

Building and Zoning Appeals Minutes

Stow City Hall Boards and Commissions, Monday, August 8, 2016, at 6:00 p.m.

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

Members Absent: None

Also Present: Houston Morgan, Brian Widdows, Allan Jones, Jeremy Johnson, Diane Biya, 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 July 11, 2016, meeting by Mike Svasta, seconded by Debbie Cochrane with no changes, all yeas, no nays, motion passed 4-0.

Case #16-008

This is a request by Mr. Allen Jones, property owner, property located at 3398 Hiwood Avenue, for approval of a variance of 3 feet to build a 23' x 24' addition that will connect an existing detached garage to the principal structure. A variance was approved in 1984 (1984-15) in order to allow Mr. Jones to construct a carport 5 feet from the side property line. The applicant intends to align the addition with the carport so that the proposed addition will be located 5 feet from the north side property line. The property is zoned R-3 and according to C.O.S. Section 1143.04, the minimum setback for principal buildings in this district is 8 feet. The adjacent property to the north is a vacant lot owned by the City of Stow.

Mr. Jones stated he just wanted to add onto his garage and connect it to the carport. I have a few vehicles I don't have housing for at this point. They are older vehicles and that is what my concern is. Mr. Knight said so basically this is a garage addition? Mr. Jones stated yes. Mr. Knight asked if the carport was considered part of the house. Mr. Catalano said it looks like he has a carport attached with a garage. Mr. Knight said the carport is attached to the house and the garage sits to the rear; is it attached or just abutting? Mr. Catalano said I haven't seen construction drawings. There may be some issues with the footings and so forth and we are going to have to work our way through. Mr. Catalano asked Mr. Jones if he was enclosing the carport and Mr. Jones said no. Mr. Catalano said you are just going to attach the existing garage up to the carport. Mr. Catalano said the carport is attached to the house. Mr. Catalano said that is unusual but we really don't have an issue provided we have construction documents. Mr. Svasta asked is the garage going to be used for a home occupation? Mr. Jones said no, just a garage for cars for storage. Mr. Knight asked it may be heated but it is not an occupied space other than vehicles? Mr. Jones said correct. Mr. Jones said he may have heat in there because when you have these cars and humidity and things like that you may need it. Mr. Catalano said he could put a heater unit in there such as propane or gas in there. Mr. Knight said no

plumbing or water service? Mr. Jones said no. Mr. Knight said so it wouldn't be a human occupied space? Mr. Jones said no.

There were no further questions.

Motion to approve Case #16-008 by Edward Franks, seconded by Debbie Cochrane. Motion passed 4-0.

Case #16-009

This is a request by Mr. Brian Widdows, property owner, for approval of a variance of 1,440 square feet to build a 1,440 square foot pole building (30' x 48') on his property located at 4330 Stow Road. The property is 0.5 acres in area and is zoned R-3. According to C.O.S. Section 1143.07, the maximum size of accessory building(s) on this property is 800 square feet. There is currently a 912 square foot accessory structure on the property comprised of a 24' x 24' garage and a 16' by 21' attached shed. A variance was approved in 2003 (#02-023) to permit this attached shed.

Mr. Widdows said much like the first case, I am in need of space for additional vehicles. I am into collecting, I am a hobbyist and work on cars. I would like to keep them indoors and preserve them. Mr. Knight said so this accessory building would be heated? Mr. Widdows said it would be heated. Mr. Svasta asked how would you access that? Mr. Widdows said through the front of the building. As far as getting to the backyard, there is a carport on the left side of the garage that would have some shrubs in the back yard that I would have to take out and that would be a ramp down. It would be between the garage and the property line. Mr. Knight said so according to the drawing you submitted, that looks pretty narrow to stay on your property. Mr. Widdows said it would be just under 16' on the left side of the garage to the driveway on the left hand side. Mr. Knight said that is not showing on the property line. On the property line, that is not 16' in there. Mr. Knight said the drawing you submitted, you have a property line right here. Are you telling me you have 16' in there? Mr. Widdows said no. Mr. Knight said is that the side you were saying you would have accessing back there? Mr. Widdows said yes. Mr. Knight said so in order to do that you would be on the adjacent property. Mr. Widdows said as far as I can tell, that is not correct. Mr. Widdows said I did not submit those. Mary Botts said they were from Zoning. Mr. Widdows said I have a company coming out to mark the property lines. Mr. Franks said do we know what the setback is for the existing garage for the south property line? Mr. Svasta said I was out there this afternoon and it is a very park-like area, not only in your yard but the adjacent yards combined. It's a nice open space and I saw the stakes for the proposed structure and it is taking up a huge amount of space, in my opinion. I would think it would be objectionable to your neighbors. I saw kids out there playing and I wouldn't be able to see the kids with that building in between. That is what I am hung up on. It seems like you would really be disturbing that park-like atmosphere, which all of the neighbors, including yourself, enjoy. Mr. Knight said my issue is that this property already received a variance for a 912 s.f. accessory

structure which was in excess of the allowable and now we are going to add to that. As I have stated before in these forums, these properties and these buildings will be there forever. You may move at some point in time and if we have to, in my opinion, look out for the zoning regulations in the City of Stow regardless of who owns the property and what your plans are. Since you already exceeded the allowable square footage with the building that is there and you have the variance to do that, that is fine but now you are asking for another variance and it begs the question on whether you are going to need another building five years from now. Mr. Widdows said the previous owner got the first variance, but no, this building would be all that I would need. Mr. Knight said that was a rhetorical question. Mr. Franks asked if we had any comments from the neighbors and Ms. Botts said no calls or letters. Mr. Knight asked if he talked to the neighbors? I know they received the notice but have you had any feedback from them? Mr. Widdows said no. Mr. Svasta asked if anybody was here that night to speak for or against this and there wasn't.

Motion to approve Case #16-009 by Mike Svasta, seconded by Edward Franks. Motion denied 3-1 (Debbie Cochrane voted for the variance). After the variance was denied, Mr. Widdows asked if he could amend it to a small variance. Mr. Knight said he would have to meet with the Planning Director to review this.

Case #16-010

This is a request by Mr. Houston Morgan, property owner, for approval of a variance of 4.5 feet to build a 320 square foot accessory building 1.5 feet from the north property line. There is an existing 216 square foot building located 1.5 feet from the north property line. The property is zoned R-3 and according to C.O.S. Section 1143.04, the minimum setback for an accessory building(s) on this property is 6 feet.

Mr. Morgan said when we purchased the house in 1957, whoever surveyed it apparently made a mistake and set the foundation on the garage on the property line and when we went to purchase the house, it was the very first allotment in Stow, and they apparently made a mistake surveying and the house was set two to three feet too far north which made for a very narrow driveway, and this was a model T era in the 1920's but the garage was set so that the foundation was on the line and we couldn't get a title until the seller and the realtor had the garage moved over. They got a variance in 1957 to move the garage over to clear the property line and the guy who did the move over was not precise. He didn't put a footer for the block and just set them on the ground. It was very poorly done and over the years, I admit that I didn't maintain the garage like I should have but I was storing an antique car in there and I didn't go in and out of the garage much and some of the neighborhood kids tore the shingles off of it and threw them in the yard. The insurance company, instead of putting a new roof on, just patched it and it was leaking and I didn't realize it. In the meantime, my wife became very ill and had to be wheel chaired in and out of the house and was on dialysis. I had to extend the deck back towards the garage in order to get the slope for the ramp. Now the garage I want to rebuild and I want to try to rebuild an antique car and I have to

move the garage back in order to get the swing and miss the deck. I would like to continue the variance of the property line so I didn't have to go back in the middle of the back yard. Mr. Knight said so that structure right here, is that the structure that is coming out? Mr. Morgan said yes. Mr. Morgan said I have a map from the library which clearly shows how they did things back then that shows that if you look at all the garages, they are detached and are on the line so it is not precedent in the neighborhood. I don't think I am asking for anything really out of line. Mr. Svasta said is the proposed garage going to be on the same footprint? Mr. Morgan said it would have to be back about half of this so that I can clear the deck. Diane from New Creation Builders stated they are moving it back because of the ramp that sits here so they need the swing around that but this distance here is not a problem, it is this distance and you are not going to see it but there is a tree right there. Mr. Morgan said the tree is coming down. Diane said she was not aware of it so that was one of her hardships was trying to squeeze it in there but we do so many feet, I believe the setback from the garage to the house has to be 15' and in order to do that because this ramp is attached, we would have to move it back. Diane said this garage sits 1.5' off the property line. If you look at the pictures I submitted you will see it but according to code, we will be doing a fire wall on that side as I am sure the people next door also have. Mr. Knight asked if the neighbors are aware they are planning this? Mr. Morgan said yes. Mr. Morgan said I am really only asking for renewal of the variance that was given to me in 1957.

There were no further questions or comments.

Motion to approve Case #16-010 by Debbie Cochrane, seconded by Mike Svasta.
Motion passed 4-0.

Adjournment: With no further business to be discussed, motion to adjourn by Mike Svasta, seconded by Edward Franks, meeting was adjourned at 6:30 p.m.

Robert Knight, Chairman

Mary Botts, Secretary