

Building and Zoning Appeals Minutes

Stow City Hall Boards and Commissions, Monday, July 11, 2016, at 6:00 p.m.

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

Members Absent: None

Also Present: Terry Sayre, Joy Sayre, Elizabeth Sayre, Tom Black, Doug French, Bruce and Katrina Botimer, 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 13, 2016, meeting by Mike Svasta, seconded by Edward Franks with no changes, all yea's, no nay's, motion passed 4-0.

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.

This was tabled from the June 13, 2016 meeting until a full Board is present.

Mr. French had various illustrations of houses in his neighborhood that are not in compliance of the zoning code due to being built before a zoning code was in place. I am proposing to add a garage in front of the house. I would still have room for a car plus. Four houses up, they are 20 feet from the backside of the sidewalk, my neighbor's house, which is south, this is her front porch which is 15' from the sidewalk. Across the street next to my neighbor, Bruce and Katrina, her house is 18' from the front, and if you go up the street a little further, you have 14.5 and 15.5 feet from the sidewalk. So as you can see, it is a very mixed neighborhood. Some houses have less than 3' from the back of their house. This is the layout looking at the house. This blue line shows the storm sewer that comes down which drains all of Hiwood and Marcella. It drains all the neighborhoods and comes across and cuts through my neighbor's yard diagonally and through my yard so for me to expand this way, I was told a naturally occurring stream so I can't get close to it.

The only way for me to go out anywhere is to my driveway. It is just the absolute easiest solution that we have. It would look just like a split level.

Mr. Svasta said we talked about property lines and there were some questions last time asking where the property line was at. Mr. French said he spoke with Mr. Kurtz and I asked him if I should have the whole street surveyed and he said no, if you found one stake, and I found both corner stakes in my front. Mr. Knight said after seeing the one map of houses on the street, I have reevaluated my position.

There were no negative comments. Mr. & Mrs. Botimer, neighbors of Mr. French, did not have any negative comments.

Motion to approve Case #16-004 by Mike Svasta, seconded by Robert Knight, motion passed 4-0.

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 5 feet in order to expand his house. He is proposing to construct an addition (28 feet by 10 feet) to the north side of his residence. The proposed expansion will be located 3 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.

Mr. Black said he was asking to go off the side in order to add a master bedroom. We have been in the area for four years and love the area. My children are 7 and 8, going to school here and we want them to go until graduation. Rather than looking for a new home, we are basically asking to go off the side in order to add a master bedroom. As far as going back, the yard is not deep and I do have a bit of a runoff as well. My street also drains to Vira which is the street behind mine and so with the plumbing issues and the yard being shallow in depth, it just wouldn't be feasible to go backwards. We did look at going out front which Rob Kurtz also talked to be about but that would have me asking for an even bigger variance so he felt that the least amount of variance that I would need to request...This would be parallel to the house, it would stay completely even with the house. We would continue the siding, roof, and everything the same. It would match. I do have a neighbor next door, he is not here, he is 97 years old and he did not come in. I spoke with him numerous times and he was fine with this as long as he has some green space which there will be. Mr. Knight said he does have some distance between houses. There were no other calls from the neighbors against this.

Motion to approved Case #16-005 by Edward Franks, seconded by Mike Svasta, motion passed 3-0 (Debbie Cochrane abstained from vote).

Case #16-007

This is a request by Mr. Terry Sayre, property owner, for approval of a variance of 2 feet to install a 6 foot high solid wood privacy fence in the front yard of 3646 Sanford Avenue. The property is located on the southwest corner of Sanford and Elmwood Avenues. The proposed fence is proposed to be located 20 feet from the Elmwood Avenue right of way, and according to C.O.S. Section 1143.07(e), the maximum height of a solid fence in this location is 4 feet.

Mr. Sayre stated if you look on the site plan, behind me is a trailer park. The fence that they have there was put up by the other occupants two years ago (renters), the fence that is currently there is rotting and falling apart. What we want to do is put up an entire new fence around so we can have some privacy and our daughter's dog is big enough that I actually think she can jump the four foot fence. I would like the safety of having a 6 foot fence than have her killed or someone tease her and have someone get bit. Mr. Svasta said that was the question I had. This is a 6 foot high fence and what you are proposing is just a continuation of that fence, the same type of fence and everything else. Mr. Sayre said that is a hedge and it is underneath that is the property line. As far as I know, nothing goes underneath here to require and get into it with a backhoe or anything. Mr. Knight said you are on a corner lot so this is treated as frontage and this is a frontage by code. That is the reason why you need the variance because it is considered two front yards. Mr. Sayre said we also have been having kids cutting across this part of our yard from the trailer park. Mr. Knight asked what type of fence it was and Mr. Sayre said a solid wooden fence. Mr. Savasta said we would not want anything obscuring the vision of oncoming traffic. I sat at that corner watching traffic and I didn't think it would be a problem with a 6' fence. There is a four way stop sign there. Mr. Sayre said if you look back here there is something that used to be a grandstand here that the trailer park had. It is caved in and crushed down. I think they are taking it apart and getting rid of it. It would be better not to have to look at it.

Motion to approve Case #16-007 by Debbie Cochrane, seconded by Mike Svasta, motion passed 4-0.

Adjournment: With no further business to be discussed, motion to adjourn by Edward Franks, seconded by Robert Knight, meeting was adjourned at 6:23 p.m.

Robert Knight, Chairman

Mary Botts, Secretary