

## **Building and Zoning Appeals Minutes**

Stow City Hall Boards and Commissions, Monday, October 10, 2015, at 6:00 p.m.

Members Present: Robert Knight, Edward Franks, Cyle Feldman, Debbie Cochrane, and Mike Svasta

Members Absent: None

Also Present: Bryan Jellison, Cam Jellison, Tony Catalano, and Mary Botts.

Meeting called to order by Robert Knight at 6:00 p.m.

Approval of Minutes: Motion to approve the minutes of the June 3, 2015 meeting by Edward Franks, seconded by Mike Svasta with no changes, all yeas, no nays, motion passed 5-0.

### **Case #15-004**

This is a request by Mr. Bryan Jellison, property located at 4734 Darby Court, for approval of a variance of 5.5 feet in order to construct an addition to the attached garage. The proposed addition is approximately 540 square feet in area (15 feet by 36 feet). The lot is 75 wide by 125.5 feet deep. The proposed addition would be located 4.5 feet from the north property line. According to the approved plat for this development, the minimum setback from the side property line is 10 feet.

Mr. Jellison stated that actually after he submitted, he was researching and kind of trying to figure out some of the plot maps in the area for the development, and I know in the blanket generalization of an R-2 zoning restrictions that there is a 10 foot side setback but I had a question that they vary and I know when you drive around the development there are a few aerial views that allow the properties, like near Becket Circle, and I guess it would be on the north end of the allotment, it seems like they are a lot closer to the street, approximately 30 feet from the street in some cases, and that is why I was trying to figure that out because it didn't seem like everyone would have a variance for a forty foot front setback and a 10 foot on the side. This was just something I came across when I was researching that. Mr. Jellison showed the Board a map of the houses that were a lot closer in the development. Mr. Knight said the controlling document is the plat filed with the County so this was approved by the City Planning Commission and then approved by the City Council. Mr. Jellison said I just noticed that they did vary. I measured a specific address and it was 32 feet off the street. I was trying to figure this out as there were a lot of inconsistencies in the development.

Mr. Jellison said what I would like to do, the majority of the garages in the development tend to be small; mine is one of them. I need to add additional space. I have additional vehicles that are currently in storage that I pay for off location that I pay for monthly. My proposal is to build a useable space, 15 feet wide and 36 feet deep. I figured that would be the least intrusive which was one of my best options for my neighbor. Basically, to make a workable space while I am

inside and I can open my doors and actually move around in there and that is why I chose to go with that width and request a variance. Mr. Knight said it looks like it is pretty well spread out. You have a lot of exhibits here that show the addition. Mr. Jellison said I was going to do it to make the existing structure and it would get the vehicles out of the driveway. I did talk to the Homeowner's Association and he is on the Planning Committee for the Call's Farm which we have to get approved through as well. He said what their concern is basically the finishes. They told me obviously it is up to the City to make any decisions on the structure itself and he said that he was okay with the aesthetics of the structure. I showed him my drawings and the CAD program and explained to him the finishes that I wanted to do there and using the existing siding and the existing brick that is on the side that I want to bring onto the front corners of the garage. Mr. Feldman asked how many vehicles he owned. Mr. Jellison said I have three in my name and a motorcycle and a large toolbox. My wife has a vehicle.

Mr. Knight said I think the members of the board who have been here while I have been here, understand my feelings about the Call's Farm Subdivision about building large structures on small lots and I have tried to stand pretty firm against any type of variances of this nature. This is pretty intrusive on the property owner to their west and we have a letter from the neighbor that everyone has received which seemed very impassioned about their feelings that this should not be approved. Mr. Svasta said I would like to have some confirmation on how this is zoned and I was surprised by what Mr. Jellison indicated here. Is this a P.U.D.? Mr. Jellison just raised the question earlier about the zoning. Mr. Catalano said all the setbacks were platted on the original plot. It is a high density subdivision. Mr. Svasta said with a 40 foot front setback and a 10 foot side setback. Mr. Catalano said the setbacks on the front may vary a little bit on the cul de sac where you have pie shaped lots. In order to keep the houses in line, they may have moved the setbacks a little on the cul de sacs. Aside from the variances that have been granted in there, nothing is askew of that subdivision. It is pretty cut and dry.

Mr. Svasta said so the side setback has to be 10 feet, so that would be 9'6". Mr. Knight said they want 15' feet so it reduces it so the revised setback would be 4'-2" to the property line. Mr. Feldman said he is intrusive by 5'5". Mr. Knight said I think that looking at it, part of the problem with the neighbor is that with their house sitting back even further so when they show all these exhibits for looking out the front window, there would be some obstruction to their view and part of that comes from the fact that the house sits back, but nevertheless, as I have stated before, this is approved by the Planning Department back when it was built, proposed and then built, it was approved by City Council, and we are non-elective members of the community and we don't have any obligation to approve variances, we have to judge it based on what we believe is the right thing for the neighborhood. I am not in favor of it simply because we have a very legitimate concern from the neighbor. Mr. Svasta said that sums up how I feel also. Have you thought of any other solutions that would be in compliance? Mr. Jellison I can and I probably will move forward with the maximum allowable. I believe as far as my neighbors are concerned with their obstruction, if I go 100% to the size, it is

going to be a very similar obstruction and my goal was to have something large enough that I can put my vehicles in and not park my truck outside and that is much more of an obstruction than removing the garage a couple of feet. Mr. Knight asked have you thought about moving it back. That projects around 3 feet in front of your current garage face. Mr. Jellison said no one foot. Mr. Catalano said his new proposed is 41' and his existing is 40'. Mr. Knight said what I am saying is the front of the proposed structure is according to the dimensions 2' 7/8" closer to the street than your existing garage face. Mr. Jellison said this projects out that dimension. Mr. Knight said what I am suggesting is what if this was pushed back and then this corner, which seems to be the majority of the objection, if this was pushed back. Mr. Jellison said I do have some grade issues in the back because my property does drop off. I was trying to give this an aesthetically pleasing look with staggering. I could go straight across. I think it would look a little odd if I set it back from the standpoint of looking at it. Mr. Knight said I was just throwing out a thought there. Mr. Jellison said I thought I had revised that to one foot and I am sorry because I had changed it to one foot. I tried to keep it within all boundaries front and back. I was only asking for the variance on the side.

Mr. Knight said I hope everyone has looked at this document thoroughly (letter from neighbor). Neighbor objections are important and not only was this an objection to the project, it was truly well thought out and documented so I pull a lot of weight in this. Mr. Feldman asked Mr. Jellison if he has spoken to his neighbor. Mr. Jellison said yes, when I first moved in there, I spoke to him and he said the neighbor before me was going to do a garage and he thought it was great so I moved forward in planning it and in passing I showed him when I actually laid it out and I said I understand getting a variance is difficult. I asked him for a letter of consent. He said I will write a letter and drop it off. Two days later, I got a letter he had written me. He didn't talk to me he just feels that this is not what he wants me to do. I talked to him and I said I understand some of it for the fact that my truck is parked there all the time and it is a bigger obstruction than any garage that I am asking to get approved. The other thing is if my initial was I wanted to go 2'. How about I move it back to 1' which actually takes me to the front setback and I would have to apply for 1' front variance which is why you have two drawings. They said we are really not comfortable with not being able to see the stop sign. I said here is the thing whether I apply for a variance or just apply for a permit for the initial 10' side yard setback, whether it is five feet wider than what I could do without applying for a variance, the obstruction is still going to be there.

Mr. Knight asked if he was running a business out of his home and Mr. Jellison said no. Mr. Catalano said he had met with the Planning Director about this on Friday and the average two car garage out there is 440 square feet and with this addition he would have almost 1000 square feet. That is a lot of garage. A typical garage, a third bay on a garage is about 12' wide. Why are you going back 36 feet? Mr. Jellison said I want to be able to put a vehicle in and then my truck in.

Mr. Catalano said we think a third bay garage adds a lot of value to a house honestly but 15' is a little wide for a third bay, 12' is a little more reasonable. Mr.

Jellison said 9-1/2' is a little small. Mr. Catalano said I don't think that would be really a good move for you to make, a 9-1/2' addition on that third bay. Mr. Catalano said could you bring it in a little smaller to a 12' dimension? Mr. Jellison if I could get a variance. Could I ask for a 12'? Mr. Catalano said it was up to the Board. That would change it to a 2-1/2' variance.

Motion to approved Case #15-004 by Mike Svasta, seconded by Edward Franks.  
Motion denied 5-0. No motion made to reduce variance to 2.5 feet.

Mr. Jellison asked if he had permission to resubmit another variance to the Board. Mr. Knight told Mr. Jellison that he had that right but it could not be the same variance.

Adjournment: With no further business to be discussed, motion to adjourn by Mike Svasta, seconded by Robert Knight, meeting was adjourned at 6:35 p.m.

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Robert Knight, Chairman

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Mary Botts, Secretary