

BEAVERCREEK BOARD OF ZONING APPEALS
REGULAR MEETING, August 10, 2016, 6:00 p.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. May 11, 2016
- V. PUBLIC HEARINGS
 - A. V-16-2, Gary & Sharon Stevenson, 1489 Martin Way
 - B. V-16-3, Michael Hatcher, 3638 Indian Ripple Road
- VI. DECISION ITEMS
 - A. V-13-9, Charles Curran, 3929 Largo Lane, Extension Request
- VII. ADJOURNMENT

BEAVERCREEK BOARD OF ZONING APPEALS
REGULAR MEETING, May 11, 2016

PRESENT: Mr. Curnutte, Mr. Hung, Mr. Morter, Mr. Raber, Mr. Roach

ABSENT: None

Vice Chairman Hung called the meeting to order followed by roll call.

Vice Chairman Hung thanked Mitch Vossler and Ryan Rushing for their time that they served on the Board, and welcomed new members Ed Curnutte and Joe Morter to the Board.

Mr. Roach MOVED approval of the agenda, seconded by Mr. Raber. Motion PASSED by majority voice vote.

REORGANIZATION

Mr. Roach MOVED to open nominations for Chairman and Vice Chairman, seconded by Mr. Raber. Motion PASSED by majority voice vote.

Mr. Roach nominated Mr. Hung as Chairman, seconded by Mr. Raber. Motion PASSED by majority voice vote.

Mr. Raber nominated Mr. Roach as Vice Chairman, seconded by Mr. Morter. Motion PASSED by majority voice vote.

Mr. Raber MOVED to close nominations, seconded by Mr. Morter. Motion PASSED by majority voice vote.

Mr. Raber MOVED to appoint Mr. Hung as Chairman, and Mr. Roach as Vice Chairman, seconded by Mr. Curnutte. Motion PASSED by majority voice vote.

Mr. Raber MOVED approval of the minutes of November 11, 2015, seconded by Mr. Curnutte. Motion PASSED by majority voice vote. (Roach abstained)

PUBLIC HEARING

V-16-1, Sandra & Allen Ray, 3845 Knollwood Drive

Clerk Gillaugh read the notice of public hearing on an application filed by Sandra & Allen Ray, 3845 Knollwood Drive, Beavercreek, OH 45432, requesting a variance from Chapter 158.105(C) of the City of Beavercreek Zoning Code, requesting permission to construct a six-foot high fence that would encroach into the required forty-foot front yard along North Longview Street. The property is located at the southwest corner of the intersection of North Longview Street and Knollwood Drive further described as Book 1, Page 15, Parcel 84 on the Greene County Auditor's Property Tax Atlas.

Sandra Ray, 3845 Knollwood Drive, stated they are seeking a variance for a six-foot privacy fence due to the lack of security and privacy in their yard, medical reasons, and a lack of room for their dogs. She explained they live in the southwest corner of Knollwood and Longview with Longview Street running north and south. Mrs. Ray said people use this street to take a shortcut through their neighborhood from Dayton-Xenia Road to Kemp Road. She stated the traffic has significantly increased over the last 10 years, and their lot sits lower than Longview Street so they have no privacy. Mrs. Ray explained people can see into their back yard eliminating any and all privacy that other homeowners on interior lots have. She said they have four dogs, three of which are huskies, and they want to give them more room to run and play. Mrs. Ray said they also want to keep them safe and a four-foot fence would not provide that safety due to them being able to easily clear that height. She stated some people would tell them to get rid of their rescues, but they cannot because they are part of the family.

Mrs. Ray stated they have a section of their rear yard that is level that measure 25 feet in width and 55 feet in length with the rest of the back yard sloping downward considerably. She explained they are asking to incorporate what she calls a dead zone that is not useable to them at this time. She did not feel the fence would hinder or disrupt the flow of traffic at the intersection in any way. Mrs. Ray said no utilities are located in that section of the lot, and the AC compressor would be enclosed by the proposed fence. She stated the fence would increase their security and privacy and would also cut down on the vehicle noise. Mrs. Ray believed the fence sits far enough back in the southeast corner of the lot that it is virtually unnoticeable. She stated their house has no entry doors or windows on the east side and they cannot see or know what is taking place on that side of their home or who might be in that section of their yard. Mrs. Ray said their garage extends 29 feet out past the front door therefore making their line-of-sight zero into that section of the yard, but from the back door they are able to see the area they want to incorporate. She explained people are known to park in their yard along Longview Street, but they are not able to see what they are doing in their yard unless they walk out and around the house.

Mrs. Ray stated the level ground that they have currently limits them to what they can do greatly. She explained she did not disclose in her justification her medical condition because she did not want it to become public record. Mrs. Ray realized that her medical condition has become a vital part in needing this six foot fence. She explained her medical conditions and stated a pool would greatly help with her condition. Mrs. Ray said she had a letter from her physician stating that a warm water pool would be beneficial to her. She discussed the location of the trees on the property, and explained where the pool would have to be located because of the tree shade. Mrs. Ray stated the trees would not be able to be removed because the cost would be astronomical and would cause a financial hardship.

Mrs. Ray explained the Zoning Department has estimated using the computer program that the fence line is only five feet five inches from the right-of-way. She said the proposed fence will sit seven feet six inches from the right-of-way and will sit behind the tree line on Longview Street and will conform to other fences in the neighborhood. Mrs. Ray stated they spoke to their neighbors, and everyone was supportive and could not understand why

they are not able to use their yard. She obtained the owner's addresses and signatures including her neighbor Cody Shields at 1999 Longview Street. Mrs. Ray said his property faces Longview Street and sits behind their home, and said the fence being proposed will afford him more privacy on his lot.

Mrs. Ray stated her children would use this area of the yard to play in growing up because the children could not use the back yard because it was such a small area and the decline in grade. She explained the fence would be located behind the tree line, which existed before the home was built in 2005. Mrs. Ray said they were ill-informed that their lot has two fronts until this time, and were unaware they needed a fence permit. She explained that was their fault, and they apologized to the City. Mrs. Ray stated when they were told to stop, they stopped. She said a corner lot with two frontages can create a lot of unusable space when there is a desire to have a privacy fence constructed. She stated Case V-15-1 requested a variance for a six-foot fence on a corner lot and was approved. Mrs. Ray explained people who live on interior lots have the luxury of being able to block the view of the neighbor on the right, left and rear of their property. She said they have to deal with the entire City on the east side of their property.

Mrs. Ray stated because of her job as a school bus driver, she is out in the City and Township daily, and has seen many homes on corner lots with six-foot privacy fences. She had taken photos of the properties and presented them to the Board. She said one of the homes was located on Danbury Place in the Bexley Hills subdivision, and the fence is located eight feet from the road. Mrs. Ray explained the lot was flat, and is not a high traveled neighborhood like theirs. She requested they be afforded the same consideration, and she understands Chapter 158.104 (B)(2) that exceptions can be made at the discretion of the Planning and Zoning Department. She requested that their variance be approved based upon their needs and hardship pertaining to her health, the contour and size of their lot, and the lack of privacy and security, all which are reasons out of their control. Mrs. Ray believed if the variance was denied they will be unable to provide a safe, private enclosed area for their family, room for their dogs to play, and her desire to lessen the pain of her life altering interference that her diagnosis brings to her daily.

Allen Ray asked if the Board wanted to see any of the photos, and explained the fence will be located behind the existing tree line and not protruding out further.

Ms. Pereira summarized the staff report dated April 15, 2016, which stated if the Board would choose to approve the variance it would allow for the completion of a six-foot privacy fence to be located within the required 40-foot front yard. She discussed the location of the property, and read Chapter 158.105 (C) of the City of Beavercreek Zoning Code. Ms. Pereira showed the site plan, and stated the fence was started in May of last year and the City's Code Enforcement Officer issued a Stop Work order to inform them they needed a permit. She explained staff has been working on and off with the applicant to get them to the Board of Zoning Appeals to have the issue resolved. Ms. Pereira explained on a corner lot in a R-1A District the fence is allowed to be 40 feet from the front property line, and said the property line is normally between 12 and 15 feet back from the edge of the pavement. She stated the fence is 7.5 feet from the front property line. Ms. Pereira showed and

discussed several photos she had taken of the property. She said after taking a look at the applicant's justification and the Zoning Code criteria for granting a variance, staff came to the conclusion that they could not recommend approval of this case based primarily on the fact that when looking at a variance it should be for the least possible and in this case it is almost the greatest possible variance, a 32.5-foot encroachment into the front yard setback. She explained she had not seen a variance for something so large and believed the Bexley Hills property was in the Township. Ms. Periera said the Township has their own regulations and requirements. Staff recommended disapproval on the case.

There being no public input, the public hearing was closed.

Mr. Morter asked if the applicants installed the existing six-foot fence. Mr. Ray stated they installed it. Mr. Morter questioned if they knew what the Code was when they put up the existing fence. Mrs. Ray explained they did not. Mr. Ray said one of the reasons they moved it out so far is because the yard still slopes from Longview Street and a 3.5-foot fence will not give them anymore privacy or hold their dogs. Mrs. Ray stated if someone is walking, biking, or driving they can look down into the yard, and there is no privacy. She explained the reason they started putting the fence up in the location it is was because there are two full grown pine trees, and they did not want to take them down. Mrs. Ray said they don't want to cut the bottom limbs off because their roots grow horizontal and if there are high winds most of the time pine trees are the trees that will fall over.

Mr. Roach said they referenced in their materials that they continually had water and mud running off onto their property and standing water. Mrs. Ray said they do and hoped a fence would maybe help some, and explained they started this process last year and then in June their basement flooded. Mr. Roach asked if the water stands in the area they are interesting in containing. Mrs. Ray said it stands where they have flat ground and then where it slopes greatly on the western side they have a hard time having grass. Mr. Roach stated he did not see anything in the documents they submitted about a swimming pool, but in the applicant's presentation they are looking to construct a pool on site and asked where it would be located. Mr. Ray said it would be in the new part of the fence, and explained where it would be proposed on the site plan they provided.

Mr. Curnutte asked which way the house faced. Mrs. Ray explained it faces north. Mr. Curnutte questioned if someone had taken a look as to why the house was sinking. Mrs. Ray said no, and said when they dug the basement they just dumped the dirt wherever on the lot, which created the problem with the contour of their lot. Mr. Curnutte asked how long they have lived in the house. Mrs. Ray said since 2005.

Mr. Morter questioned if the ground would have to be leveled where they want to locate the pool. Mr. Ray said some of it will have to be leveled, but it is about the flattest part of the yard. Mrs. Ray stated they would take the extra dirt and move it to the western portion of the lot to try to build it up some.

Mr. Curnutte asked if the pool they wanted to construct was an above-ground or an in-ground. Mrs. Ray said it was a small above-ground pool that is put up in the spring and taken down in the fall.

Mr. Hung questioned if staff had any concerns with line-of-sight issues, and questioned what other concerns there were for the granting of the variance. He understood that the variance needs to be as minimal as possible. Mr. Pereira said generally on corner lots the front yard setback is not only for aesthetic purposes, but also because of sight lines. She explained in this case with the positioning of the fence there would not be any line-of-sight issues. Mr. Hung said the applicants explained one of the reasons they have the fence so far out is because they don't want to take down any trees. Ms. Pereira was unsure what trees they were referring to, but there were some dense trees along the southern property line. She said when staff looked at this request the question that has to be answered is if they can put the fence where the Code permits it, and they can because they have it already. She explained that is how staff handles variances, and in this case staff's hands are tied because they are able to meet the Code.

Mr. Morter asked if the fence would run up the neighbor's driveway. Mrs. Ray said she had his signature for support, and explained where the fence would stop he still has plenty of room to see when they leave their driveway. She stated he told her that would give him more privacy on his lot, and he was fine with it.

Mr. Hung asked if there were trees that they are enclosing that would not be enclosed by the existing fence. Mrs. Ray said there are pine trees that will be enclosed with the new section. Mr. Hung questioned if that was one of the concerns that caused them to start to build the fence where they did. Mrs. Ray said yes because if they ran it in between the two pine trees they would have to cut the lower limbs off.

Mr. Roach explained cases like these are difficult for him in the sense that it would appear that the immediately adjacent neighbors that would be most aesthetically affected do not have an objection to what they are proposing. He said the problem he has is something that looks to him that could be a reasonable request if he was just spoke to casually have to be measured against the criteria that the City gave him. He stated the City says a 40-foot setback, and the applicants are requesting it be disregarded by 32.5 feet. Mr. Roach assumed that the City passes its ordinances for whatever reason the City believes is a good purpose, and all the citizens are able to participate in that process before it is passed. He said the applicants seem like very nice people but no objections from the neighbors are not a compelling enough reason in his mind to say go ahead and ignore the Code requirements. Mr. Roach explained he has heard often about other examples of properties that have done things, and there is a possibility that it is a non-conforming structure. He appreciated the pictures the applicant supplied, but he did not know the circumstances of those properties.

Mr. Curnutte agreed with Mr. Roach. He said the neighbor may try to sell his home one day, and may have difficulties because the fence location. Mr. Curnutte stated the ordinances were written for a purpose, and that is a lot of feet being requested for the

variance. He thought if they approved the variance, everyone in Beavercreek would want to build fences and ignore the ordinance or the ordinance would have to be rewritten. Mr. Curnutte agreed with the City recommendation for the variance.

Mr. Raber empathized also with the applicant. He stated he lives on a corner lot, and he was faced with the same issues with a swimming pool and the terrain of his property. He said the guidelines of the City would not allow it, and he had to conform to it. He agreed with his colleagues.

Mr. Hung felt for the Ray's. He thought he should explain what the Board stands for and why they are here. He said if the cases were clear cut and easy to figure out there would be no need for them. Mr. Hung believed the testimony that was given was very compelling, and he was sympathetic towards Mrs. Ray and her back pain. He explained he could not fault them for building a fence, wanting to build a fence, or filing for the variance application. Mr. Hung did concur that 32.5 feet is a little excessive to him, but they still have the ability to seek something less. He encouraged them whatever the outcome of the meeting was tonight to talk to the City to work out a middle ground and resolve the issue.

Mr. Roach MOVED to deny V-16-1. Motion was seconded by Mr. Raber. Motion PASSED by a roll call vote of 4-1. (Hung)

Mr. Raber MOVED adjournment at 6:38 p.m., seconded by Mr. Morter. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk

August 3, 2016

STAFF REPORT
VARIANCE REQUEST
CASE NO. V-16-2

I. VARIANCE REQUESTED BY:

Gary and Sharon Stevenson
1489 Martin Way
Beavercreek, Ohio 45434

II. NATURE OF REQUEST:

The applicant is requesting a variance from §158.031 (F)(1) of the City of Beavercreek Zoning Code and is requesting permission to construct a 12' x 16' addition to the primary structure that would encroach 4.7 feet into the required rear yard setback within an R-1A, one family residential district.

III. FINDINGS:

1. The property under discussion is located directly northwest of the intersection of Martin Way and Quail Lane within Audubon Park, Section 6.
2. §158.031 (F) (1) Appendix A: Schedule of Yard and Lot Requirements, shows the requirement of a 50 foot rear yard setback for main structures within an R-1A, one family residential district.
3. As stated in the Nature of Request portion of this staff report, the applicant is seeking permission to allow for the construction of a 192 square foot sunroom at the rear of the house that would encroach 4.7 feet into the required 50 foot rear yard setback.
4. The property currently contains a detached garage in the rear yard and is heavily wooded along the rear of the property.

IV. DISCUSSION:

The applicant is requesting to construct a sunroom at the rear of the house in order to provide an additional access to the home that would be ADA compliant. The addition would allow the property owners to pull up to the existing garage at the rear of the property and have easy access to the home without having to navigate any stairs. Staff finds that the variance request from §158.031 (F)(1) meets the requirements for approval per §158.172 (H)(5)(a) of the City of Beavercreek Zoning Code. Staff arrives at this conclusion given that the variance request is very minor and the sloped nature of the property required that the house be originally constructed significantly further back than the surrounding homes, therefore leaving a much more constrained rear yard. The addition will be nearly completely screened from neighboring properties due to the significant number of trees on this and surrounding properties and will be less intrusive than the existing detached garage.

V. RECOMMENDATION:

Staff recommends that the Board of Zoning Appeals find that:

1. The reasons set forth in the application are valid and justify the granting of the requested variance, and
2. The eight items in §158.172 (H)(5)(a) have been fully satisfied.

Staff further recommends that the Board of Zoning Appeals adopt the attached resolution approving a variance from §158.105(C) with the following conditions:

1. The approved site plan shall be that which is stamp dated "Received JUL 11 2016 City of Beavercreek Planning Department". Any deviation from the approved site plan other than a reduction in the encroachment of the addition into the rear yard setback must be approved by the Board of Zoning Appeals.
2. A zoning permit must be approved by the Planning and Zoning Department prior to the construction of the addition.

**RESOLUTION
BOARD OF ZONING APPEALS
CASE NO. V-16-2**

WHEREAS, Gary and Shannon Stevenson have made application for a variance from the strict application of the requirements of the City of Beavercreek Zoning Code for the property located at 1489 Martin Way; and

WHEREAS, the applicant is requesting permission to construct a 12 foot by 16 foot addition that would encroach 4.7 feet into the required 50-foot rear yard setback within a R-1A zoning district; and

WHEREAS, a public hearing was held on August 10, 2016, at which time all persons were given opportunity to comment on the application; and

WHEREAS, the Board of Zoning Appeals finds that the reasons set forth in the application are valid and justify the granting of the variance; and

WHEREAS, the Board of Zoning Appeals finds that subparagraphs 1 through 8 of §158.172 (H)(5)(a) have been fully satisfied.

NOW therefore the Board of Zoning Appeals orders that:

A variance from the fifty-foot minimum rear yard setback requirement of a R-1A district to allow construction of said addition that would encroach 4.7 feet into the required 50-foot rear yard setback be approved with the following conditions.

1. The approved site plan shall be that which is stamp dated "Received JUL 11 2016 City of Beavercreek Planning Department". Any deviation from the approved site plan other than a reduction in the encroachment of the addition into the rear yard setback must be approved by the Board of Zoning Appeals.
2. A zoning permit must be approved by the Planning and Zoning Department prior to the construction of the addition.

ACTION BY BOARD OF ZONING APPEALS

(Date)

Chairman

1 inch = 70 feet





Gary & Sharon Stevenson Variance Application

Gary and Sharon Stevenson are requesting a Zoning Variance of 4' 7 ¾" to allow the construction of a 12x16 addition onto the back of their home. The existing property has an existing 50' setback in the back yard. The Stevenson's have owned and occupied the property located at 1489 Martin Way in Beavercreek for nearly 50 years. Gary is seeking the project to allow an additional entrance that would be ADA compliant into their home. Gary and Sharon are increasingly having issues getting around safely and the proposed addition and its entrance is to allow for a safer and more mobile lifestyle. The Stevenson's home is located on a significant hill that caused the front entrance to not be accessible. The addition will provide needed space for the family. The proposed addition is conforming to the surrounding properties. The proposed addition will add value and will be in harmony with the rest of the neighborhood. The proposed addition will not cause any effect to existing utilities. The proposed addition cannot be located to another location on the property due to the existing detached garage and driveway location. Due to the location of the Stevenson's property, the back yard is wooded and does not directly back up to adjoining properties. The back corner of the home is positioned on the 50' setback line. The house is not parallel with the lot configuration. The home also has a detached garage that is positioned in the back yard. The proposed addition will be positioned in between the detached garage and the existing home.

Sun Room for: Gary & Sharon Stevenson

1489 Martin Way
Beavercreek, OH 45434
(937) 426-7045



Gary & Sharon Stevenson
1489 Martin Way
Beavercreek, OH 45434

GENERAL NOTES:

1. CONTRACTOR TO VERIFY ALL DIMENSIONS, DOOR & WINDOW ROUGH OPENINGS, ROOF PITCH & EVE HEIGHTS PRIOR TO ORDERING MATERIALS AND/OR THE START OF CONSTRUCTION.

2. MIN DESIGN LIVE LOADS:

Roof = L.L. =25 psf, D.L. =20 psf
Wind = 16.4 psf
Floors = L.L. =50 psf, D.L. =15 psf

max. soil bearing capacity = 1500 psf
max.deflection of floor joist = 1/360
max.deflection of walls = h/240

3. ALL CONCRETE = 4000psi COMPRESSIVE STRENGTH

4. ENGINEERED ROOF TRUSS DRAWINGS W/ LAYOUT TO BE FURNISHED BY TRUSS MFG. TO THE BLDG. INSPECTOR FOR THE FRAMING INSPECTION.

5. EX. HOME TO HAVE "HARD WIRED" SMOKE DETECTORS w/ BATTERY BACK-UP & INTERCONNECTED. PLACED INSIDE AND OUTSIDE EACH SLEEPING ROOM AND A MINIMUM OF ONE PER FLOOR. HARD WIRING MAY BE DELETED IF THERE IS NO ACCESS FROM A CRAWL SPACE, BASEMENT OR ATTIC ACCESS UNLESS THE RENOVATION REMOVES THE WALL OR CEILING FINISHES EXPOSING THE STRUCTURE.

6. ALL STRUCTURAL WOOD MAT'L. IN CONTACT W/ GROUND AND / OR CONCRETE AND ALL DECKING MAT'L. TO BE WOLMANIZED PRESSURE TREATED LUMBER.

7. REDILY ACCESSABLE ATTIC ACCESS 22"x 30" FOR ALL ATTICS EQUAL TO OR GREATER THAN 30" IN HEIGHT AND EXCEED 30 SQFT IN AREA.

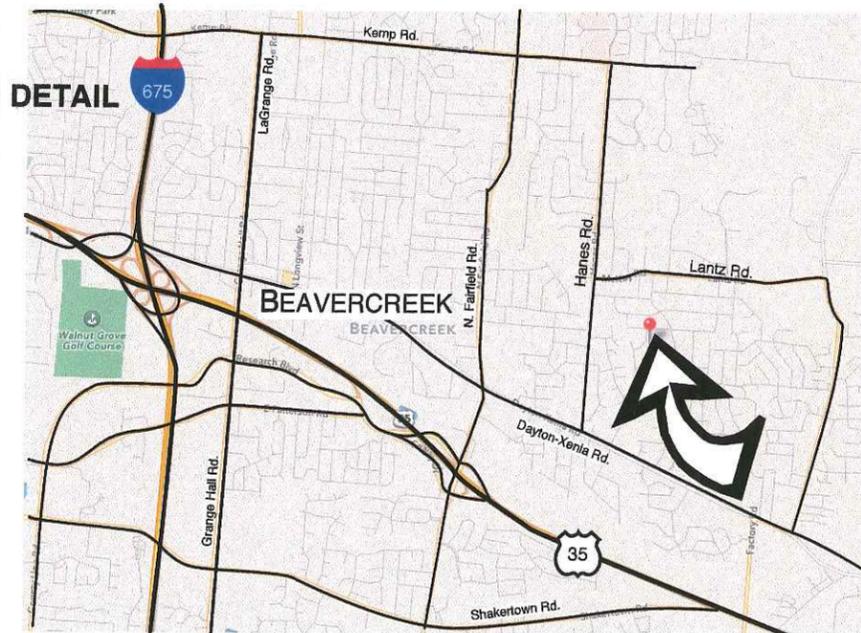
8. EXTERIOR LANDINGS MAXIMUM : 8 1/4" BELOW TOP OF THRESHOLD. THE LANDING MUST BE AS WIDE AS THE DOOR BEING SERVED AND A MINIMUM 3' IN THE DIRECTION OF TRAVEL.

DRAWING N°	SHEET TITLE
0.0	COVER & INDEX
C.1	EXISTING SITE PLAN
C.2	NEW SITE PLAN
S.1	FOUNDATION PLAN
A.1	FLOOR PLAN
A.2	TYP. SECTION /FDTN. CONECTION DETAIL
A.2.1	MFG. CONECTION DETAIL
A.3	ELEVATIONS

General Contractor:



5600 Poe Ave.
Dayton, Ohio 45414
(937) 458-0322



VICINITY MAP
NOT TO SCALE



RECEIVED

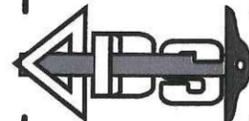
JUL 11 2016

**CITY OF BEAVERCREEK
PLANNING DEPARTMENT**

THESE DRAWINGS ARE TO BE REVIEWED BY THE GENERAL CONTRACTOR PRIOR TO THEIR SUBMISSION FOR PERMIT. CONSTRUCTION DRAFTING SERVICES ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS TO THESE DRAWINGS.



5607 Payne Ave.
Dayton, Ohio 45414
(937)458-0322



Bob Golden's
CONSTRUCTION
DRAFTING SERVICE
654 Fredericksburg Dr.
Dayton, Ohio 45415
937-430-8500

SCALE: NOTED
DRAWN BY: P. GOLDEN
CHECKED BY: J. HESPTMAN
DATE: 06-12-16

DWG. No.:
1606008

ISSUE / REVISIONS

SHEET NUMBER

0.0

AUDUBON PARK 6 ALL
 LOT 114
 1489
 MARTIN WY
 B42000500130018400



EXISTING SITE PHOTO

SCALE: 1" = 30.0'



EXISTING SITE PLAN

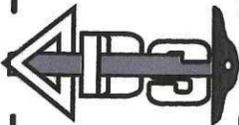
SCALE: 1" = 30.0'



This drawing does NOT represent a legal survey.
 No liability is assumed for accuracy of data delineated herein.
 See record documents for detailed legal information.

Gary & Sharon Stevenson
 1489 Martin Way
 Beavercreek, OH 45434

BRIGHT IDEAS
 Realestate Your Home
 5607 Payne Ave.
 Dayton, Ohio 45414
 (937)458-0322



Bob Golden's
 CONSTRUCTION
 DRAFTING SERVICE
 654 Fredericksburg Dr.
 Dayton, Ohio 45415
 937-430-8500

SCALE: NOTED
 DRAWN BY: P. GOLDEN
 CHECKED BY: J. HECHTMAN
 DATE: 06-12-16

DWG. No.:
 1606008

ISSUE / REVISIONS

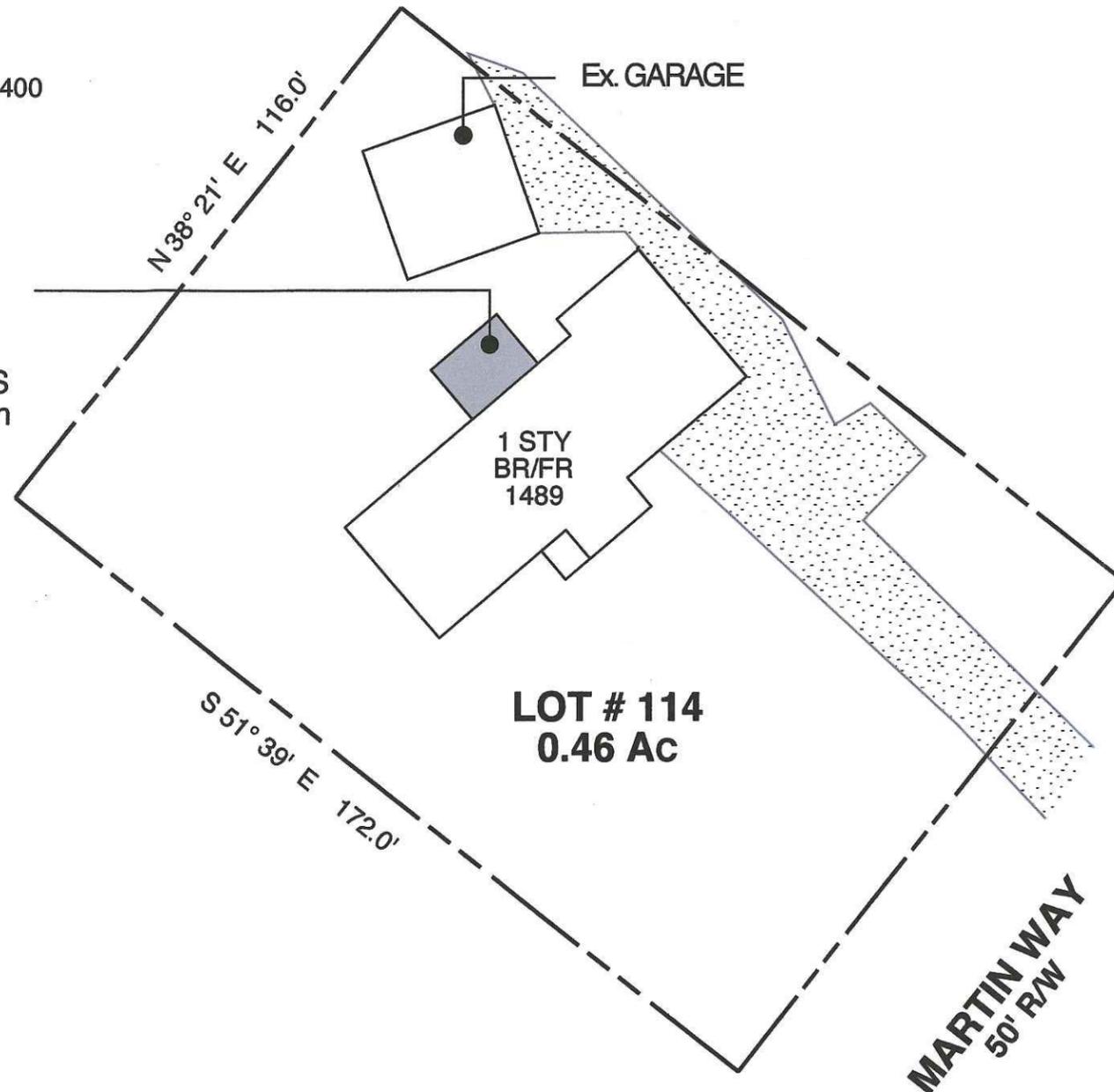
SHEET NUMBER

C.1

AUDUBON PARK 6 ALL
 LOT #114, 0.46 Ac
 City Of Beavercreek
 Greene County, Ohio
 PARCEL ID# B42000500130018400

PROPOSED: SunRoom (192 Sqft)

Mfg.: FOUR SEASONS
 Model: Series 230 SUN & STARS
 Straight Eave Design



This drawing does NOT represent a legal survey.
 Liability is assumed for accuracy of data delineated herein.
 Record documents for detailed legal information.

SITE PLAN

SCALE: 1" = 30.00'



Gary & Sharon Stevenson
 1489 Martin Way
 Beavercreek, OH 45434



5607 Payne Ave.
 Dayton, Ohio 45414
 (937)458-0322



Bob Golden's
 CONSTRUCTION
 DRAFTING SERVICE
 654 Fredericksburg Dr.
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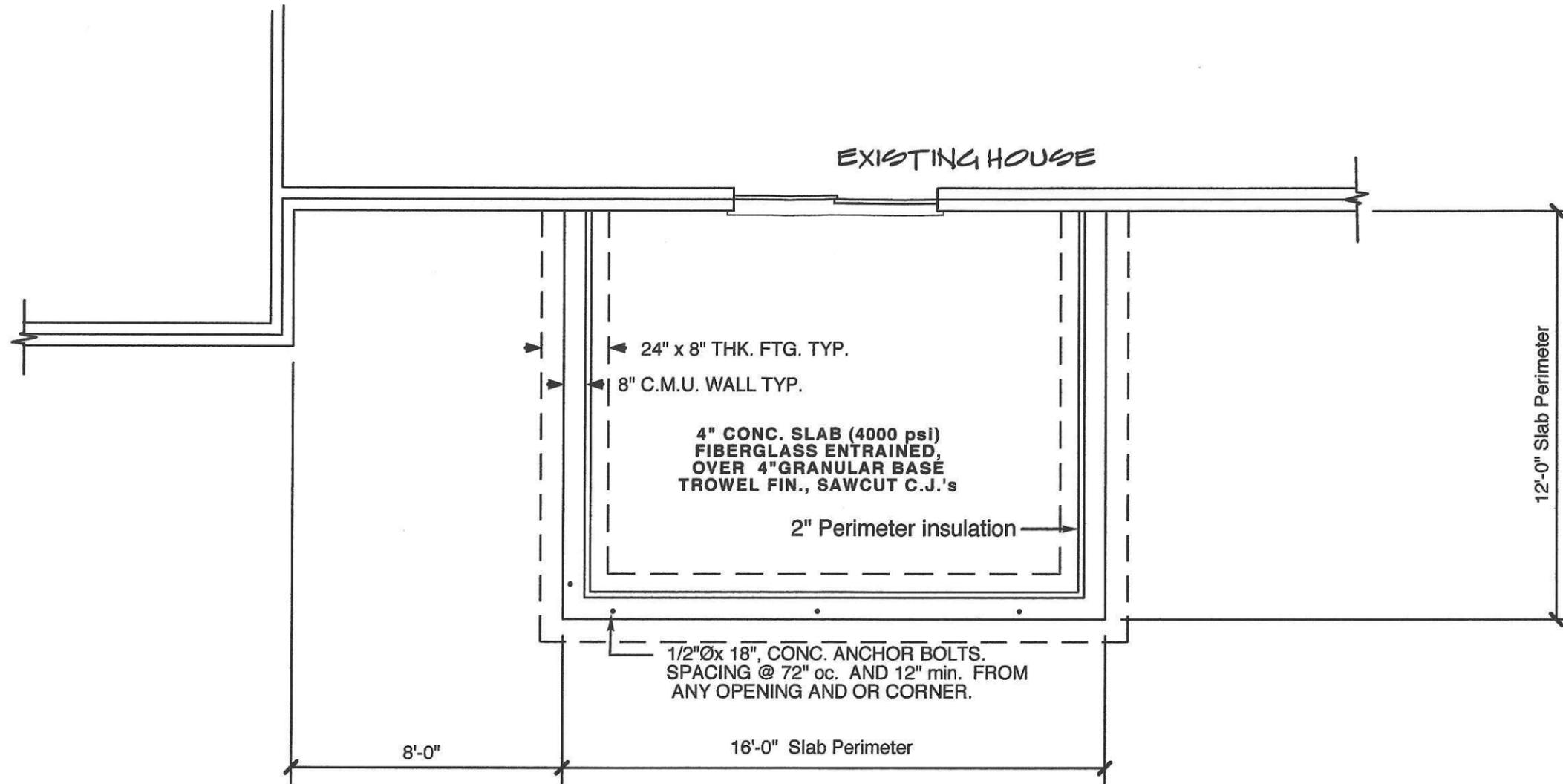
SCALE: NOTED
 DRAWN BY: P. GOLDEN
 CHECKED BY: J. HEFFMAN
 DATE: 06-12-16

DWG. No.:
1606008

ISSUE / REVISIONS

SHEET NUMBER

C.2



FOUNDATION PLAN

SCALE: 1/4" = 1'-0"

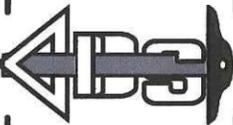


N Plan

Gary & Sharon Stevenson
1489 Martin Way
Beavercreek, OH 45434

BRIGHT IDEAS
Re/No Your Home

5607 Payne Ave.
Dayton, Ohio 45414
(937)458-0322



Bob Golden's
CONSTRUCTION
DRAFTING SERVICE
654 Fredericksburg Dr.
Dayton, Ohio 45415
937-430-8500

SCALE: NOTED
DRAWN BY: P. GOLDEN
CHECKED BY: J. HECHTMAN
DATE: 06-12-16

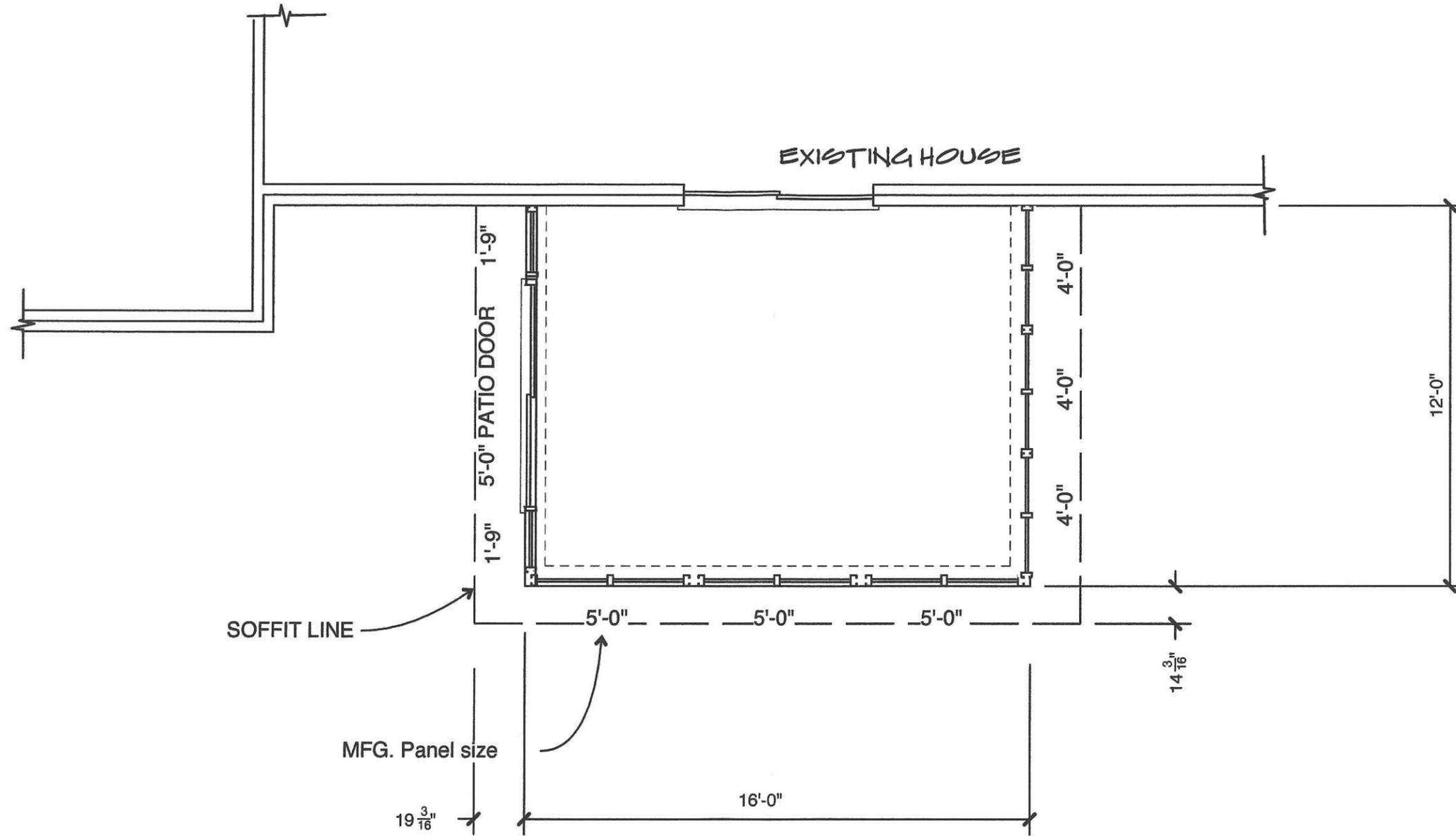
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ISSUE / REVISIONS

SHEET NUMBER

S.1



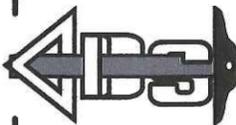
NEW SUN ROOM PLAN

SCALE: 1/4" = 1'-0"



Gary & Sharon Stevenson
 1489 Martin Way
 Beavercreek, OH 45434

BRIGHT IDEAS
 Re/In Your Home
 5607 Payne Ave.
 Dayton, Ohio 45414
 (937)458-0322



Bob Golden's
 CONSTRUCTION
 DRAFTING SERVICE
 654 Fredericksburg Dr.
 Dayton, Ohio 45415
 937-430-8500

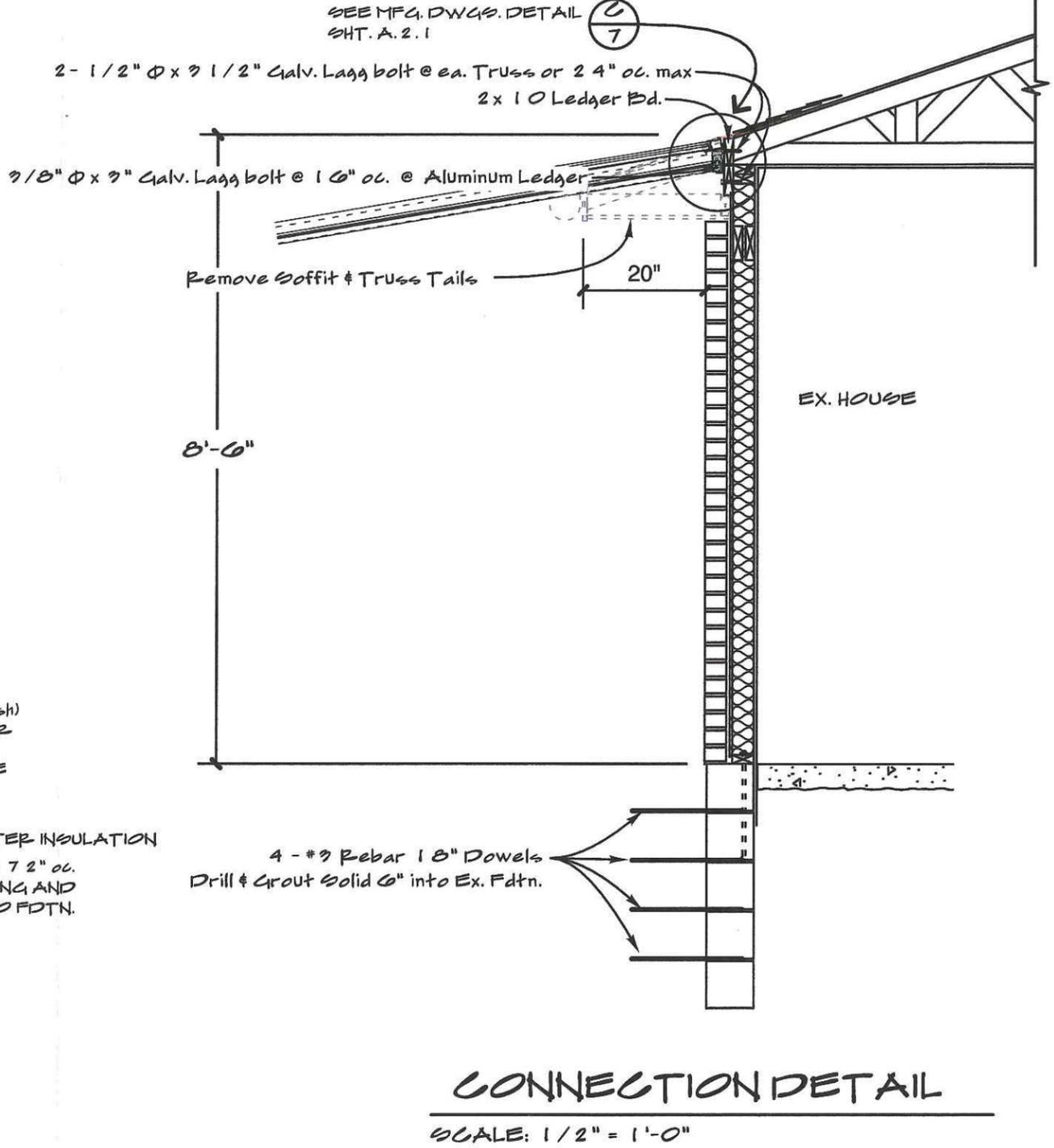
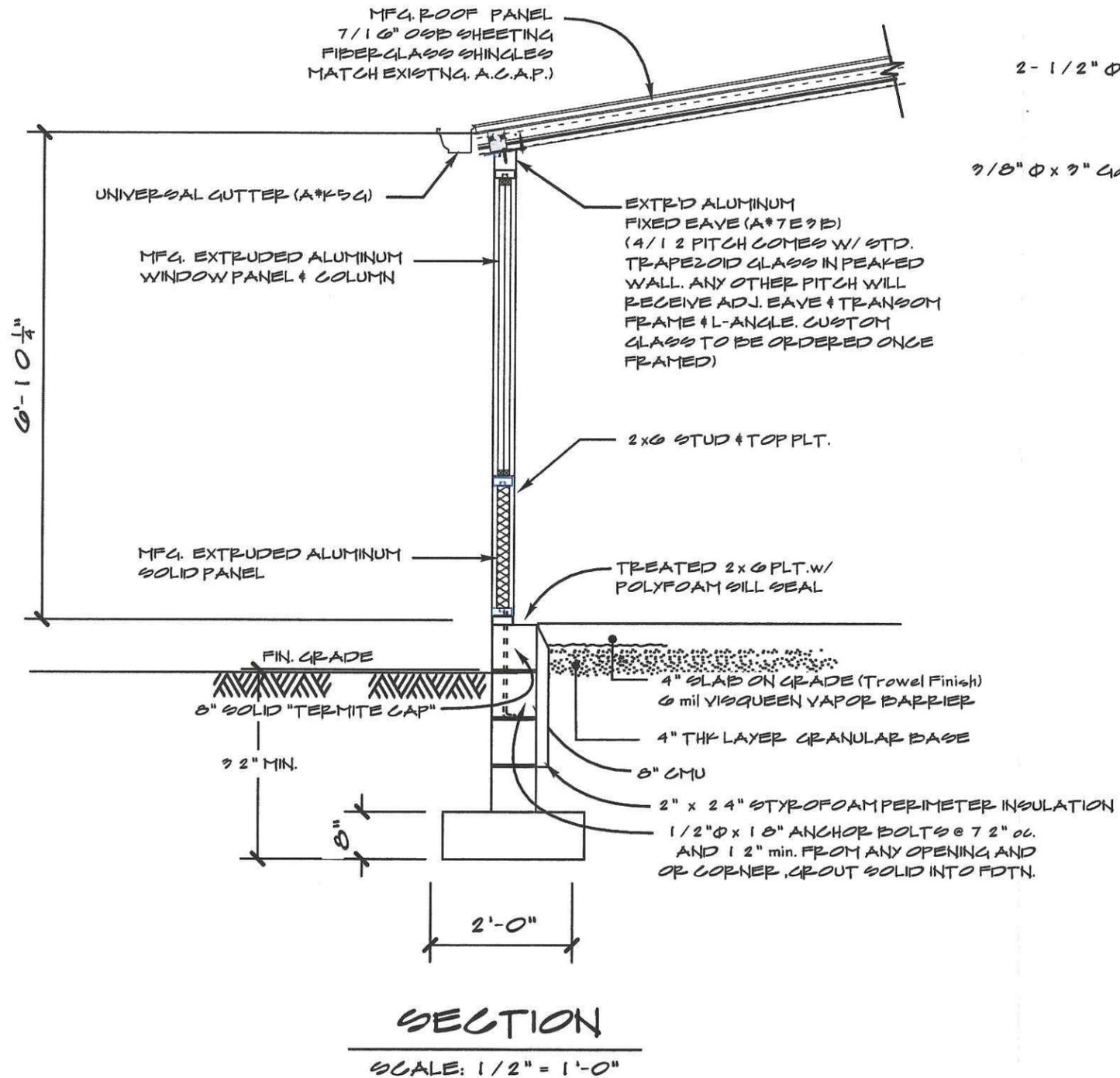
SCALE: NOTED
 DRAWN BY: P. GOLDEN
 CHECKED BY: J. HECKMAN
 DATE: 06-12-16

DWG. No.:
1606008

ISSUE / REVISIONS

SHEET NUMBER

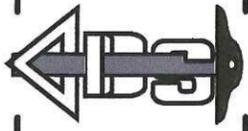
A.1



Gary & Sharon Stevenson
1489 Martin Way
Beavercreek, OH 45434

BRIGHT IDEAS
ReIn Your Home

5607 Payne Ave.
Dayton, Ohio 45414
(937)458-0322

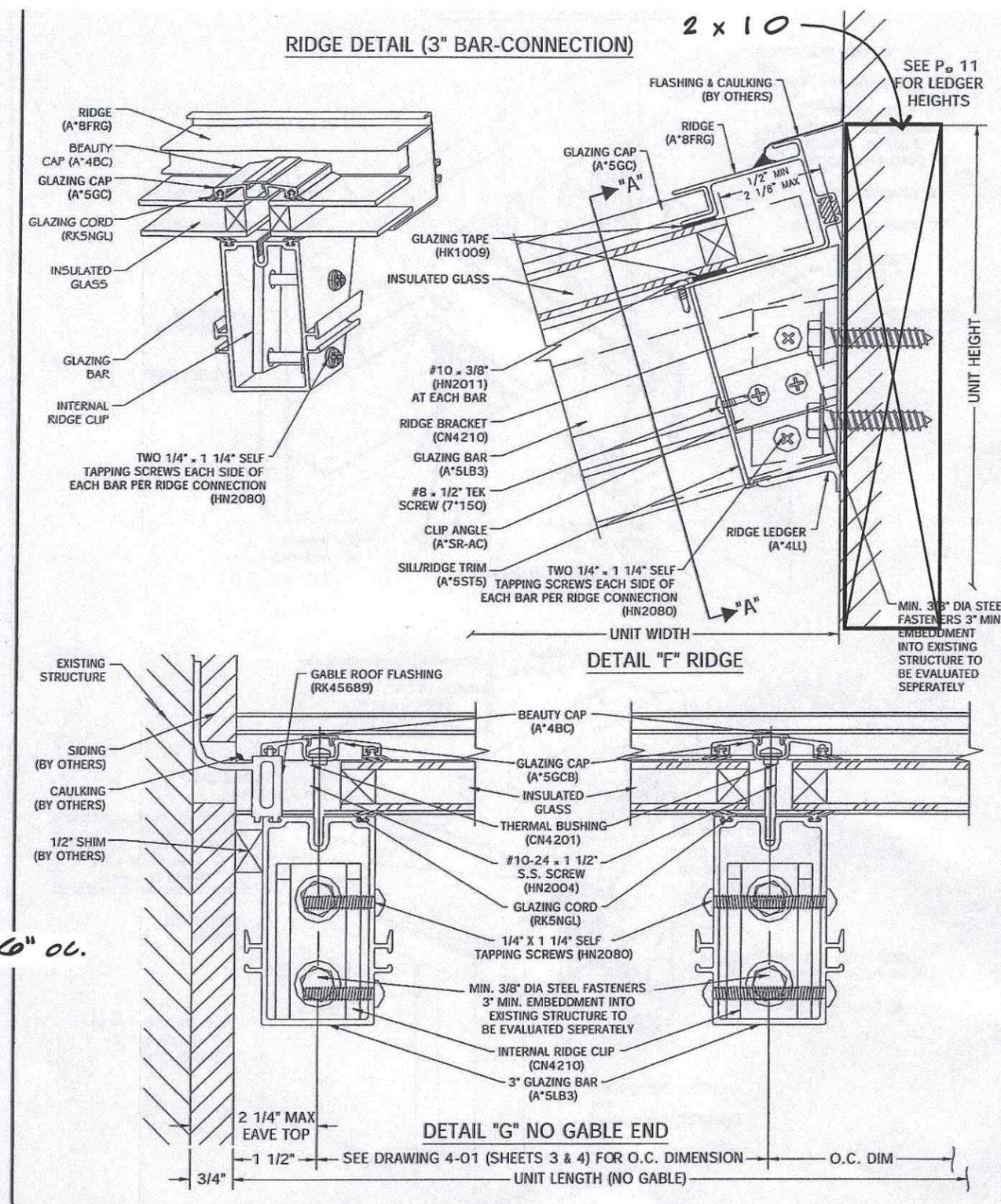
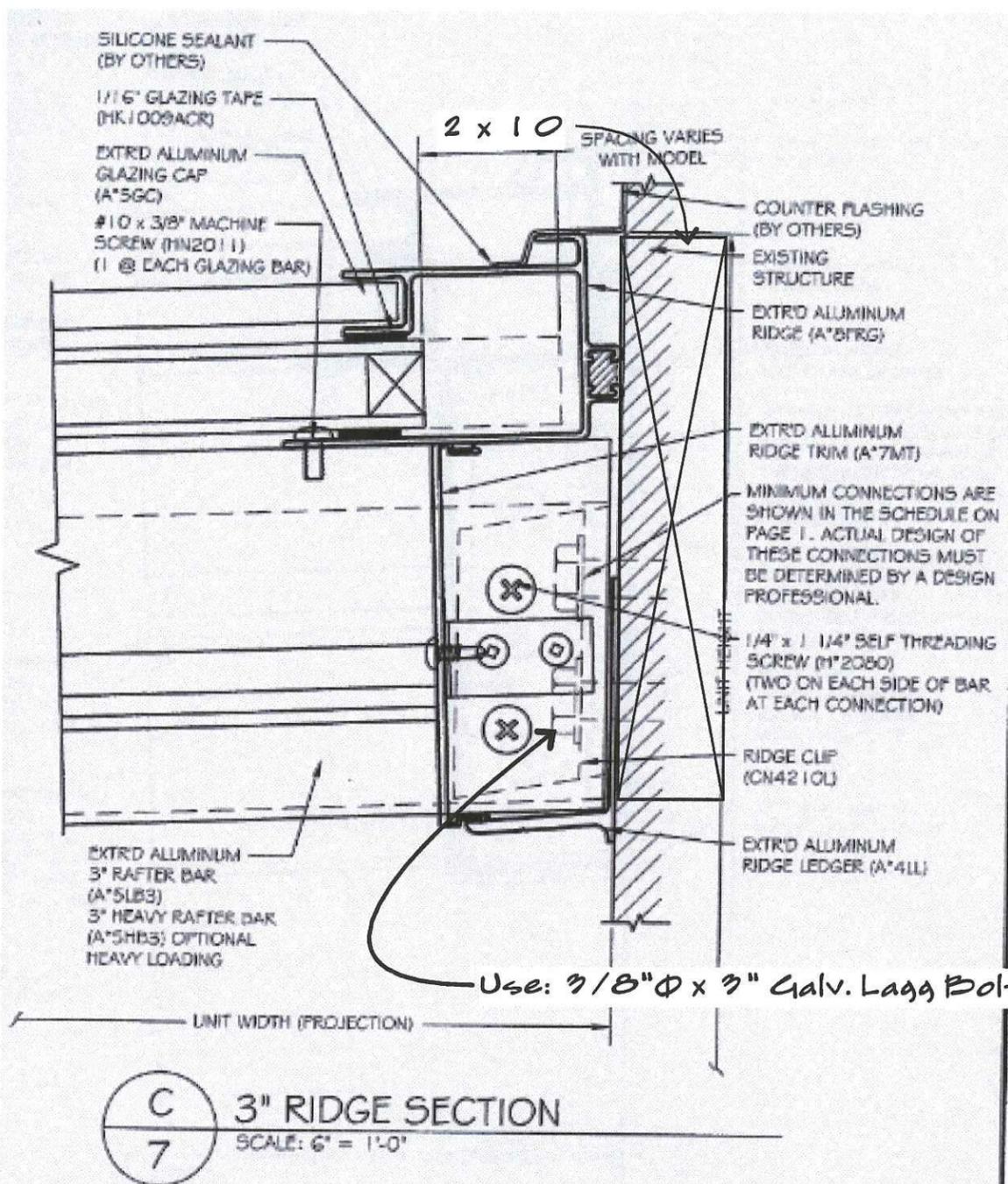


Bob Golden's
CONSTRUCTION
DRAFTING SERVICE
654 Fredericksburg Dr.
Dayton, Ohio 45415
937-430-8500

SCALE: NOTED
DRAWN BY: P. GOLDEN
CHECKED BY: J. HECKMAN
DATE: 06-12-16

DWG. No.:
1606008
ISSUE / REVISIONS

SHEET NUMBER
A.2



MANUFACTURES SECTION/DETAIL

NOT TO SCALE

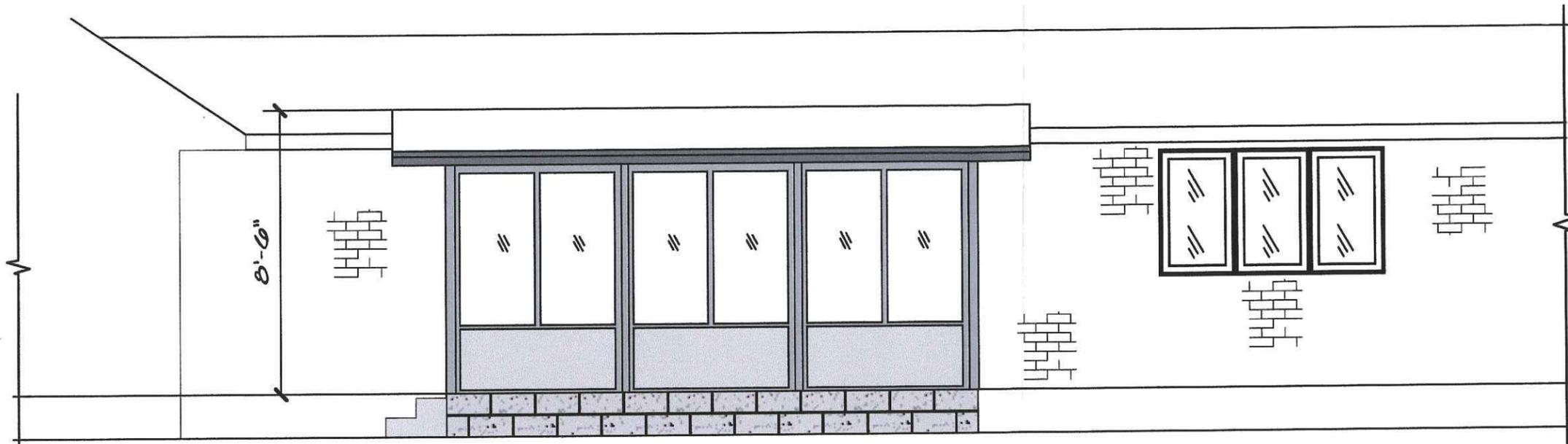
Gary & Sharon Stevenson
 1489 Martin Way
 Beavercreek, OH 45434

BRIGHT IDEAS
 Rebuild Your Home
 5607 Payne Ave.
 Dayton, Ohio 45414
 (937)458-0322


 Bob Golden's
 CONSTRUCTION
 DRAFTING SERVICE
 654 Fredericksburg Dr.
 Dayton, Ohio 45415
 937-430-8500
 SCALE: NOTED
 DRAWN BY: P. GOLDEN
 CHECKED BY: J. HECKMAN
 DATE: 06-12-16

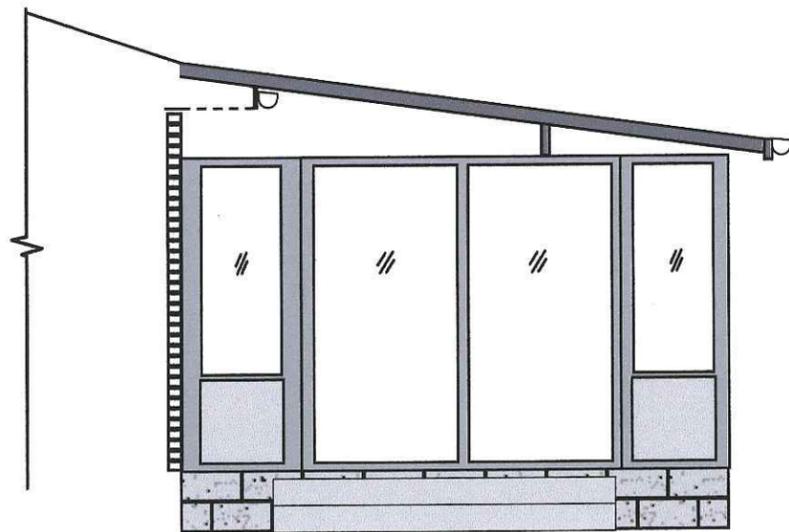
DWG. No.:
 1606008
 ISSUE / REVISIONS

SHEET NUMBER
A.2.1



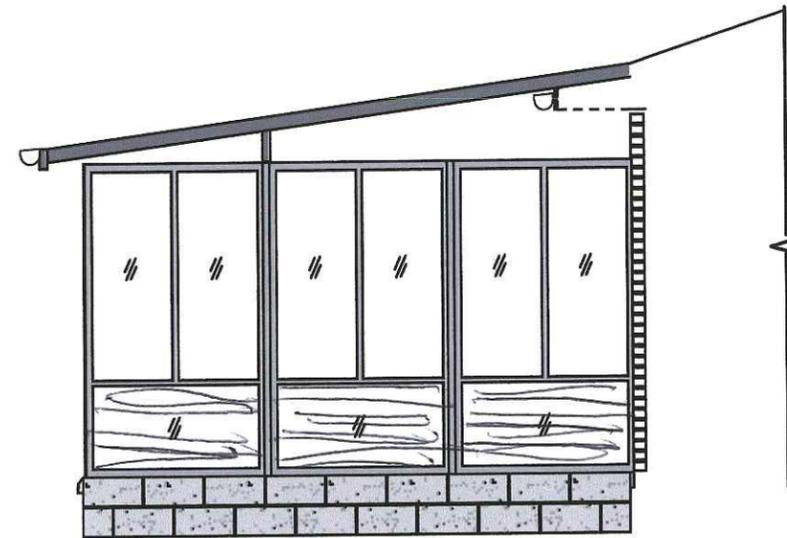
REAR ELEVATION

SCALE: 1/4" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

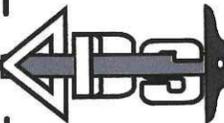


RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

Gary & Sharon Stevenson
 1489 Martin Way
 Beavercreek, OH 45434

BRIGHT IDEAS
 Rebuild Your Home
 5607 Payne Ave.
 Dayton, Ohio 45414
 (937)458-0322



Bob Golden's
 CONSTRUCTION
 DRAFTING SERVICE
 654 Fredericksburg Dr.
 Dayton, Ohio 45415
 937-430-8500

SCALE: NOTED
 DRAWN BY: P. GOLDEN
 CHECKED BY: J. HECKMAN
 DATE: 05-24-16

DWG. No.:
 1605007

ISSUE / REVISIONS

SHEET NUMBER

A.3

August 3, 2016

STAFF REPORT
VARIANCE REQUEST
CASE NO. V-16-3

I. VARIANCE REQUESTED BY:

Michael Hatcher
3638 Indian Ripple Rd
Beavercreek OH 45434

II. NATURE OF REQUEST:

The applicant is requesting a variance from §158.104 (A) of the City of Beavercreek Zoning Code and is requesting permission to allow for the existing 24 foot by 36 foot accessory structure to remain in the front yard within an R-1A zoning district.

III. FINDINGS:

1. The property under discussion is located on the north side of Indian Ripple Road, four lots west of the intersection of North Fairfield and Indian Ripple Road.
2. §158.104 (A) of the City of Beavercreek Zoning Code states that “in any residential district...no structure or appurtenance other than a fence shall be erected within the front yard or side yard.”
3. As stated in the Nature of Request portion of this staff report, the applicant is requesting permission to allow the 24 foot by 36 foot, totaling 864 square feet, garage to remain in its current location, within the front yard.
4. The property contains approximately 13 acres and neither the primary structure nor the accessory structure is visible from the road or adjacent properties as the majority of the parcel is covered in dense vegetation.

IV. DISCUSSION:

As the applicant stated, the accessory structure was constructed without having first received zoning permits. The structure does meet size and setback requirements, but is located in front of the house, which is not permitted per the Zoning Code. Staff feels it would be an unnecessary burden to require the property owner to remove the garage especially given the size of the parcel and the location of the garage on said parcel. If this property were to be rezoned to A-1, Agricultural, the garage would be permitted in its current location. Staff felt that going through the variance process would be much simpler and less time consuming for all parties, while still achieving the same outcome.

Staff finds that the variance request from §158.104 (A) meets the requirements for approval per §158.172 (H)(5)(a) of the City of Beavercreek Zoning Code. Staff arrives at this conclusion given that the garage is not visible from any direction, except above, and its approval will not result in any ill effects for neighboring properties.

V. RECOMMENDATION:

Staff recommends that the Board of Zoning Appeals find that:

1. The reasons set forth in the application are valid and justify the granting of the requested variance, and
2. The eight items in §158.172 (H)(5)(a) have been fully satisfied.

Staff further recommends that the Board of Zoning Appeals adopt the attached resolution approving a variance from §158.031 (F)(1) with the following conditions:

1. The approved site plan shall be that which is stamp dated "Received JUL 14 2016 City of Beavercreek Planning Department".
2. A zoning permit must be approved by the Planning and Zoning Department within one week of the approval of this case.

**RESOLUTION
BOARD OF ZONING APPEALS
CASE NO. V-16-3**

WHEREAS, Michael Hatcher has made application for a variance from the strict application of the requirements of the City of Beavercreek Zoning Code for the property located at 3638 Indian Ripple Road ; and

WHEREAS, the applicant is requesting permission to allow for a 24' x 36' garage to remain in the front yard within a R-1A zoning district; and

WHEREAS, a public hearing was held on August 10, 2016, at which time all persons were given opportunity to comment on the application; and

WHEREAS, the Board of Zoning Appeals finds that the reasons set forth in the application are valid and justify the granting of the variance; and

WHEREAS, the Board of Zoning Appeals finds that subparagraphs 1 through 8 of §158.172 (H)(5)(a) have been fully satisfied.

NOW therefore the Board of Zoning Appeals orders that:

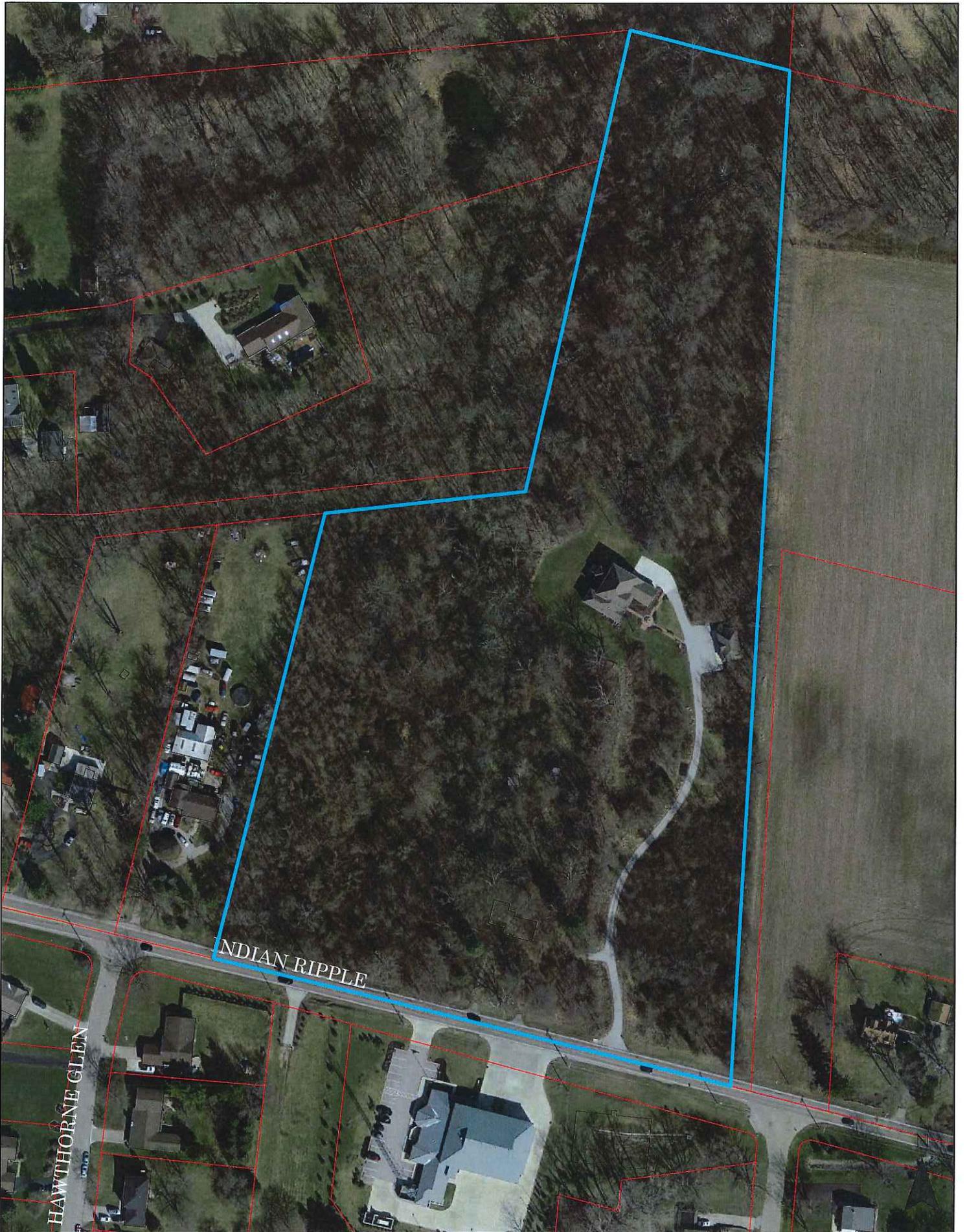
A variance from the requirement that accessory structures not be located within the front yard be approved with the following conditions:

1. The approved site plan shall be that which is stamp dated "Received JUL 14 2016 City of Beavercreek Planning Department".
2. A zoning permit must be approved by the Planning and Zoning Department within one week of the approval of this case.

ACTION BY BOARD OF ZONING APPEALS

(Date)

Chairman



1 inch = 154 feet

Request for Variance at 3638 Indian Ripple Rd.

First and foremost, we sincerely apologize for not following the proper procedures and requesting a variance before the structure was built. We are new residents to Beavercreek and first-time homeowners. We've never owned land or dealt with adding or removing accessory structures, and unfortunately didn't *know what we didn't know*. This project started as a do-it-yourself project to remove an old falling down shed covered in honeysuckle that was built and abandoned years ago by the farmer that previously owned the then-rural property. We mistakenly thought that since we were working with a pre-existing structure, that taking it down or replacing it wouldn't bother anyone. We know now: when in doubt, we should ask permission. We cleared the honeysuckle and thought we'd buy a pre-fab storage shed; we couldn't find one that we thought would look presentable since it would be visible from the inside of the house. So I started to build one myself, and got in over my head. I had kept the names of some of the tradesmen that had built my house, and I contacted them to help me. I am certain that they all assumed that I had gotten all the necessary approvals. I am solely responsible for this omission. The end result is a beautiful and well-built storage area, but I know now that nothing should have been done without consulting with Beavercreek Zoning and the Greene County Building Department.

As you can see from the attached pictures, the exterior of the garage matches the brick and stone exterior of our custom-built home. The garage enhances the appearance and utility of our house, and does not encroach upon or detract from the neighborhood in any way. Although it is not visible from the street or by our neighbors, we sincerely believe it is an aesthetic enhancement.

Should the variance not be approved, removal of the structure would be difficult to accomplish and a severe financial hardship.

On July 2nd I met with Matt Funk from the Zoning Department. He and his supervisor reviewed the details of this situation and later contacted me and advised me to submit this Variance Application, and indicated that they would recommend that it be approved. With your permission, I will work with the County Building Department to gain all necessary inspections and permits for the structure.

Again, thank you very much for your consideration. I now know that prior to thinking about starting any future project, I will contact Zoning and the Building Dept. first.

Sincerely,



Michael B. Hatcher

Request for Variance at 3638 Indian Ripple Rd.



Existing
House

New
Detached
Garage (front)



New
Detached
Garage (right side)



August 3, 2016

STAFF REPORT
VARIANCE REQUEST
EXTENSION FOR
CASE NO. V 13-9

I. VARIANCE REQUESTED BY:

Charles Curran
3929 Largo Lane
Beavercreek, Ohio 45430

II. NATURE OF REQUEST:

The applicant is requesting a six month extension to the previously approved case V 13-9, which requires approval from the Board of Zoning Appeals. The original staff report has been attached and Staff recommends that this extension be approved.

STAFF REPORT
VARIANCE REQUEST
CASE NO. V-13-9

I. VARIANCE REQUESTED BY:

Charles Curran
3929 Largo Lane
Beavercreek OH 45430

II. NATURE OF REQUEST:

The applicant is requesting a variance from §158.104 (A) of the City of Beavercreek Zoning Code, and is requesting permission to construct a 10-foot wide by 17-foot deep accessory structure that would encroach five feet into the required ten foot side yard setback from the western property line and would encroach 1.5 feet into the required ten foot side yard setback from the northern property line in a R-1A Zoning District.

III. FINDINGS:

1. The property under discussion is located on the northwest corner of Rexford Road and Largo Lane.
2. §158.104 (A) of the City of Beavercreek Zoning Code states "Not permitted in front yard or side yards. In no event shall any detached accessory structure be located nearer than ten feet from side and rear property lines".
3. The property under discussion is a corner lot, but is not a rectangular configuration since the northern property line is angled from northwest to southeast. The house was constructed in 1960 at the 45-foot minimum front yard setback on both the Rexford Road and Largo Lane frontages. The closest point of residential structure to the rear property line is approximately 21 feet. The property has an in-ground swimming pool in the side yard with the apron of the pool located five feet from the western property line. The swimming pool area and the rear yard of the home are fenced in with an existing chain link fence.
4. As stated in the justification of the variance, the property owner currently has a non-conforming 13-foot wide by 8-foot deep accessory structure that is located in the northwest corner of the property. The applicant is proposing to remove the existing structure because of it deteriorating condition, and to construct a larger accessory structure for more storage space that the applicant needs. Even

though the structure will be larger, the setback along the northern property line will be the same and the setback along the western property line will increase by a half of a foot.

IV. DISCUSSION:

Staff finds that the variance request from §158.104 (A) meets the requirements for approval per §158.172 (H)(5)(a) of the City Zoning Code. Staff arrives at this conclusion given the irregular shape of the lot, the existing pool location, and the applicant having little rear yard to construct an accessory structure. Staff further finds this request as an improvement to the lot since the existing structure is in poor condition and the new structure will not encroach any further than the existing structure. Staff views the application as being in harmony with the general spirit, intent and purpose of the Code, and is for the compelling reasons as stated above and is not solely for the economic benefit to the applicant.

V. RECOMMENDATION:

Staff recommends that the Board of Zoning Appeals find that:

1. The reasons set forth in the application are valid and justify the granting of the requested variance, and
2. The eight items in §158.172 (H)(5)(a) have been fully satisfied.

Staff further recommends that the Board of Zoning Appeals adopt the attached resolution approving a variance from §158.104 (G)(2) and (E)(1)(a) with the following conditions:

1. The approved site plan shall be that which is stamp dated "Received August 14, 2013 City of Beavercreek Planning Department".
2. An accessory structure zoning permit must be approved by the Planning and Zoning Department prior to the construction of the accessory structure.

**RESOLUTION
BOARD OF ZONING APPEALS
CASE NO. V-13-9**

WHEREAS, Charles Curran has made application for a variance from the strict application of the requirements of the City of Beavercreek Zoning Code for the property located at 3929 Largo Lane; and

WHEREAS, the applicant is requesting permission to construct a 10-foot wide by 17-foot deep accessory structure that would encroach 5 feet into the required ten foot side yard setback from the western property line and would encroach 1.5 feet into the required ten foot side yard setback from the northern property line in a R-1A zoning district; and

WHEREAS, a public hearing was held on September 11, 2013, at which time all persons were given opportunity to comment on the application; and

WHEREAS, the Board of Zoning Appeals finds that the reasons set forth in the application are valid and justify the granting of the variance; and

WHEREAS, the Board of Zoning Appeals finds that subparagraphs 1 through 8 of §158.172 (H)(5)(a) have been fully satisfied.

NOW therefore the Board of Zoning Appeals orders that:

A variance from §158.031 (G)(2) and (E)(1)(a) of the City of Beavercreek Zoning Code to allow construction of said accessory structure that would encroach 5 feet into the required ten foot side yard setback from the western property line and would encroach 1.5 feet into the required ten foot side yard setback from the northern property line within an R-1A district be approved with the following conditions:

1. The approved site plan shall be that which is stamp dated "Received August 14, 2013 City of Beavercreek Planning Department".
2. An accessory structure zoning permit must be approved by the Planning and Zoning Department prior to the construction of the accessory structure.

ACTION BY BOARD OF ZONING APPEALS

(Date)

Chairman



LARGO

REXFORD

1 in = 40 ft

Letter of Justification for Requested Variance For

**Charles Curran
3929 Largo Lane
Beavercreek, OH 45430**

There is an existing 13 foot x 8 foot frame storage shed that is old and in poor condition located at the northwest corner of the property. The shed is 4.5 feet from the rear or westlot line and 8.5 feet from the north lot line.

The requested variance is for a new and attractive shed that is 10 feet x 17 feet. The new shed will be 8.5 feet from the north lot line, the same distance as the old shed, and 5 feet from the rear lot line, the existing shed is 4.5 feet from the rear line.

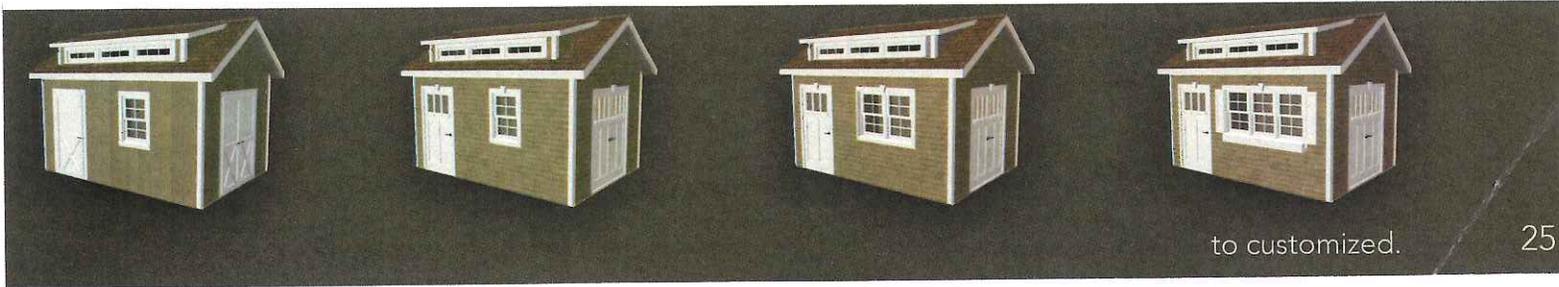
The new shed will allow for more storage that is needed and will be in harmony with the surrounding neighborhood. The granting of this variance will not infringe upon the rights of adjacent property owners.

The shed cannot be built anywhere else on the property due to the shape of the lot and a swimming pool and fence is close to the site.

Thank you for your consideration of this matter. I will be happy to answer any questions you may have.

Charles Curran

CSA job # 13-2439



PROPOSED NEW SHED
For
CHARLES CURRAN
3929 Largo Lane
Beavercreek, Ohio 45430

