably upon this and it is just a matter of time before this isn't even an issue. Mr. Cowan said we are taking steps to address it now. Ms. Sykora said in keeping with Ms. Smith's concerns about unsightliness, since it is in the front yard, it would be in violation to put up a privacy fence of any kind, is that correct? Mr. Cowan said so with privacy fences, within 20 feet of the right of way. Ms. Sykoa said so he can go 20 feet back even though it is a front yard. Mr. Cowan said once you go past that 20 feet towards the right of way, you can go 4 feet in height and it has to be see through. Mr. Speas said my goal for a fence would be to keep it up with the shed which would be 50 or 60' setback from the road and then come around the back yard. I will probably be putting in a fence in a few years. Mr. Edwards said this is a stop gap variance to get into until the ordinance gets changed in a few months.

Motion to approve Case #22-021- made by Greg Seifert, seconded by Peggy Sykora, motion passed 4-0.

Adjournment: With no further business to be discussed, motion to adjourn by Mike Svasta, seconded by Peggy Sykora, meeting was adjourned at 6:23 p.m.

Edward Franks, Chairman

Mary Botts, Secretary