

BOARD OF ZONING APPEALS MEETING

TIPP CITY, MIAMI COUNTY, OHIO

May 18, 2016

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| Meeting | Chairman McFarland called this meeting of the Tipp City Board of Zoning Appeals to order at 7:31 p.m. which was held at the Tipp City Government Center, 260 S. Garber Drive, Tipp City, Ohio. |
| Roll Call | Roll call showed the following Board Members present: Michael McFarland, Steve Stefanidis, Isaac Buehler, and Mark Hartman. Others in attendance: City Planner/Zoning Administrator Matthew Spring and Board Secretary Dawn Gross. |
| Citizens Signing the Registrar | Citizens attending the meeting: Steve Risner, Scott and Becky Reckers, Brian Bashore, and Billie Brinkman. |
| Board Minutes 02-17-2016 | Mr. McFarland asked for discussion. There being none, Mr. McFarland moved to approve the February 17, 2016 meeting minutes as written , seconded by Mr. Stefanidis. Motion carried. Ayes: McFarland, Stefanidis, Hartman and Buehler. Nays: None. |
| Citizens Comments | There were no citizen comments. |
| Administration of Oath | Mrs. Gross swore in citizens and Mr. Spring. |
| Chairman's Introduction | Mr. McFarland explained the guidelines and procedures for the meeting and public hearings. He advised the applicant that any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision to the Court of Common Pleas as provided in ORC Chapters 2505 and 2506. |
| New Business Case No. 03-16 Scott and Rebecca Reckers | Case No. 03-16: Scott and Rebecca Reckers – 8 Osage Court - Lot: IL 1922 – The applicant requests a variance of 10' to Code Table 154.04-7 to the minimum front yard setback of 30' for the single-family home located at 8 Osage Court. |
| Variance Request | Zoning District: R-1C – Urban Residential Zoning District Zoning Code Section(s): Table 154.04-7 |
| | Mr. Spring provided the following report: In conjunction with the proposed construction of a ± 10' x 27' 8" front porch addition, the applicant requests a variance of 10' to Code Table |

154.04-7 to the minimum front yard setback of 30' for the single-family home located at 8 Osage Court.

Code Table 154.04-7 indicates that a 30' minimum front yard setback is required within the R-1C – Urban Residential Zoning District. The proposed covered porch will be 20' from the front property line, therefore a variance of 10' is required (30 – 20 = 10).

The review criteria was provided to Board Members in Mr. Spring's Staff Report.

Going further, Mr. Spring noted an additional point related to this case:

- There is a 5' utility easement along the southern (rear) property line. The proposed porch addition would not encroach into this easement.

Mr. Spring did provide a sample motion for the Board's review.

Mr. Stefanidis asked if any neighbors had left comments. Mr. Spring replied, none.

Mr. McFarland asked if there were any further questions for Staff. There were none.

Mr. McFarland asked the applicants to step forward and state their names and address for the record.

Mr. Scott Reckers and Mrs. Rebecca Reckers, 8 Osage Court, Tipp City, Ohio, approached the dais.

Mr. Reckers indicated there was a correction to be made, the porch is going to span 25' as opposed to 27' 8". The surveyor has the dimension coming to the bump out of the garage; however, it will not be going past that point.

Mrs. Reckers said their request is primarily to create an additional attractive living space in the front of the home to watch their children while they play in the front yard. Additionally, and of equal importance, they would like to add a handicapped ramp so that their aging parents would be able to easily gain access to their home.

Mr. McFarland asked for comments/questions from Board Members. Mr. Buehler asked if other homes in the area had porches that go into the front yard. Mr. Spring replied, no specific variances have been granted. It is important to note, when this subdivision was originally constructed there was a 25' minimum building setback. Since then the zoning code has been updated, and in the R-1C zoning district where the home is

located, the setback has been pushed back an additional 5' to make a 30' minimum building setback. This makes the variance look bigger than it actually would have been.

Mr. McFarland asked, if in order to meet the present code guidelines, do you need to have a 10' setback variance instead of a 5' setback variance? Mr. Spring replied, "Correct."

There being no further discussion, Mr. Stefanidis **moved to grant a variance of 10' to Code Table 154.04-7 to the minimum front yard setback of 30' for the single-family home located at 8 Osage Court**, seconded by Mr. Buehler. **Motion carried.** Ayes: Stefanidis, Buehler, Hartman, McFarland. Nays: None.

**Case No. 04-16
Steve Risner**

**3 Variance
Requests**

Case No. 04-16: Steve Risner – 475 Burnside Drive – Lot: IL 4005 – The applicant requests a variance of 4' 6" to the maximum height of detached garages noted in Code §154.06(A)(2)(g)(ii); a variance of 160 square feet to the aggregate square footage of accessory structures noted in Code §154.06(A)(2)(h)(ii); and a variance of 1,360 square feet to the maximum size of a detached garage noted in Code 154.06(A)(4)(f)(iii).

Zoning District: R-1A – Suburban Residential Zoning District

Zoning Code Section(s): 154.06(A)(2)(g)(ii), 154.06(A)(2)(h)(ii) and 154.06(A)(4)(f)(iii)

Mr. Spring provided the following report:

In association with the proposed construction of a ± 38' x 54' detached garage (accessory structure) on the single-family property located at 475 Burnside Drive, the applicant seeks the following three variances:

1. A variance of 4' 6" to the maximum height of detached garages noted in Code §154.06(A)(2)(g)(ii)
2. A variance of 160 square feet to the aggregate square footage of accessory structures noted in Code §154.06(A)(2)(h)(ii)
3. A variance of 1,360 square feet to the maximum size of a detached garage noted in Code §154.06(A)(4)(f)(iii)

Variance 1

Code §154.06(A)(2)(g)(ii) states:

Detached garages shall not exceed 18 feet unless the structure includes an accessory dwelling unit above the garage in which case the garage structure shall not exceed 24 feet.

The proposed detached garage will not contain an accessory dwelling unit and have a height of 22' 6". Thus, a variance of 4' 6" is required (22.5 – 18 = 4.5 (4' 6")).

Variance 2

Code §154.06(A)(2)(h)(ii) states:

In no case shall the aggregate square footage of the accessory structures listed above exceed 2,000 square feet.

The proposed detached garage will be the only accessory structure on the property. Therefore, the aggregate square footage of all accessory structures at 475 Burnside will be 2,160 square feet. Thus a variance of 160 square feet is required (2,160 – 2,000 = 160).

Variance 3

Code §154.06(A)(4)(f)(iii) states:

The maximum size of a detached garage or carport in an R-1A, R-1B, R-1C, or CD District shall be 800 feet...

475 Burnside Drive is located in the R-1A Zoning District, and the proposed detached garage has an area of 2,160 square feet. Thus a variance of 1,360 square feet is required (2,160 – 800 = 1,360).

The review criteria was provided to Board Members in Mr. Spring's Staff Report.

Going further, Mr. Spring noted additional points related to this case:

- The applicant is not the property owner, but is seeking the proposed variances in conjunction with the proposed purchase of 475 Burnside Drive.
- 475 Burnside has an area of ± 1.841 acres.

Mr. McFarland asked if we had received any neighbor comments. Mrs. Gross replied, "No sir."

Mr. Hartman asked about runoff of water during storm events and what kind of impact such a building could cause. Mr. Spring stated that the storm water detention plan was approved by the City Engineer. Mr. Harman further asked, "Are they on City drainage lines?" Mr. Spring responded, "Yes."

Mr. McFarland asked if there were any further questions for Staff. There were none.

Mr. McFarland asked the applicant to step forward and state his name and address for the record.

Mr. Steve Risner, 385 Citadel Drive in Vandalia.

Mr. Risner began with saying he filed the application a little prematurely, as he did not ask enough questions, and he did not realize there would be three variances asked for.

Mr. Risner is retiring after 48 years and he would like to come back to Tipp City to build his retirement home. He has been looking for larger lots, and Tipp City has some very, although it be few, larger lots to build on. The reason for the variance is to build a detached garage for his collector cars. He has 4 or 5 collector cars that he keeps. They are valuable antiques that he would like to keep close to his residence.

To answer Mr. Hartman's questions about water run-off, the lot is connected to the City storm drain and all the drainage to the back goes to the creek; therefore, there will be no additional drains needed for the adjacent properties.

Mr. Buehler asked if the variance would be different if this was attached vs. detached. Mr. Spring responded, "if it was connected the garage size is unlimited as long as it meets the set back requirements."

Mr. Spring also added, "you may remember within the last year we also addressed a similar extra large garage three doors down from this property." Mr. Buehler asked, "What did we approve on that one?" Mr. Spring replied, "the exact same three variances just slightly different numbers."

Mr. Risner added that he understands the importance of maintaining the integrity of the community and he feels the garage will not only complement his home but the surrounding homes as well.

Mr. McFarland asked, how big is the lot? Mr. Risner stated it is 1.8 acres.

Mr. McFarland asked for further questions of the applicant.

There being no further discussion, Mr. Hartman **moved to grant a variance of 4' 6" to the maximum height of detached garages noted in Code §154.06(A)(2)(g)(ii) for the property located at 475 Burnside Drive**, seconded by Mr. Buehler. **Motion carried.** Ayes: Hartman, Stefanidis, Buehler, McFarland. Nays: None.

There being no further discussion, Mr. Buehler **moved to grant a variance of 160 square feet to the aggregate square footage of accessory structures noted in Code §154.06(A)(2)(h)(ii) for the property located at 475 Burnside Drive**, seconded by Mr. Stefanidis. **Motion carried.** Ayes: Buehler, Stefanidis, Hartman, McFarland. Nays: None.

There being no further discussion, Mr. McFarland **moved to grant a variance of 1,360 square feet to the maximum size of a detached garage noted in §154.06(A)(4)(f)(iii) for the property located at 475 Burnside Drive**, seconded by Mr. Stefanidis. **Motion carried.** Ayes: McFarland, Stefanidis, Hartman, Buehler. Nays: None.

**Case No. 05-16
Brian Bashore for
Billie Brinkman**

**Fence Variance
Request**

Case No. 05-16: Brian Bashore for Billie Brinkman – 687 Fern Avenue – Lot: IL 2365 – The applicant seeks a variance of 2.5' to the maximum height of 3.5' for fences located in front yards and corner side yards within residential zoning districts noted in Code §154.06(A)(4)(i)(vi)(B).
Zoning District: R-1B – Neighborhood Residential Zoning District
Zoning Code Section(s): 154.06(A)(4)(i)(vi)(B)

Mr. Spring provided the following report:

In association with the installation of fencing around the northwest section of the lot, the applicant seeks a variance of 2.5' to the maximum height of 3.5' for fences located in front yards and corner side yards within residential zoning districts noted in Code §154.06(A)(4)(i)(vi)(B). The applicant proposes the installation of ± 130 linear feet of 6' tall wood privacy fence within the corner side yard. The proposed fencing would project 24' into the front yard and/or corner side yard.

Code §154.06(A)(4)(i)(vi)(B) states:

The following shall apply to fencing, walls, and hedges in residential zoning districts and the CD District:

B. Fences, walls, and hedges shall not exceed 42 inches (3.5') in the front yard or along any lot line that is adjacent to a street. For double frontage lots, fencing in the rear yard may exceed 42 inches if the fencing is set back a minimum of 50 feet from the right-of-way but in no case shall it exceed six feet in height.

The applicant proposes the installation of ± 130 linear feet of 6' tall wood privacy fence within the corner side yard, therefore a variance of 2.5 feet is required (6 – 3.5 = 2.5).

The review criteria was provided to Board Members in Mr. Spring's Staff Report.

Going further, Mr. Spring noted an additional point related to this case:

If the requested variances are granted, the applicant will be required to obtain an approved Zoning Compliance Permit.

Mr. McFarland asked, "Have we received any neighbor comments?" Mrs. Gross replied, "No sir."

Mr. McFarland asked if there were any further questions for Staff. There were none.

Mr. McFarland asked the applicant to step forward and state his name and address for the record.

Mr. Brian Bashore; 687 Fern Avenue, Tipp City, Ohio, speaking on behalf of his mother-in-law, Billie Brinkman.

Ms. Brinkman purchased the residence at 687 Fern Ave. Mr. Bashore is requesting the ability to come out 24' on the south side of the home with a 6' privacy fence. They will add a double gate in the back of the fence to maintain access to all utilities in the rear of the property.

Mr. Buehler asked if there was a fence on the neighbors yard. Mr. Bashore said, "Yes there is." He and the neighbor have spoken and there will be access to the neighbor for his fence to maintenance as well.

Mr. McFarland asked for any further questions of the applicant. There were none.

Mr. Buehler wanted to clarify what type of fencing was being used. Mr. Bashore replied, it will be a 6' wood privacy fence.

Mr. McFarland added, "We have already set some precedence with fences in side yards at Dow and Second Street, where we have already approved variances."

There being no further discussion, Mr. Stefanidis **moved to grant a variance of 2.5' to the maximum height of 3.5' for fences located in front yards and corner side yards within residential zoning districts noted in Code §154.06(A)(4)(i)(vi)(B) for the single-family residential home located at 687 Fern Avenue**, seconded by Mr. McFarland.

Motion carried. Ayes: Stefanidis, McFarland, Hartman, Buehler. Nays: None.

Old Business

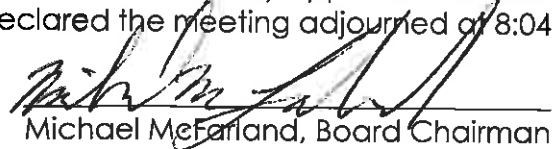
There was none.

Miscellaneous

There was none.

Adjournment

There being no further business, Mr. McFarland **moved to adjourn the meeting**, seconded by Mr. Buehler and unanimously approved. **Motion carried.** Chairman McFarland declared the meeting adjourned at 8:04 p.m.


Michael McFarland, Board Chairman

Attest: 
Mrs. Dawn Gross, Board Secretary