

Building and Zoning Appeals Minutes

Stow City Hall Boards and Commissions, Monday, September 10, 2018, at 6:00 p.m.

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

Members Absent: Jaime Syxx

Also Present: John and Heidi Der, Jeb and Denise, 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 August 13, 2018, meeting by Mike Svasta, seconded by Edward Franks, all yea's, no nay's, motion passed 4-0.

Case #18-007

This is a request by Ms. Heidi Der, property owner, for approval of a variance of 5 feet to construct an addition to the existing residence located at 1228 Mac Drive. The existing residence is located 15 feet from the Mac Drive right of way. The house was constructed in 1945 and is considered a legal nonconforming use in regard to the front setback requirement.

The applicant is proposing to demolish an existing nonconforming garage and construct an addition that would include living space and an attached garage. The proposed addition will total approximately 840 square feet in area and will extend the nonconformity by 5 feet. Upon review of the immediate neighborhood, this proposed addition would be similar to other dwellings relative to the setback from the Mac Drive right of way.

The property is zoned R-3 and the minimum front setback is 40 feet according to C.O.S. Section 1143.04.

Ms. Der stated they would like to take down the garage that is there and add a little entry porch, a kitchen that would connect the space between the existing garage is on the house and attach a garage so the five feet for the entry porch is actually further back than where our current garage is. All the houses on the road are pretty close to the street. They started out as small cottages and people are slowly adding and updating them to make them more liveable. Mr. Svasta said he is not opposed to the variance but he did have a question regarding the request for five feet. Would this be the time to make it right and get the variance for a 30 foot variance because you are not compliant now, it looks like you are encroaching by 25 feet and they

want another five. Mr. Catalano said he was not sure exactly what the right of way was on that and he thought it was 60 feet would be his guess. He was not exactly clear on that. Mr. Svasta said rather than ask for 5 feet and then that would still leave them with a legal nonconforming encroachment, should we just ask for the entire amount and make the variance for 30 feet? It seems like they are already encroaching 25 feet into the 40' setback. Mr. Catalano said they would need the variance for their existing house because it is existing nonconforming, they are just going to encroach an additional five feet because of the addition and really, the garage comes in 5 feet and the front porch is 3 feet beyond the garage. Mr. Knight said so it would remain nonconforming. Mr. Catalano said everything out there is nonconforming. Mr. Catalano said he had talked to Rob Kurtz about this earlier and there were no issues with this. Mr. Roberts said has I look at the site plan which is detailed, as I review the location I would put in that 4 feet of the existing garage as it sits today and the revised addition go back approximately 2 more feet, I would agree that allowing the appeal in going forward and the only thing I would like to do is put a dimension to the front of the porch from the property added to the drawing for records sake, that we include that as part of our approval.

Motion to approve Case #18-007 with addition of adding the dimension from the property line to the front edge of the front porch added to the site plan for record's sake by Randal Roberts, seconded by Edward Franks, motion passed 4-0.

Adjournment: With no further business to be discussed, motion to adjourn by Mike Svasta, seconded by Robert Knight, meeting was adjourned at 6:15 p.m.

Robert Knight, Chairman

Mary Botts, Secretary