

## **Building and Zoning Appeals Minutes**

Stow City Hall Boards and Commissions, Monday, June 13, 2016, at 6:00 p.m.

Members Present: Robert Knight, Mike Svasta, and Edward Franks.

Members Absent: Debbie Cochrane and Cyle Feldman

Also Present: Douglas French, Jerry Grimm, Cheryl Grimm, Gina Mullis, 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 May 9, 2016, meeting by Mike Svasta, seconded by Robert Knight with no changes, all yeas, no nays, motion passed 3-0.

### **Case #16-004**

This is a request by Mr. Douglas French, property owner, property located at 3459 Hiwood Avenue, for approval of two variances in order to expand his house. He is proposing to add on a garage (20 feet by 24 feet) in the front of his residence and turn the existing garage space into living area. The proposed expansion will be located 22.5 feet from the Hiwood Avenue right of way and 3.5 feet from the side (north) property line. The applicant has indicated that expanding behind his house is impractical due to a storm sewer running diagonally through the property.

The property is zoned R-3 and the minimum front setback is 40 feet and the minimum side setback is 8 feet. The applicant is requesting a variance of 17.5 feet from the front setback requirement and 4.5 feet from the side setback requirement according to C.O.S. Section 1143.04.

Mr. French stated he was going to call somebody in regard to the first paragraph where it is stated incorrectly requesting a variance of 22.5' from the sidewalk and 3.5' from the side but what I noted was some of the existing structures next to me and the houses near me, one example is a front porch is 17.5' from the sidewalk and then the house next to their house is 4.5' from the side and also in the letter that I sent, it states two houses north of me, his garage is less than 1' from his property line. This is a small example. There are many more houses on the street there that are even closer than just my neighbors. I was just giving hers as an example.

Mr. Robert Knight said why don't you describe what it is that you are specifically looking to do. Mr. French said this picture best describes it. I have a rather large driveway so the request would be to add a garage to the front of my garage and turn my existing garage into a living space. We need the extra living space at this point because my daughter has special medical needs and for half of the school year she has therapy from people who come to the house because of physical therapy, speech and occupational therapy and we are limited to a very small living

space and the original section of my house is the rest of the kitchen so to do her activities, we do not have enough space to do that during the winter months. We need to expand off the back of the house due to an elevation change and because there is a natural occurring stream that passes diagonally through my neighbor's yard and through my yard. You can see there is a naturally occurring stream that actually collects all of the houses along Hiwood north from S.R. 59 and down and it collects and goes between these two houses and it is open here but it is piped under the road and diagonally through here and to the center of my back yard so it cuts very close to my house and my existing deck, so for me to go back, I am actually not even allowed to fill in there. To go this way that would completely cut off the small side yard that I actually do have so the easiest way to add a minimal structure and keep kind of the aesthetic of the neighborhood would be to just have it in front. There are a few other houses down the street that have that same look with the garage in the front. The ability for the builder to build anything up in this corner and underneath, I don't think will be able to. I have a small picture of the plan. The other issue that I had was, I spoke with Steve Gibbons and the plot map for our street, looks like it is off by about six or seven feet and it actually shows it clear up into the middle of my fence being on the other properties so the entire street is completely shifted. Mr. Knight said this document is from the County. Mr. French said I had zoning come out and check my fence when we put it in and you can see that along there it looks like my fence is on Gina's property but actually it is not, it is actually about two feet off. Someone from the City came out and found the pins in the back. It was in the back center of the tree so my property line is right here in the corner and it goes at a diagonal so actually back here it is almost eight or nine feet from the side of the house so when I said 3.5', it is actually closer to 4'. Mr. Svasta asked if he had it surveyed. Mr. French said she said she couldn't find a pin back here to get the back. I did not hire a surveyor. Mr. Svasta said you will have to hire one at some point. Mr. French said if this goes through we will have a surveyor come in and I already have an architect lined up to do the drawing. I am doing a 203 mortgage so the contractors can take care of everything. Mr. Knight said you get a mortgage survey but it sounds like the discrepancy here is meaningful to the extent that you should be looking at a registered surveyor, it looks like it is in a subdivision, finding the control monument at S.R. 59 and Hiwood would be the local controlling monument and the plat would show the distance to the right of way. Mr. French said for some reason, all of the houses are shifted up. Mr. French said I was giving you the realistic number which was 3.5', but it can actually only be 4' from the side, but the idea is, and I would have to remove all of my landscaping and existing fencing and put in a whole new sidewalk if I was to shift it over. The thought was if I can shift this over then I can have a man door to go out the back as opposed to just sticking out the side of the house and it would still give me a natural sidewalk on this side and a sidewalk on that side. Because I have fencing and shrubbery and timbers, it is actually a decent elevation change as well for me to keep that centered would mean that I would have to tear that all out to actually create a whole new sidewalk.

Mr. Knight said driving the street there, I noticed a number of properties that obviously don't meet the original setbacks. There are a number of properties that

are set back considerably further than the original setback or the setbacks have changed over time. I don't know that. The white line appears to be what you have tried to outline for the expansion forward. This basically leaves you with one car length from the sidewalk to the front of your garage. You will have a two car garage and potentially two cars parked. Mr. French said I can do three cars wide on that. Mr. French said I would really like to stay in Stow. My daughter is set up with her IEP at the school for all of her disability classes and the stuff that she has to deal with so getting that all set up and then having to move would be very disruptive to us. Mr. Knight asked Ms. Mullis if she was the neighbor to the south and she said yes. Mr. Svasta asked Ms. Mullis when she put her addition on. Ms. Mullis said it was a porch addition and it has always been there. My house was built in 1927. It has been that way for at least ten years. I fixed the front. I had an addition put on the back but I never did anything to the front. Mr. Svasta said I noticed a few homes not complying with the existing setbacks. I don't know how that happened over the years. Mr. French said most of the houses are very old. My house was built in 1941. Mr. French said it is the newer houses that are built further back.

Mr. Knight said I am conflicted over this simply because you have some extenuating circumstances that you are dealing with. The house will be there forever and I am conflicted with approving this simply because they are going to have basically one car length from the back of the walk to the front of the house and that is pretty obtrusive. Mr. Svasta said the only reservation I have is the fact that you really can't establish where the property lines are at. There seems to be some error there so even if we approve the variance, is it going to be enough or too much based on where the actual property lines are at. Mr. French said between wherever the stakes are established and the picture shown, the stakes show having me being 3.5' to 4' because it is a weird angle. Mr. Knight said who is "we"? Mr. French said it was a lady from the City of Stow who came out and we set the fence and marked it out. Mr. French said it was seven years ago. Mr. Knights asked if he pulled a chain between the property pins? Mr. French said yes, they were very consistent.

Mr. Knight said there are two members that are not here tonight and you need three yes votes to pass so you need all three of us to approve this. I would like to make you aware of the fact that you could ask that this be tabled until the next meeting where there will be at least four here if they all show. I understand that may be a burden on you in terms of the timeframe but at the same time, read between the lines here. Mr. French said I can understand where you are going. Mr. Knight said so if you would like to take that into account and make the request to the board at this point, we are all ears. Mr. French said so there is no swaying you any further? Mr. Edwards said the side setback does not look like a major problem, especially if the pin is in error and it is actually several feet north, there may not be a need for a side setback variance so on the conservative side, that one is not potentially going to be a problem. The front setback is a little extreme of 17.5'. Mr. French said the variance should read the expansion shall be located 22.5' from the right of way. The 17.5' came from a reference to another house on

the street. If you read my original letter, it clearly requests 17.5' which is a good car and a half. Mr. Knight said the variance is for the difference between what the code is and what you are requesting. You say you are going to be 17.5' from the existing building or 22.5'? Mr. Svasta said so you are asking for a 17.5' variance. Mr. French said yes, the variance I am requesting is 17.5'. Mr. Knight said so the verbiage here is correct. Mr. Svasta said I looked up and down the street and saw buildings that came up even farther. I was surprised to see that.

Motion to approve Case #16-004 by Edward Franks, seconded by Mike Svasta, Motion was 2 yay's, 1 abstain, motion then was tabled until the July 11<sup>th</sup> meeting when a full board will be present. Mr. Knight said my objection was not to deny this but to have it tabled until next month with a full board present. Mr. French said I was hoping we could table this.

### **Case #16-005**

This is a request by Mr. Thomas Black, property owner, property located at 2447 Liberty Road, for approval of a variance of 3 feet in order to expand his house. He is proposing to construct an addition (28 feet by 7 feet) to the north side of his residence. The proposed expansion will be located 5 feet from the north property line. The property is shallow in depth (112 feet) so adding on to the rear of the structure would potentially detract from the use of the rear yard.

The property is zoned R-3 and the minimum side setback is 8 feet. The applicant is requesting a variance of 3 feet from the side setback requirement according to C.O.S. Section 1143.04.

This case was tabled as the variance will be revised and resubmitted for month of July.

### **Case #16-006**

This is a request by Mr. Jerry Grimm, property owner, property located at 4975 Comanche Trail, for approval of a variance of 4.5 feet in order to construct a new front porch (19 feet by 7 feet). There is an existing sidewalk and landscape bed in the front of the house approximately 7 feet in width. The existing house is located 44 feet from the right of way and the proposed porch will be located 35 feet 8 inches from the front right of way. The property is zoned R-3 and the minimum front setback is 40 feet. The applicant is requesting a variance of 4.5 feet which is required according to C.O.S. Section 1143.04.

Mr. Grimm stated we are trying to install a front porch (deck) on the front of the house and we wanted a little more room than the stoop that we have now. It is over the variance so we are just putting on a little more front porch as you see on the drawing and coming out and going by the side of the house (almost by the side). Mr. Knight asked if it was a standard wooden deck construction. Mr. Grimm

said it was a composite deck. Mr. Grimm said it is a triplex so we are going from the front door over to the side of the house and then to the other side of the door where the sidewalk goes to the driveway. Mr. Grimm said the deck is going to be the height of the front door (flush with the first floor of the house). Mr. Svasta asked if he had a contractor lined up to do the job and Mr. Grimm said yes. The proposed deck will be tied to the house (per the drawing).

Motion to approve Case #16-006 by Mike Svasta, seconded by Edward Franks, motion approved 3-0.

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

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Robert Knight, Chairman

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Mary Botts, Secretary