

## **Building and Zoning Appeals Minutes**

Stow City Hall Boards and Commissions, Monday, August 11, 2014, at 6:00 p.m.

Members Present: Robert Knight, Edward Franks, Matthew Aloisi, and Mike Svasta

Members Absent: Cyle Feldman

Also Present: Trevor Arnold, Bobbie Carper, and Mary Botts.

Meeting called to order by Mike Svasta at 6:00 p.m.

Approval of Minutes: Motion to approve the minutes of the July 14, 2014 meeting by Mike Svasta, seconded by Robert Knight, all yeas, no nays, motion passed 4-0.

### Case #14-006

This is a request by Trevor Arnold, property located at 3609 Caleb Avenue, for a 2 foot  $\frac{3}{4}$  inch variance to permit construction of a new roof with storage loft on an existing accessory building. The old flat roof was removed and the proposed peaked roof will measure 17 feet  $\frac{3}{4}$  inches at the mid-peak between the plate and the ridge. The property is located in an R-3 District. Section 1143.07 limits the height of accessory structures to 15 feet.

Mr. Svasta asked Mr. Arnold to explain the reason for the variance. Mr. Arnold said the height was definitely an afterthought. We were planning on putting the flat roof back on and there was just nothing left when we went to do that so I found those trusses on Craig's List and so I got them and put them on, not thinking about the height at all so that is where we are at. Mr. Svasta asked how long ago did you put the roof on? Mr. Arnold said probably two months ago. Mr. Svasta said it looked a little bit weathered. Mr. Arnold said the trusses were up there before we got the roof on for a little while and the trusses were used. Mr. Svasta asked if Bobbie had discovered this with an inspection? Ms. Carper said this initially came to us via one of the council people who came in and spoke with Tony Catalano who went out, and he said he thought that it looked like the roof was too tall so Tony went out to inspect it and found that, in fact, it was. I talked to Mr. Arnold and told him he was going to need to get a variance in order to complete it and asked him to stop working on it and told him he needed a variance to complete the structure. Mr. Svasta said so it looked like you stopped work and you submitted the paperwork for the variance and that is why we are here tonight.

Mr. Svasta asked how do you use your garage? Mr. Arnold said well we don't right now. Mr. Svasta asked what is the intended use? Mr. Arnold said for me to have a garage. I have a house, I live right across Mud Brook and that house doesn't have a garage. Mr. Aloisi said so trucks, equipment? Mr. Arnold said yes. Mr. Aloisi said so it is not going to be a secondary living quarters of any kind and you are not going to have a business out of it or anything like that. Mr. Arnold said no, just my personal trucks so I can work on my trucks. Mr. Knight said what are all the trucks we see and trailers we see in the photos? Mr. Arnold said they are all mine. Mr. Knight said so you work on those? You said you work on your trucks, those are trailers. Mr. Arnold said I usually don't work on the trailers unless they break. Mr.

Knight said are they stored there permanently or did they just happen to be there that day? Mr. Arnold said I have rental properties and that trailer that you see there is my tool trailer that I pull from job site to job site and leave and obviously that house is under construction too. I don't know if you guys looked at the house but it is gutted right now.

Ms. Carper said Mr. Arnold, probably the reason for the direction of these questions is that when I went out today to take a look at the site and I got a phone call from two neighbors, neither one of them was against the height difference, they didn't have a problem with that, but one of the neighbors indicated that you are running a landscaping business off of this property. You do, in fact, have a website that has your other property's address as the business address, and this is a residentially zoned neighborhood and you can't store this business equipment on either of these properties. You can run your business out of them; you can do your books out of them, you can still use it as your business address, but these vehicles that you use for your business are in violation of city code so we have an issue. Basically what I am going to require you to do, is to find another location just for your equipment and get all of this off of both properties. Again, if it is personal vehicles, that is one thing but these clearly aren't. Mr. Arnold said now what about my personal truck because it is plated commercial. Ms. Carper said you are permitted to have one commercial vehicle on a residential property. I am sorry to be a bearer of bad tidings but it is what it is. The code does not permit it.

Mr. Knight said so that issue becomes whether or not we should vote on this particular appeal or possibly table it until that issue is resolved? Ms. Carper said that would be up to you as the Board. Either you can vote on it tonight or you can table it until the property is brought into compliance. Mr. Aloisi said can we motion that we approve the variance but under the condition that it not be used for commercial vehicle storage? Ms. Carper said it couldn't be anyway. Mr. Knight said that is really a moot point at this stage.

Mr. Svasta said the appeal as written is for a 2'-3/4" variance for the new roof structure.

Motion to approve Case #14-006 by Mike Svasta, seconded by Matthew Aloisi, motion passed 3-1 (a no vote from Mr. Knight).

Mr. Arnold will need to obtain a building permit. Ms. Carper will give Mr. Arnold 60 days to find a location to move his equipment. She will follow this up with a letter to Mr. Arnold so they have a paper trail to start the clock. Failure to comply with city code will prompt legal action. Mr. Svasta said the variance is good for one year and not transferable.

Adjournment: With no further business to be discussed, motion to adjourn by Mike Svasta, seconded by Matthew Aloisi, meeting was adjourned at 6:15 p.m.

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Mike Svasta, Chairman

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Mary Botts, Secretary