

Building and Zoning Appeals Minutes

Stow City Hall Boards and Commissions, Monday, February 11, 2019, at 6:00 p.m.

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

Members Absent: Jamie Syx

Also Present: Mr. & Mrs. Charles Goold, Kelley and Michael Thompson, Scott Middleton, Rob Kurtz 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 October 8, 2018, meeting by Mike Svasta, seconded by Edward Franks, all yea's, no nay's, motion passed 4-0.

Case #19-001

This is a request by Kelley Mills, property owner, property located at 5064 Comanche Trail, for approval of a height and setback variance to construct a shadowbox privacy fence 6 feet in height and located 10 feet from the Hibbard Drive right-of-way. The property is located at the southeast corner of Hibbard Drive and Comanche Trail. The applicant is requesting the following variances:

- C.O.S. Section 1143.07(e) (1) which permits the maximum height for a solid fence in a front yard to be 4 feet (6 feet is proposed); and
- C.O.S. Section 1143.07(e) (1) which requires a minimum setback for a solid fence in a front yard to be 20 feet (4.5 feet is proposed).

Kelley Thompson (Mills) stated her and her boyfriend were recent homeowners. They wanted the higher fence because they do have a dog and we are concerned about the safety and security of any jumping over a fence of that height and also just to invest in our home for a privacy fence. I used to be a buyer and that was a big deal for me, either a fence or buy a house that had that. Mr. Scott said we are proposing a shadowbox fence which allows someone to see through it at an angle. Also, on the drawing, we were originally proposing to come from the property in the back approximately 40' and we scaled it back to 24' if that helps with the right of way and approval as well so basically he was asking for a 4.5' setback.

Mr. Knight said so what is the variance you are asking for? Rob said the variance would be a 10' request for a variance so you can tell the board

what your request is for a variance and you can certainly have the opportunity to make is less than that and they can consider that at this meeting if you like. The variance was based on the dimension of your fence from the centerline of the road. That why we stated it at 10 feet. Mr. Knight we have to consider what was presented in these documents unless we can come to an agreement between the property owner and the board members that a different variance, in which case we vote on that different variance but we have to first agree that there is a difference between what is put in writing and what you are now proposing and then we have to understand what it is you are proposing so we can consider that.

Mr. Knight said so the second part of the variance is the height which by code is supposed to be 4' and you are requesting 6'. I understand the dog issue. Mr. Knight asked what kind of dog was it and Ms. Mills said a beagle mix. He is a very springy dog and can get over 4'.

Mr. Svasta said I visited the property today. The existing shadowbox fence is going to remain, you are just tying into that corner? Mr. Middleton said yes. The part leaning over there we will just repair. Mr. Svasta said I saw the stakes and line, is that right after the property line in the rear? Mr. Middleton said whatever code is, up to but not on the property line. Mr. Svasta said if you brought that up to and tied it into this corner, there is a cable TV pedestal right there in that corner. You need to provide some clearance so they can work in there. You would have to talk to the cable TV folks and find out how much clearance they need for the pedestal to work. The pedestal opens towards that proposed fence. Mr. Middleton said we can definitely address that per your request. Mr. Knight said I would like to revisit the 6' high issue because Hibbard is a minor arterial and cases have come in before and over the years, we have had different board members and different results from these requests and you drive around Stow and see 6' fences and they look like an encampment in your backyard in the residential communities and I personally have issues with making those variances because of that effect so I am not a big fan of this.

Mr. Roberts said I have a question to the homeowners, have you discussed this and gotten any approvals from any neighbors that are going to see this and that is a critical mass is having strength of the neighbors to support the project to make sure they are comfortable with it and without that we have to question amongst the board, or at least I would. Ms. Mills said that is something I can always go back and ask my neighbors if they are okay with. In my current neighborhood, across the street neighbor, on the corner they have a tall fence and down the street there is one as well.

Mr. Franks asked why does it have to be so close to the street? Ms. Mills said I am okay with moving the fence back from the street, my concern is

the height of the fence but I did want to see if I could give my dog the biggest yard he could get but I would be open to moving the fence back.

Motion to approve the height variance of 6 feet by Mike Svasta, seconded by Robert Knight. Motion to approve height variance passed 4-0.

Motion to approve the setback variance of 20 feet by Mike Svasta, seconded by Robert Knight. Motion to approve setback variance denied 4-0.

Case #19-002

This is a request by Charles Goold, property owner, Property located at 1745 Arndale Road, for the approval of a setback variance of 5 feet in order to construct an attached garage to their existing dwelling. The proposed is zoned R-2 Residential.

There is currently a detached garage on the property that is located approximately 13 inches from the west side property line. The applicant is proposing to demolish this structure and construct a garage (24 feet by 34 feet) that will be attached to the existing dwelling. The proposed addition will be located 5 feet from the west property line. The applicant is requesting a variance from C.O.S. Section 1143.4 which requires a minimum setback from the side property line of 10 feet (5 feet is proposed).

Mr. Knight said I would like you to comment on the fact that you looked at different locations if you could give us all a little understanding of this. Mr. Goold said part of the problem is that we have massive flooding there from a creek that goes through our property and over the last 17-18 years, we have had some major rain storms where we have huge flooding. They talked about a retention basin but they were not able to do that. Ms. Goold said we worked with Sheila Rayman and the EPA folks on the creek issue so we have the builder propose that and we would have to put it up on stilts because we can get two feet of water in the yards. Mr. Knight said how far does that encroach towards the house. Mr. Goold said it comes all the way to the drive. The drive doesn't flood but it comes up to it. It has flooded up to the pool and our pool is set 2' higher than the ground level to accommodate the flooding. Mr. Knight asked if they were going to do some grading to make sure they weren't going to get flooding? Mr Goold said it is already above grade there. The other thing is we don't want to block the view of the pool so we can see the grandkids in there and even each other. Ms. Goold said they had thought about putting the garage over here but it wouldn't be convenient for them because the garage would be by the master bedroom because they need a covered porch so they can get in and out of the garage without having to go outside.

Motion to approve Case #19-002 by Edward Franks, seconded by Randall Roberts, motion passed 4-0.

Adjournment: With no further business to be discussed, motion to adjourn by Mike Svasta, seconded by Randall Roberts, meeting was adjourned at 6:40 p.m.

Robert Knight, Chairman

Mary Botts, Secretary