

Building and Zoning Appeals Minutes

Stow City Hall Boards and Commissions, Monday, April 13, 2015, at 6:00 p.m.

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

Members Absent: Cyle Feldman

Also Present: Matt Schneider, Chris Mayes, Donna Malm, Tony Catalano, 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 October 13, 2014 meeting by Edward Franks, seconded by Matthew Aloisi with no changes, all yea's, no nay's, motion passed 4-0.

Case #15-001

This is a request by Ms. Donna Malm, property owner, property located at 1450 Whippoorwill Trail, for approval of a 2 foot variance from the required 15 foot side setback required in the R-1 Residential District. She is requesting the variance in order to construct a 12' by 22' addition for a bedroom and bathroom on the first floor. The lot is irregularly shaped in that it is narrower at the front lot line (79.4 feet) and widens at the rear of the property (135 feet). In reviewing the original plat for this subdivision, there is language indicating the side setbacks are to be 10 feet, and there appears to be other homes located on this street that are located less than 15 feet from the side property lines.

Ms. Malm stated the house is a split level and I am getting old, and I need a bedroom and a bathroom on the kitchen/dining room area and that is what this variance is for. Mr. Svasta asked if she had a builder. Ms. Malm said he has not done anything because I need the variance. I thought there was no use getting prices or anything until you tell me it is okay.

Mr. Svasta asked if Mr. Catalano had anything to say about this case. Mr. Catalano said the only thing that I can share with you is that I discussed this case with our Planning Director. Recently, I just came on board with zoning and I have been talking this over with Rob and we both agree that we really don't have any issue, per say, with the request. Mr. Svasta asked if we had heard from any of the neighbors and Ms. Botts said no.

Mr. Knight said I would like to note that the document doesn't really appear to identify the dimensional information that the variance is requesting. Ms. Malm said that was all she had. Mr. Knight said he understood and I am not commenting necessarily on your request, I am just making a general comment that this document is a little bit lax in what it is conveying. Ms. Malm said I don't think it would bother anyone in my neighborhood because it is far enough away from the other house which is their garage. Ms. Malm said when you get to the back, I have

a lot of room. Mr. Catalano said the contractor will have to stake out the addition and delineate the property lines prior to construction and we will go out and check that to insure that it doesn't encroach any further than the two foot request. Mr. Knight said that was where I was going with it. If it ends up being more than two feet, then this variance is a problem. Ms. Malm said I understand, I haven't called anyone because it may be too expensive, I don't know. We may decide to sell the house and get another one. I just love my lot. Mr. Catalano said Ms. Malm lives in a R1 area and some of that subdivision is R2, it is about half and half. Mr. Knight said was that the issue with the setback? Mr. Catalano said that is where the 10 foot comes in, about half of that area is R2 and half is R1 and she happens to be in the R1. There were no further questions.

Motion to approved Case #15-001 by Mike Svasta, seconded by Robert Knight, motion passed 4-0.

Case #15-002

This is a request by Mr. Chris Mayes, builder, property located at 2198 Duxbury Drive, on behalf of Mr. Matthew Schneider, property owner, for approval of a 1 foot variance from the required 10 foot side setback required in this development. He is requesting the variance in order to construct a 32' by 12' addition for a garage and laundry room. The lot is located on a cul-de-sac and is irregularly shaped in that it is narrower at the front lot line and widens at the rear of the property. Since the property line angles away from the dwelling, the proposed addition will encroach for only a small portion.

Mr. Schneider passed out a drawing and said this kind of gives you an idea of my pie-shaped lot on the cul-de-sac so it ends up being about six square feet of basically that front corner going over and this other drawing is just the front drawing. It will obviously match the other specs of the current home. My wife and I purchased the home when she was eight months pregnant with our first child and since then we have had three and what was once we didn't know what we would do with all the space, has now turned into we don't have enough space. That additional garage, I would like to think my car will fit into it but it might just be more toys and then it is going to go back into a mud room/laundry room area for their backpacks before entering the home from this side. Mr. Knight said so if you turn that into a garage, as indicated there, there is going to be a need a slab that accesses that garage which would also need a variance, is that correct? Mr. Catalano said I think you can pour the concrete right up to the property line, you don't need a variance for the drive, only the building. Mr. Knight said we talked about slabs on grade for patios needing to be within the rear setback. Mr. Catalano said I think drives are different. Mr. Mayes said I had talked to Rob Kurtz prior to applying for the variance and that was one of the questions that I had for him and he stated that we could pour the drive right up to the property line. Mr. Catalano said driveways are dealt with differently than building.

Mr. Knight said you are asking for a one foot variance. Mr. Mayes (the builder) said it is about a total of six square feet. The plan that you are looking at has two lines; one is the property line and then it has the ten foot offset and they run parallel together so basically it is just a little pie shaped but it would be 12" at the most. Mr. Knight said you have 8'11" on the dimension which would make the variance request 1' 1". Mr. Mayes said the plot plan was drawn before we actually had known, the snow just recently melted and we actually located the hubs and we were able to pull a line in and that dimension is not accurate and I apologize for that, it is actually 12". Mr. Knight said I just want to bring it up for the record that what is shown in the request and what may actually be in the field apparently differ. Mr. Svasta said the corner is exactly 9'0" off of the property line, not 8'11". Mr. Knight said this portion of the house right here at the rear, what is in that area? Mr. Schneider said the family room. Mr. Knight said has there been any thought given to moving this proposed structure to the rear to eliminate the need for the variance? By proportion it looks like it would probably be around three to four feet for the face of that new garage to go back along the building to get to have the corner on the building setback thereby eliminating the need for the variance. Mr. Schneider said we have thought of that. Part of where it currently is is how the building on the homesites that had a third car, they did a setback just like that with a third to make it fit into the neighborhood, there was a two foot offset. Part of it was aesthetics and the other is there is a point with what we want to do in the room behind it, and I am learning, when you get a tape measure out, every foot really matters. Mr. Schneider said there is going to be a fireplace in the corner. Mr. Knight said so pushing this back will start to interfere with the fireplace? Mr. Schneider said the structure could go back further to the back of the home but the length, right now we are proposing basically like the minimum required for what we wanted to serve its purpose so going back three or four more feet, the geometry of it, eventually we would get past it but it would create a driveway that kind of goes more into the side yard. Mr. Mayes the depth of the existing garage really doesn't allow you to take it back too much further because the two garages are going to be open to each other. Mr. Knight said so you are going to be taking the wall out? Mr. Mayes said we are going to take about a six foot section of that. Mr. Knight said so this line here goes through into the main structure and that is what set that there. Mr. Schneider said yes.

Mr. Svasta said I am just curious about the driveway. Will it parallel the existing drive because it would be as wide as the addition? Mr. Schneider said we are going to taper it because you can't go past the property line.

Mr. Knight said my whole point is, and I have brought this up before, particularly in this subdivision, this is a planned unit development by City Council approved, it was meant to be what it is and we have had a number of variance requests in this development that changes the nature of the development from what City Council approved and we are volunteered members, residents of the community, they are elected officials, so I have a hard time, sometimes, overstepping what they have done as an elected body. Mr. Schneider said, just from talking to friends that we have made over the last nine years, that there are a lot of people in our situation

that had a baby, moved in and had grown and some have moved out, and some of them have left Stow and there have been a good number of additions, two homes down from me on Duxbury Drive, an eight foot variance was approved. They were a corner lot that went the length of the property line, so I know that there are certain areas, same floor plan, very similar addition, a few years ago, same thing. It needed a variance. Mr. Knight said I know the situation and I am not happy with the situation but the snowball is rolling and I don't know how it is going to get stopped because we could deny this but that seems unfair to those who have already been granted variances and it seems like it is just going to continue to happen and these small lots are going to be smaller and smaller as the buildings get bigger. It is a personal gripe on my part.

Mr. Svasta asked if we had heard from any of the neighbors and Ms. Botts said no. Mr. Svasta asked if Mr. Catalano had anything to add. Mr. Catalano said I discussed this particular issue with Rob Kurtz and we don't have any problems with the variance request. I would say though, from my perspective, the garage would be much better placed a little forward on this house as is depicted on this drawing rather than pushing it back to make that radius and that turn would be a little more difficult. I think it is a relatively minor infraction and we really don't have an issue with that at all. Mr. Knight said so this will be staked and we are going to grant a one foot? Mr. Schneider said yes. Mr. Catalano said it will be staked and I will go out and inspect it. Mr. Knight said and that is the building corner not the foundation corner? Mr. Catalano said correct.

Motion to approved Case #15-002 by Matthew Aloisi, seconded by Mike Svasta, motion passed 4-0.

The Board discussed election of Chairman and Vice Chairman of the Building and Zoning Appeals Board. Election will be held at the next meeting.

Adjournment: With no further business to be discussed, motion to adjourn by Mike Svasta, seconded by Robert Knight, meeting was adjourned at 6:25 p.m.

Mike Svasta, Chairman

Mary Botts, Secretary