

Board of Zoning Appeals

Minutes

April 14, 2015

Members present: John Golzy (Chairperson), Lisa Carson, Joan Kraynanski, Kay Tousley, Edward Baum (alternate), Ellen Soltow (alternate).

City officials present: John Paszke (Zoning Administrator), Paul Eschenbacher (secretary).

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

Case #15-06V 20 Mulligan Road Zone R-1 Max & Abby Rouse, appellants

Appellant is requesting a variance from ACC 23.10.01, Table A, Schedule of Bulk Controls, to allow an addition to a house with a rear yard setback of twelve feet (12') where thirty feet (30') distance is the minimum requirement.

The Chairperson called on the Zoning Administrator to testify.

The Zoning Administrator said that it would be primarily one addition. He also noted that the road to the right of the house is a City road. The Zoning Administrator stated that the rear setback to the property line is 12 feet, but that the distance to the existing highway fence is 26 feet. He noted that this property abuts property controlled by the Ohio Department of Transportation, and that when the highway bypass was constructed, properties along this section had parts of their rear yards taken for that bypass.

The Chairperson called on the appellant to testify.

Abby Rouse addressed the Board. Ms. Rouse said that her family has outgrown the current house and wants to add square footage. She said that this should not disrupt neighbors' property lines. She then described the proposed addition.

The Chairperson asked if the addition would be seen from Mulligan Road. Ms. Rouse said that it would not. Mr. Baum asked about what extraordinary circumstances exist for this property. Ms. Rouse responded that she does not know if there is anything extraordinary about the house, but that they would want the additional square footage.

The Chairperson called on anyone wanting to speak in favor of the variance.

Zhiyong Tian (19 Mulligan Road) addressed the Board. Mr. Tian said that the variance does not bother him or his family. Mr. Tian then asked the appellant what effect the project

would have on his property. Ms. Rouse responded that it could increase property values in the neighborhood.

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

The Chairperson called on the appellant for rebuttal. Ms. Rouse said that she hopes the Board will grant the variance.

The Chairperson closed the floor for discussion.

Mr. Baum said that he was hung up on the extraordinary circumstances finding and undue hardship of the variance review for this case. Mr. Golzy said that the Board does not know if part of the lot was cut off for the highway, but that visually there is distance between the house and the back of the property. Ms. Kraynanski indicated that where the house is situated could be considered as well.

On a motion by Ms. Kraynanski, seconded by Ms. Tousley, the Board considered to grant, in Case #15-06V, 20 Mulligan Road, Max & Abby Rouse, appellants, a variance from ACC 23.10.01, Table A, Schedule of Bulk Controls, to allow an addition to a house with a rear yard setback of twelve feet (12') where thirty feet (30') distance is the minimum requirement.

FINDINGS:

- 1.) **EXCEPTIONAL CIRCUMSTANCES:** The placement of the house. The small rear yard with no buildings behind the lot.
- 2.) **HARDSHIP AND DIFFICULTY:** It is difficult using that space. The highway through the back probably cut off part of the property.
- 3.) **PRESERVATION OF EQUAL PROPERTY RIGHTS:** Others in the neighborhood do not have this situation, and it is not granting a special privilege.
- 4.) **MINIMUM VARIANCE:** 720 added square feet seems to be minimal.
- 5.) **ABSENCE OF DETRIMENT:** No detriment.
- 6.) **NOT OF A GENERAL NATURE:** Yes.

The Chairperson called for a vote: Carson, Golzy, Kraynanski, Tousley, Soltow – yes. No one – no. Motion approved 5-0; variance granted.

OTHER BUSINESS:

--Disposition of minutes from March 10, 2015 meeting. On a motion by Mr. Baum, seconded by Ms. Carson, the Board voted to accept the minutes as presented 4-0.

The meeting was adjourned at 7:23pm.

John Golzy, Chairperson

Paul Eschenbacher, secretary