

BEAVERCREEK BOARD OF ZONING APPEALS
REGULAR MEETING, October 12, 2016, 6:00 p.m.

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
 - A. August 10, 2016
- V. PUBLIC HEARINGS
 - A. V-16-4, Eric Jankowski, 4073 Dayton-Xenia Road
- VI. ADJOURNMENT

BEAVERCREEK BOARD OF ZONING APPEALS
REGULAR MEETING, August 10, 2016

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

ABSENT: Mr. Curnutte, Mr. Roach

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

Mr. Raber MOVED to excuse Mr. Curnutte and Mr. Roach from the meeting, seconded by Mr. Morter. Motion PASSED by majority voice vote.

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

Mr. Raber MOVED approval of the minutes of May 11, 2016, seconded by Mr. Morter. Motion PASSED by majority voice vote.

PUBLIC HEARING

V-16-2, Gary & Sharon Stevenson, 1489 Martin Way

Clerk Gillaugh read the notice of public hearing on an application filed by Gary & Sharon Stevenson, 1489 Martin Way, Beavercreek, OH 45434 requesting a variance from Chapter 158.031 (F)(1) Appendix A of the City of Beavercreek Zoning Code, requesting permission to construct an addition that would encroach into the required 50-foot rear yard setback in a R-1A District. The property is located on the west side of Martin Way, five lots north of the intersection of Martin Way and Bills Drive further described as Book 5, Page 13, Parcel 184 on the Greene County Auditor's Property Tax Atlas.

Gary Stevenson stated they are requesting the addition for health issues existing currently and in the future. He said the addition needs to be in the rear yard because of the hill in the front of the house. Mr. Stevenson stated the solution this room will provide is two six-foot wide doors that would accommodate a wheelchair or a walker. He explained the access to the addition would be amenable to a temporary or permanent ramp.

Mr. McGrath summarized the staff report dated August 3, 2016, stating if the variance is approved it would permit the construction of a 12-foot by 16-foot addition that would encroach 4.7 feet into the required 50-foot rear yard setback. He stated because of the slope of the lot the house is located almost at the 50-foot rear yard setback and sits further back on the lot that most of the houses on the street. Mr. McGrath explained staff felt this is the minimum variance request to accomplish what the applicant is trying to accomplish in the mobility access to the home. He said the rear property line is heavily wooded and the detached garage will also help shield the visibility of the addition. Staff recommended approval of the case with two conditions.

In written input, Carol Graff, 1442 Devoe Drive, submitted a letter stating she had no objections to the addition.

Mr. Raber MOVED to approve V-16-2 with two 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.

Motion was seconded by Mr. Morter. Motion PASSED by unanimous voice vote. (Curnutte, Roach absent)

V-16-3, Michael Hatcher, 3638 Indian Ripple Road

Clerk Gillaugh read the notice of public hearing on an application filed by Michael Hatcher, 3638 Indian Ripple Road, Beavercreek, OH 45434 requesting a variance from Chapter 158.104 (A) of the City of Beavercreek Zoning Code, requesting permission to allow the existing accessory structure to remain in the front yard in a R-1A District. The property is located on the north side of Indian Ripple Road, four lots west of the intersection of Indian Ripple Road and Fairfield Road further described as Book 3, Page 20, Parcel 9 on the Greene County Auditor's Property Tax Atlas.

Michael Hatcher stated they bought the 13 acre parcel, and there was an existing farm house up near Indian Ripple Road that was torn down. He said they were unaware of any other structures on the property until they started clearing the area where they constructed the house. Mr. Hatcher explained the house sits approximately 500 feet from the road and to the right of the house in the front they had a parking area for their guests. He stated there was a falling down shed there, and they tore it down. Mr. Hatcher said he is a first time homeowner, and was naive with the permit process. He thought since they were replacing an existing structure he did not need to apply for a variance, and apologized for that. Mr. Hatcher explained the structure is a storage building, but is constructed to look like a garage. He stated it does match the house, is not an eyesore, and is not visible from the road. Mr. Hatcher said they applied for a forestry management program so their intent is to keep all the trees there that are there. He stated he is requesting the variance after the fact, and intends to get all the required permits and inspections that are required.

Mr. McGrath summarized the staff report dated August 3, 2016, which stated if this variance is approved it would allow the 24-foot by 36-foot, 864 square foot, accessory structure to remain on the property in the front yard. He explained when the Code Enforcement Officer, Matthew Funk, visited the site, he noticed the structure on the property that did not receive a permit. Mr. McGrath stated the applicant explained it was an innocent and was not a malicious intent as part of this process. He said they have a 13 acre lot, and the structure accommodates the property. Mr. McGrath explained the City does have properties that are larger than five acres that allows this structure location. He stated they looked at two options, rezoning the property or having the applicant apply for a

variance. Mr. McGrath explained the rezoning process is a lengthy process, and staff determined a variance was a better option. He said the location minimized the destruction of greenery on the property, and explained what used to exist on the property. Staff recommended approval of the case with two conditions.

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

Mr. Raber MOVED to approve V-16-3 with two 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.

Motion was seconded by Mr. Morter. Motion PASSED by unanimous voice vote. (Curnutte, Roach absent)

DECISION ITEMS

V-13-9, Charles Curran, 3929 Largo Lane, Extension Request

Mr. McGrath summarized the staff report dated August 3, 2016, which stated the applicant is requesting a six month extension of his previously approved variance. He explained all the conditions that were originally approved will carry forward with this extension. Mr. McGrath said the variance request may be reduced based on the new location of structure. He stated the rear yard setback still applies, but the side yard setback may be able to be met. Staff recommended approval of the six month extension.

Mr. Raber MOVED to approve the six month extension for V-13-9. Motion was seconded by Mr. Morter. Motion PASSED by unanimous voice vote.

Mr. Raber MOVED adjournment at 6:17 p.m., seconded by Mr. Morter. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk

October 7, 2016

STAFF REPORT
VARIANCE REQUEST
CASE NO. V-16-4

I. VARIANCE REQUESTED BY:

Eric Jankowski
4073 Dayton-Xenia Road
Beavercreek, OH 45432

II. NATURE OF REQUEST:

The applicant is requesting a variance from §158.104 (E)(1) of the City of Beavercreek Zoning Code and is requesting permission to construct a 24-foot wide by 37.5-foot deep accessory structure that would exceed the maximum allowed square footage for this property by 172 square feet.

III. FINDINGS:

1. The property under discussion is located on the south side of Dayton-Xenia Road, two lots west of the intersection of Dayton-Xenia Road and Ken Klare Drive.
2. §158.104 (E)(1) of the City of Beavercreek Zoning Code states "Within any residential district... where the footprint of the principal structure is greater than 1,200 square feet, the sum of the footprint of all accessory buildings shall not exceed 50% of the footprint of the principal structure, or 900 square feet, whichever is less.
3. The footprint of the principal structure on this property is 1,456 square feet, which according to the above regulation, would allow for a 728 square foot accessory structure.
4. The applicant is requesting a variance for an additional 172 square feet over what is permitted for this specific property.
5. The proposed accessory structure would be a 24 foot wide by 37.5 foot deep garage. The applicant contends that with the widening of Dayton-Xenia Road, a portion of his front yard was lost and his driveway shortened which makes the maneuvering of his multiple vehicles difficult. The applicant states that there is a small one-car attached garage with no storage area so the additional area for parking and storage is necessary.

IV. DISCUSSION

The Applicant applied for a variance in October of 2015 and at that time, Staff recommended disapproval because the size requested was deemed excessive. The BZA directed the applicant to return once he had worked with staff on a more adequate variance so that the case could be reconsidered. The applicant's proposal for a 900 square foot garage is a more reasonable request and staff feels that allowing an additional 172 square feet is justified due to the fact that a significant portion of the front yard was lost to accommodate the widening of Dayton-Xenia Road. This shortening of the driveway and reduction in parking area creates a difficulty for the applicant when parking vehicles and the additional garage space at the rear of the property would alleviate that situation. Staff finds that the variance request from §158.105 (C) meets the requirements for approval per §158.172 (H)(5)(a) of the City of Beavercreek Zoning Code.

V. RECOMMENDATION:

Staff recommends that the Board of Zoning Appeals find that:

1. The reasons set forth in the application 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. An Accessory Structure Zoning Permit must be approved by the Planning and Zoning Department prior to the construction of the garage.
2. The material colors shall be consistent with those of the main structure.

**RESOLUTION
BOARD OF ZONING APPEALS
CASE NO. V-16-4**

WHEREAS, Eric Jankowski 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 4073 Dayton-Xenia Road; and

WHEREAS, the applicant is requesting permission to construct an accessory structure that would exceed the maximum allowed square footage within a R-1A district; and

WHEREAS, a public hearing was held on October 12, 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 §158.104 (E)(1) of the City of Beavercreek Zoning Code to allow construction of said 900 square foot accessory structure, that would exceed the 728 square feet permitted for this property by 172 square feet, be approved with the following conditions:

1. An Accessory Structure Zoning Permit must be approved by the Planning and Zoning Department prior to the construction of the garage.
2. The material colors shall be consistent with those of the main structure.

ACTION BY BOARD OF ZONING APPEALS

(Date)

Chairman

1 inch = 30 feet



DAYTON XENIA

KEN KLARE





A. Per the city's recommendation of a 70' setback being "appropriate for this area and property type", the setback is currently 46' after the widening of the road. This makes it impractical as far as parking, managing vehicles when even one friend/family member/etc comes over. We end up backing out into the increasingly busy 4-lane road to let someone in/out.

Due to the fact that the majority of the property is to the rear of the residence, I am requesting a variance for a 31'5" x 24' garage, set to the rear west corner of the property. This location is the furthest from any adjoining residences, and is tucked back in a wooded area, that is hardly visible from the road.

The sq. footage variance will allow for a more functional residence, for vehicle traffic, as well as storage. With a 1-car attached garage, that will barely fit my pick-up truck, there is no room for storage. I myself, own two (2) vehicles, a trailer, three motorcycles (3), and a boat. The inability to utilize the rear of the property with a reasonable sized out building, creates a hardship as well as being unsightly.

B. The variance would allow for a proportionally appropriate, well placed garage that would allow myself as well as any subsequent owners the ability to manage the limited setback and utilize the property more effectively without having visitors park around the corner on the side street, or have a trailer, boat, etc. parked outside in view, complicating the problem even further.

C. Along with the city's improvements to the road, I myself have invested in the spirit of improving the looks of the property, turning an unsightly foreclosure into an attractive residence, as opposed to an "attached structure", i.e., a breezeway connected to a garage", which would allow "no limits" as far as accommodating the proposed size, a well-placed garage with matching shingles/siding, would be much more functional, attractive and not deter from the use of the backyard.

The property directly across from my residence has a 2-story, half-barn looking, red with white trim garage added on, with a connecting deck. My proposal for a variance is a more traditional typical look for the Beavercreek area.

D. The proposed garage is in the furthest location from any adjoining properties. It is along a wooded creek line. It would allow for vehicle parking, vehicle/misc storage, eliminating the cluttered look of a boar/trailer/spare vehicles/misc. out in the open. The proposed garage has the support/agreement of all my neighbors. (See attached sheet.)

E. The granting of the variance will not have a deleterious effect, it will be an improvement to the property that will add instant tax revenue for the city, increase property values, all the while being non-visible to the public/passers by.

F. The variance will not infringe upon any adjacent property owners. As stated previously, the location is furthest from any adjacent property owners. It will increase property values as well as help aesthetically by eliminating vehicles/etc. being parked out front in a limited area and eliminate the need to pull a vehicle out into traffic to let someone in or out.

G. My intentions on requesting this variance is to continue improvements to the property to make it more functional due to the reduced setback, and the abundance of unused/inaccessible backyard, while maintaining a traditional look that is common in Beavercreek and other communities with somewhat large lots, instead of going the route of a breezeway/attached garage to bypass zoning restrictions. I am requesting your support for more typical unattached garage.

H. Granting this variance would be an economic benefit to the city, i.e., taxes, surrounding property values, as well as aesthetically helping the clutter of vehicles out front, and the limited function of a shortened driveway all while looking appropriate to the property size, and for the most part, unseen.