

Board of Zoning Appeals

Minutes

January 8, 2019

Members present: John Golzy (Chairperson), Edward Baum, Lisa Carson, John Gutekanst, Kay Tousley.

City officials present: Paul Eschenbacher (secretary).

The meeting was called to order at 7:00pm in City Council Chambers, third floor of City Hall. The Chairperson introduced a video about the policies and procedures of the Board. The Chairperson then swore in, under oath, those intending to give testimony.

Case #18-28V 69 North Congress Street Zone R-3 Kenneth E. Ryan/ John & Joyce Wharton, appellants

Appellant is requesting variances from ACC 23.10, Table A, Schedule of Bulk Controls, to allow alteration of a duplex with:

- a front setback of two feet (2') where twenty-five feet (25') is the minimum requirement,**
- a left side setback of eleven feet (11') where twelve feet (12') is the minimum requirement,**
- a rear setback of thirty feet (30') where forty feet (40') is the minimum requirement,**
- and from ACC 23.10, Table B, Off-Street Parking Requirements, to allow:**
- three (3) parking spaces where seven (7) parking spaces is the minimum requirement.**

The Chairperson called on the secretary to testify.

The secretary noted that the footprint of the house and the number of parking spaces would remain the same, and the number of tenants would be seven instead of nine.

The Chairperson called on the appellant to testify.

John Wharton (owner) addressed the Board. Mr. Wharton said that he bought the house in 1985 and converted it into a duplex. He noted that the parking complied with City Code at that time. Mr. Wharton said that he added basement bedrooms to the house, but that such bedrooms are problematic.

Mr. Wharton said that he was tired of destructive tenants and decided to try for fewer and better tenants. He stated that, because the house would now be converted to a single rooming house, he must meet Ohio State Building Code standards for the house.

Mr. Wharton presented plans to the Board of the project. He said that the second-floor kitchen would be remodeled into a hallway to access a new bedroom over the back porch, and a staircase to the attic. He noted that the house is to get a fire sprinkler system. Mr. Wharton said that this would be a safer house, and will help get better quality tenants.

The Chairperson asked to clarify that a hall would be created, the second-floor kitchen

would be eliminated, the basement bedrooms would be eliminated, and that there would be one new bedroom over the back porch. Mr. Wharton said that those would be done.

The Chairperson called on anyone wanting to speak in favor of, make general comments about, or speak against the variance. No one came forward.

The Chairperson closed the floor for discussion.

On a motion by Ms. Carson, seconded by Ms. Tousley, the Board moved to grant variances to the property at 69 North Congress Street from ACC 23.10, Table A, Schedule of Bulk Controls, to allow alteration of a duplex with:

- a front setback of two feet (2') where twenty-five feet (25') is the minimum requirement,**
 - a left side setback of eleven feet (11') where twelve feet (12') is the minimum requirement,**
 - a rear setback of thirty feet (30') where forty feet (40') is the minimum requirement,**
- and from ACC 23.10, Table B, Off-Street Parking Requirements, to allow:**
- three (3) parking spaces where seven (7) parking spaces is the minimum requirement,**
- and according to the plans discussed at this meeting.**

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** This part of Congress Street has many odd-shaped lots and houses.
- 2.) **HARDSHIP AND DIFFICULTY:** The owner must conform to Bulk Controls just to improve the inside of the house.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** No additional privilege granted to the property.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Yes – Baum, Carson, Golzy, Gutekanst, Tousley. No – no one. Motion approved 5-0; variances granted.

Case #18-29V
Improvement,

25 Eden Place

Zone R-1 Heritage Home

Appellant

Appellant is requesting variances from ACC 23.10, Table A, Schedule of Bulk Controls, to allow additions of a front porch, back deck and carport to a structure with:

--a front setback of twenty-two feet (22') where twenty-five feet (25') is the minimum requirement.

--a left side setback of four feet (4') where five point five feet (5.5') is the minimum requirement.

--a right side setback of zero feet (0') where five point five feet (5.5') is the minimum requirement.

The Chairperson called on the appellant to testify.

Nathan Clink (owner) addressed the Board. Mr. Clink said that the current front stoop is falling apart, and would be replaced at the same size. He said the current back concreted area is damaged, and would be replaced by the deck. Mr. Clink said that the carport was to protect the residents from weather. He said that he just bought the property and wants to add assets to what was a neglected house.

The Chairperson asked if the carport would be open. Mr. Clink said that it would be just a roof.

The Chairperson called on anyone wanting to speak in favor of, make general comments about, or speak against the variance. No one came forward.

On a motion by Mr. Baum, seconded by Mr. Gutekanst, the Board moved to grant variances to the property at 25 Eden Place from ACC 23.10, Table A, Schedule of Bulk Controls, to allow additions of a front porch, back deck and carport to a structure with:

--a front setback of twenty-two feet (22') where twenty-five feet (25') is the minimum requirement.

--a left side setback of four feet (4') where five point five feet (5.5') is the minimum requirement.

--a right side setback of zero feet (0') where five point five feet (5.5') is the minimum requirement.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** These are minimal additions.
- 2.) **HARDSHIP AND DIFFICULTY:** It would be a hardship to enforce Bulk Controls.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Yes.
- 4.) **MINIMUM VARIANCE:** Yes.
- 5.) **ABSENCE OF DETRIMENT:** Yes.

6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Yes – Baum, Carson, Golzy, Gutekanst, Tousley. No – no one. Motion approved 5-0; variances granted.

OTHER BUSINESS:

--*Disposition of minutes from December 11, 2018 meeting.* On a motion by Mr. Baum, seconded by Ms. Carson, the Board voted 5-0 to accept the minutes of the December 2018 meeting as presented.

--*Organizational meeting.* The Chairperson reminded the Board that the February meeting will be an organizational meeting to elect or re-elect a Chairperson, and if any Board members are interested in the position, to let him know.

The meeting was adjourned at 7:30pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary

