

BOARD OF ZONING APPEALS MEETING

TIPP CITY, MIAMI COUNTY, OHIO

September 21, 2016

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| Meeting | Chairman McFarland called this meeting of the Tipp City Board of Zoning Appeals to order at 7:30 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: Mark and Barbara Elrod. |
| Board Minutes 07-20-2016 | Mr. McFarland asked for discussion. There being none, Mr. McFarland moved to approve the July 20, 2016 meeting minutes as written , seconded by Mr. Buehler. Motion carried. Ayes: McFarland, Buehler, Stefanidis and Mr. Hartman. 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. 11-16 Mark Elrod | Case No. 11-16: Mark Elrod – 31 W. Walnut Street – Lot: Pt. IL 211 – The applicant requests a variance of 3.36% to the maximum aggregate square footage of 7% of the total lot area for accessory buildings and structures noted in Code § 154.06(A)(2)(h)(i). |
| Variance for aggregate square footage for accessory structures | Zoning District: R-2 – Two-Family Residential Zoning District. Zoning Code Section(s): 154.06(A)(2)(h)(i) |

Mr. Spring provided the following report:

In association with the proposed construction of a ± 12' x 8' shed (accessory structure) on the single-family property located at 31 W. Walnut Street, the applicant seeks the following variance:

1. A variance of 3.36% to Code §154.06(A)(2)(h)(i) to the maximum aggregate square footage of 7% of the total lot area for accessory buildings and structures.

Code §154.06(A)(2)(h)(i) states:

For residential districts, the aggregate square footage of the following accessory buildings and structures shall not exceed more than seven percent of the total lot area on which they are located:

- A. Detached garages and carports;
- B. Detached storage/utility sheds, gazebos, and other similar structures;
- C. Porches and decks
- D. Ground-mounted solar energy systems;
- E. Swimming pools, hot tubs, and spas; and
- F. Other accessory buildings similar in nature to the above mentioned structures, as determined by the Zoning Administrator.

Staff notes that there is an existing 580 square foot accessory structure (20' x 29' detached garage) on the lot. The existing lot has an area of 6,525 square feet (45' x 145'). The proposed shed would have an area of 96 square feet.

Thus a variance of 3.36% is required $[(580 + 96 = 676) \div 6,525 \approx .1036] - .07\% = .0336\% = 3.36\%$

Review Criteria §154.03(K)(4)

(4) Review Criteria

Decisions on variance applications shall be based on consideration of the following criteria:

- (a) Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this code will result in practical difficulty for an area/dimensional variance as further defined below.
- (b) The following factors shall be considered and weighed by the BZA to determine practical difficulty:
 - (i) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the

lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

(ii) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

(iii) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

(iv) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

(v) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, electric, refuse pickup, or other vital services;

(vi) Whether special conditions or circumstances exist as a result of actions of the owner;

(vii) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

(viii) Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance; and/or

(ix) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

(c) No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

Additional Notes

- The lot has no easements of record.

Mr. Stefanidis asked if any neighbors responded. Mr. Spring replied Mrs. Lee called with questions, she indicated she would be here this evening, but there was no formal "yes" or "no" statement.

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

Mark Elrod, 31 W. Walnut Street.

Mr. McFarland asked, for the reasoning why he's requesting a 8' X 12' shed. Mr. Elrod replied, it was a good size for the storage they were anticipating.

Mr. Buehler questioned, "Are they already over the 7% as the lot stands now?"

Mr. Spring replied, Yes, this Board granted a variance back in January of 2015 for the existing detached garage. That was a variance of a percent.

Mr. Stefanidis asked, what kind of foundation would be used? Mr. Elrod replied, he would be using gravel, the company he purchased the shed from would come out to lay the gravel and erect the shed.

Mr. McFarland wanted to clarify that the shed would be on runners. Mr. Elrod, stated that was correct.

Mr. Buehler, asked how deep the garage was. Mr. Elrod answered, 29' deep and 21' in width. Mr. Buehler asked if there was extra space in the garage. Mr. Elrod said yes, there is extra space, but he has an antique car he keeps in the garage along with 2 other vehicles.

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

Mr. McFarland asked for board comments.

Mr. McFarland stated the Board has already issued a variance for the garage and the location of where this shed will be going is going to fill up a non-usable area of the yard.

Mr. McFarland **moves to grant a variance of 3.36% to the maximum aggregate square footage of 7% of the total lot area for accessory buildings and structures noted in Code §154.06 (A)(2)(h)(i) for the property located at 31 W. Walnut Street** seconded by Mr. Buehler. **Motion carried.** Ayes: McFarland, Buehler, Hartman, and Stefanidis. 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. Stefanidis and unanimously approved. **Motion carried.** Chairman McFarland declared the meeting adjourned at 7:41 p.m.



Michael McFarland, Board Chairman

Attest: 
Mrs. Dawn Gross, Board Secretary