

**MINUTES
REYNOLDSBURG BOARD OF ZONING
AND BUILDING APPEALS
OCTOBER 16, 2008
6:30 P.M.**

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Lucas Haire Mr. Duane White Mr. Norman Brusk Mr. Patrick Feeney
Members Absent:	Mr. Chris Long
Others Present:	Mr. Aaron Domini, Planning Administrator

2. APPROVAL OF MINUTES

Chairman Feeney: Okay, we'll move on to approval of the minutes from last month. Is there any changes, objections, additions, deletions to the minutes? (No response.) Hearing none, will stand approved.

3. APPROVAL OF AGENDA

Mr. Feeney: Go on to approve the agenda for tonight. Is there any changes to the agenda?

Mr. Domini: No changes.

Mr. Feeney: No changes. All right. That'll stand as approved also.

4. SWEARING IN OF SPEAKERS

(Mr. Sweeney administered the oath.)

5. PUBLIC COMMENT

Mr. Feeney: And then we go to public comment, but I see no other public. I assume you're with her. Okay.

B. UNFINISHED BUSINESS

Mr. Feeney: Go to B, Unfinished Business and I see none listed on the agenda so we'll go on to C, New Business.

C. NEW BUSINESS

Mr. Feeney: If you'll read C1, please.

1. VARIANCE APPLICATION, 960 MUELLER DR., REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM TABLE 1175.03 OF THE REYNOLDSBURG ZONING CODE FOR A 30' REAR YARD SETBACK TO CONSTRUCT A DECK. THE PROPOSED WOULD ENCROACH APPROXIMATELY 13' INTO THE 30' REAR SETBACK. CONTACT: ANDREA MAHR (38-ZV).

Mr. Feeney: Okay. If you'll come up to the microphone and, did you sign in?

Ms. Andrea Mahr: (speaking off mic)

Mr. Feeney: Yeah, okay, great, thank you. If you just want to explain what you want to do and—

Ms. Mahr: Oh, well, I want to put on a deck, of course, and Lowe's — I've already purchased all the materials and everything from Lowe's. I thought my contractor was going to be here tonight, because he's through Lowe's. And the reason I want to put a deck on is so my parents can enjoy the outdoors, because they're elderly and it's hard for them to go up and down the steps, so they wanted something where they could just walk out and sit outside.

Mr. Feeney: Okay. Are your parents living with you?

Ms. Mahr: Yes.

Mr. Feeney: Okay. Do you have a—

Mr. Domini: Yes, I have an overview.

Mr. Feeney: Okay.

Mr. Domini: It's custom that I'll give an overview of the application based on compliance with the code and any other issues that may have come up. It's currently-- in your package you're able to see a drawing and I'll provide you with a little bit of further explanation and some illustration of the property. I do have some aeriels and some pictures that were taken. But the existing dwelling is approximately 30' from the rear property line and the applicant is proposing to build a deck on the rear of the property which will extend approximately 12' into the setback, making the primary structure approximately 17, 18, or 17.81' from the rear property line. I will note that those numbers are rough and that the drawing that I received was not an engineer skilled drawing. It was a hand drawing probably done by the contractor. The current lot coverage is approaching the 30%. I did a rough calculation again, not with an engineer

drawing but by hand myself, and determined that it was about 28%, the lot coverage right now and with the deck, it would be right at the 30% lot coverage mark. I do note though that the Board may want a more detailed site plan to confirm those numbers if they choose to approve the application, because, again, you saw the hand sketch that was in your packet which is what I had, so I used that and GIS to do a rough calculation.

I have not worked with the applicant much on this application. This was a – this came in as a zoning certificate and the building permit, at which time, I noticed that it was not compliant and then I notified the applicant of this, so I haven't worked much with them on this application. Again, as with any application, we need to consider the hardship that's presented on the applicant and the impact it is going to have on the surrounding properties and neighborhood. I did go out and visit the property and noticed that most residences out there do not have decks and I have, on looking through the permits, did not see that any variance application has been granted in the immediate area. The property adjoining this one does have a deck, but they are within the setback and do have a zoning certificate for that deck. This is the property in question taken from our GIS system. There's an item in the back of the – in the rear yard that must have been a trampoline or something, but it's not there now, that circular object. Some pictures of the property that were taken a couple of days ago, you can see that there's an existing stockade fence around the property and a small stoop that's been constructed to get up and down from the rear door. That's pretty much the extent of my presentation.

I did have one letter that came in regarding this property. I guess maybe one other item I'll point out is that there is a storm sewer drain that's back there and there has been some indication that at times there can be water, standing water during heavy rain events that accumulates there, but that's not unlike any other storm drain that we have in the City of Reynoldsburg during heavy rain events. I did receive a letter, an e-mail that went to Mr. Haire. A neighbor had a conversation with Mr. Haire regarding this application and he forwarded this letter to me and the person asked that this letter be presented to the Board so I will just go ahead and read it, if I may.

Mr. Feeney: Please.

Mr. Domini: "Dear Mr. Haire, This letter is a follow-up to our conversation on 10-14. At that time I inquired about a request for a variance in the zoning code that would allow building of a deck at 960 Mueller Drive. Please convey to the Zoning Board my objection to any building code variance at this property. My objection is based on environmental impact of the surrounding neighbors and devaluation of adjacent properties because the subject building is already at the limits of building for the lot size.

"First, the property has a ranch style home that is only 30' from the property line and it is surrounded by a barricade style 6' fence that goes to the ground. The placement of the fence has already created the drainage problems for my property, 952 Mueller Drive. The fence has been constructed so that I have a virtual swamp on the portion of my property that borders the fence and drainage from the properties

bordering the back of 960 Mueller Drive also have problems. Additional building at 960 would further complicate drainage. This past summer we experienced problems caused by mosquitoes and other insects that thrive in poorly drained areas. It is difficult to mow and trim grass that is squishy and in mud at all, but the most severe, drought times.

“Second, Reynoldsburg has attempted to be vigilant in providing standards, regulations and codes that protect residents and their property values. Allowing further expansion of this property by waiving those standards, regulations and codes would devalue those properties adjacent. I, therefore, request that any variance to waiver from established codes in this matter be denied. Denial will assure that the environment is not compromised, nor the rights of citizens rendered unprotected.

“Thank you for your help in this matter. Sincerely, Judith Birdsall 952 Mueller Drive.”

And that was received on Tuesday, October 14th.

Ms. Mahr: May I say something?

Mr. Domini: I don't have any other—

Mr. Feeney: Okay. Sure, please do.

Ms. Mahr: Prior to us putting up the fence, the one side of the yard where she's talking about, the water, it was always wet there and there's never been water standing back by the drain, but that one area is just very low. And on my property, before I put the fence up, and it's no change; it's always been a wet spot on that side of the house.

Mr. Feeney: Is that little bump out, is that where the drain is—

Ms. Mahr: Yes.

Mr. Feeney: --and then your fence?

Ms. Mahr: Um-um.

Mr. Feeney: Is there a gate there that you can go out—

Ms. Mahr: Yes.

Mr. Feeney: --to that area? So you do maintain that area around the—

Ms. Mahr: Yes, I mow that, behind the fence. And there's never been standing water.

Mr. Feeney: I don't think the fence is an issue on this.

Mr. Brusk: Yeah, I think this—

Mr. Feeney: That's a separate item altogether anyway and the drainage would be a separate item altogether. What type of deck is this? You say it's going to be level with your back door, is that—

Ms. Mahr: Right, so my parents won't have to do the steps. And then it's going to be built out of composite and it'll have the white railing around it.

Mr. Feeney: Yeah. Do we know the size of the deck? You said you thought—

Mr. Domini: It's roughly 16 by 12, 195 square feet.

Mr. Feeney: Okay.

Mr. Domini: I might point out that I believe those are 8' sections on the existing stockade fence, which might give you some indication of where that 12' marker may lie coming off the back of the residence.

Mr. Feeney: Okay.

Mr. Haire: It looks like that fence goes around that easement area that's 10' off the rear, so the deck would only be 7' off of where that fence comes in, where that bump-out is.

Mr. Feeney: Oh, okay. I see 10', yeah.

Mr. Brusk: The deck is opposite the fence where it bumps out, is it not? The deck will be at the same point where the fence bumps out?

Ms. Mahr: Um—

Mr. Brusk: For the most part?

Ms. Mahr: Right, right.

Mr. Brusk: That'd be great. That's how they show, that's how the drawing shows.

Mr. White: (Speaking off mic.) I get the impression, when I look at the map, that the house next to yours _____ the house _____. Here's your house _____. I have one _____ actually _____ that bump-out _____ deck you have only a very minimum amount of space _____ the deck. Is there any way you'd consider reducing the size of the deck?

Ms. Mahr: Well, what would be – when you say a minimum, what – how much space do I need to leave back there?

Mr. White: (speaking off mic - inaudible)

Ms. Mahr: Well, when you come out the back door, I mean, you see the gate so, I'm not sure how you could do that and still be able to exit out the back.

Mr. Feeney: If you're -- if that's coming 12' off and you have 10' and it looks like your privacy fence is a little bit in that, you'll probably have less than 8' between your deck--

Mr. Brusk: It shows 7.8, yeah.

Mr. Feeney: --and your fence. That's not a lot of space.

Ms. Mahr: Why—

Mr. Feeney: We're just thinking -- you know, you have some options here.

Ms. Mahr: Um-um.

Mr. Brusk: Which way does your water drain in the yard when it rains? Does it drain towards the house on your left or on your right, or is it turning towards the back?

Ms. Mahr: I don't know that it drains -- I don't know which way it drains. I just know—

Mr. Feeney: Probably drains right into _____ yard.

Ms. Mahr: The house -- like, on one side of the house, we're bothered with mold on the house and on the other side there's not, so I think it's just a matter of the way the sun hits the house and so one side is extremely dry. If you were to come out and look at the grass by the garage, that side is extremely dry and I have trouble keeping the grass growing on that side. On the other side where it's wet, it's very lush. But since we moved there, I mean, from day one -- long before the fence was put up, that was always a wet area.

Mr. Haire: It's a drainage swale in the rear there. That's what the catch basin is in and it runs, I guess, east-west along the rear of the lot. It's probably -- and this is a newer subdivision so, over time as things settle in and fill in the high spots and the low spots, they do it themselves over time, but with this being a newer subdivision it's probably just one of the low spots.

Mr. Brusk: Yeah.

Mr. Haire: So that collects water.

Mr. Feeney: I have the same issue in my back yard.

Mr. Haire: Are you the original homeowner here?

Ms. Hahr: No. But since day one the neighbor who wrote the letter has complained about everything I've done. She's called the City on me. She's called the police department. You know, everything I do. You know, it's the fence. She said the fence wasn't within the regulation and I had a truck sitting in the front yard, so I knew she was going to do something about this deck.

Mr. Haire: I've had discussions with Ms. Birdsall in the past.

Mr. Feeney: Oh, okay.

Mr. White: (Speaking off mic – inaudible) Just weighing too many options. You indicated that your desire for this deck, you wanted your mother and father to go out back _____

Ms. Mahr: Um-um. Yeah. I have, you know, maybe sometimes have thought of a family get-togethers or something, so I wanted something large enough where I can put a table and the grill and everything _____.

Mr. White: (Speaking off mic – inaudible)

Ms. Mahr: We thought about that, but because there's no way to get back there to pour concrete, and—

Mr. White: Well, maybe not necessarily concrete, maybe stone.

Ms. Mahr: But still there would be the steps and my parents are having trouble as it is getting up and down the steps, so that was one of the reasons for a deck, so they could walk right out.

Mr. Brusk: Personally, I don't see the difference between a deck and a patio.

Mr. Haire: The difference between the deck and a patio is that we don't require the permits for the patios, so—

Mr. Brusk: I understand that—

Mr. Haire: --there would be no—

Mr. Brusk: Other than—

Mr. Haire: Other than that there's no difference.

Mr. Brusk: That's fine.

Mr. Haire: Right. Structure.

Mr. Brusk: Yeah. I personally would like to see a little better drawing on this to know how much distance, you know, whether we have another variance problem, because 30 is the maximum amount of coverage?

Mr. Domini: Right. 30% of the lot.

Mr. Brusk: So we're getting real close to it and that hasn't been. Second, I don't know whether it would adversely affect your resale value or positively affect the resale value. If you have the deck as drawn here with only a 7' space between that, I don't know whether that would cause any problems. I really don't see it causing a problem other than an aesthetic one, that someone who would be buying your house in the future might look at. You have a fence around there which is pretty much a privacy fence. My personal feeling is a variance of this type would be, I think, appropriate in this case. I don't see the difference between a patio and that, but that's my personal-- Our biggest problem is setting precedent to allow variances. At this point, my own view is that it would not detract from the neighborhood, so that's where I'm standing. But I would like to see -- to make sure that everything meets the rest of the regulations and this doesn't show that. So I don't know whether we can approve it pending getting that information or not or—

Mr. Domini: I would estimate that my calculations, based on what I have here, are within a percent to a percent and a-half. I mean, I could do a harder calculation—

Mr. Brusk: If you're pretty sure you're within that range—

Mr. Domini: Yes.

Mr. Brusk: --I guess I wouldn't sweat one percent or a-half a percent.

Mr. Feeney: Yeah.

Mr. Domini: I just wanted to bring up that—

Mr. Brusk: I appreciate that.

Mr. Domini: --because there could be a slight overage and I didn't want to be held—

Mr. Brusk: Slight I wouldn't worry about.

Mr. Domini: Okay.

Mr. Haire: Mr. Brusk, you stated some of my concerns as well. It just seems like an awful lot of coverage for this lot. It seems like there's – you're trying to cram something in that doesn't really fit. The backyard is small as is and when you put a 12 by 16 deck in there, it really doesn't leave much yard at all and, you know, you talked about the resale value. I'm more concerned with not this property owner's resale value but the property owners adjacent to this and the precedent that it sets being a new neighborhood that will have many other property owners request a deck based on the fact that their neighbor already was granted a variance for that very same reason.

Mr. Feeney: They also have the hardship of ingress and egress in the back yard for their parents too. I think that meets, in my book, meets the hardship. And you are at the max and we do allow 30% coverage and it is the maximum coverage. You wouldn't be able to do too much of anything else on there—

Ms. Mahr: Um-um.

Mr. Feeney: --additions—

Mr. Brusk: You wouldn't be able to put a shed or anything of that nature.

Mr. White: (speaking off mic)

Ms. Mahr: I already-- I do have—

Mr. White: (speaking off mic)

Ms. Mahr: Well, I mean, if I can -- how much would I need to cut it down? I've already paid for this, so I have to work out with Lowe's to get it-- What would be acceptable?

Mr. White: (speaking off mic)

Mr. Feeney: Did Lowe's give you any type of drawings of what it's going to look like or pictures?

Ms. Mahr: No. Just the contractor said when he came out and measured and he said he would do the drawings and submit it. In fact, he said I didn't need to be here, but I'm glad I came.

Mr. Feeney: Well, he probably didn't realize that the importance of setting the precedence here and I think that's what everybody's struggling with right now. It is a small lot and a big home and you want to put a good size addition on.

Ms. Mahr: Um-um. Is this just a Reynoldsburg, because I've seen a lot smaller-
- in fact, I just moved from a very, in Grove City, from a much smaller lot than this
and—

Mr. Feeney: Well, it depends on the age of your home whether it falls under the
different regulations, and how it was built and when it was built and when additions were
put on. But, we got – you have to deal with what the laws are now, what the rules and
regulations are now. And I think you've got 30% coverage. I think the hardship's there,
on my opinion, but we could-- Someone wants to make a motion and ask for additional
information.

Ms. Mahr: Can I add one more thing?

Mr. Feeney: Sure.

Ms. Mahr: You said I wouldn't have room to put up a shed. I've already got a
permit for a shed.

Mr. Haire: That makes a difference.

Ms. Mahr: Yeah, that's what I thought.

Mr. Domini: Is the shed up?

Ms. Mahr: Well, it's sitting in my back yard because after we brought it home,
my son got out the instructions and realized that I need a base for it.

Mr. Feeney: Okay.

Ms. Mahr: In fact, I bought that from Lowe's and they told me I didn't need to put
a base under it, but now I've found out I have to have base for it, so.

Mr. Haire: And where's that going to be located on the lot?

Ms. Mahr: That's in the corner where the garage is. It's on that side in the
corner.

Mr. Domini: How big is the shed?

Ms. Mahr: Well, it's an 8 by 10. I had requested an 8 by 8 but—

Mr. Brusk: Another 80 square feet?

Mr. Domini: That's another—

Ms. Mahr: I've had a—

Mr. Domini: --percent of lot coverage I would estimate.

Mr. Feeney: We appreciate you have that information, yeah, but—

Ms. Mahr: Yeah.

Ms. Haire: Did you purchase these from the Reynoldsburg Lowe's on Broad Street?

Ms. Mahr: Yes. This is like my third shed and I still-- the original one, I was starting with Home Depot and after I got the permit, you know, approved I went back to place my order and waited a week and finally they told me, "Oh, sorry, the vendor doesn't sell this anymore. We don't carry that shed." And I was looking for something that was very low maintenance but quality, something that has a 12 to 15 year warranty on it, so I went to Lowe's but, then again, they had the one I wanted but when they ordered it, it didn't go with the other things that I had requested and so I just found out that that was not -- that I had to start over. But I just got it picked up and now I found out I have to do the foundation, so we're going to work on that this weekend and try to get that up before winter.

Mr. Feeney: So is the shed-- and the deck is about twice the size of the shed? He says 8 by—

Ms. Mahr: The shed -- 8 by 10.

Mr. Feeney: 8 by 10, so it's actually -- which is about half that size, so you'd have to reduce your deck by half to keep the square footage because you're, with the deck and your house, you have 30% coverage which is maximum coverage on a lot. So if you're adding the shed, then you've got to reduce the deck by half just to keep the numbers.

Mr. White: (speaking off mic)

Ms. Mahr: Well, actually the 12' is measured from the door, the back of the house, not the chimney, so that wouldn't come out as far. It wouldn't be 12'. It'd probably only be maybe 10, I guess.

Mr. White: (speaking off mic)

Ms. Mahr: It was only coming to the end of the -- where it comes out, it was only coming to the end of that, then out and over to the, I believe, it was just to that window, because it was on this side of the air conditioner.

Mr. Feeney: Those steps are usually 4' wide.

Mr. White: Okay.

Ms. Mahr: Oh.

Mr. Feeney: Yeah, they come out of the house.

Ms. Mahr: I know most of those homes in that area that have those are very – in very poor shape. They're all just falling apart, so I'm sure there'll be other people doing something. They'll have to replace those.

Mr. Haire: Right. That's my concern.

Ms. Feeney: What's that?

Mr. Haire: That other people will be coming and requesting breaks as well and if there's already drainage issues that one neighbor has complained about, when you start adding decks and everyone gets right up around the 30% lot coverage, that's when you really have a drainage issue. So that's my concern with the deck going in.

Mr. Feeney: So, if she would go with a concrete patio though, that doesn't affect the coverage and it would allow you to keep your—

Ms. Mahr: Concrete is still going to cover the ground. I don't understand what the difference is, you know.

Mr. Feeney: It's not a structure.

Mr. Domini: That's just the way it's classified and—

Mr. Feeney: Yeah, it's—

Mr. Domini: But we don't measure lot coverage including—

Mr. Feeney: So you'd be able to put your shed and put a patio out there and it looks like there's only about two steps down. If you build that up, you may only have one step down to your concrete patio.

Ms. Mahr: No, it'd be more than that. It's like three steps, I think. Well, I don't know.

Mr. Domini: Well, you can see the image there on this. It's a couple of steps, two steps.

Mr. Feeney: But if they built the concrete up a little bit, they could—

Ms. Mahr: But I can't put concrete back there because of, you know, there's no way to get it back there.

Mr. Feeney: Well, they can do that. I just had a concrete patio put in and they just – they hauled it from the street through my fence and poured it.

Ms. Mahr: Really? I did ask the gentleman that did concrete work about it because I was thinking about that but then my mom reminded me that-- My dad walks with a cane but he's having more difficulty getting around. I'm just trying to stay aware from the steps.

Mr. Feeney: Yeah. Well, with the shed, that throws a whole new light in and it also sets a precedence for us.

Ms. Mahr: If I didn't come out as far, if I cut two, you know, like 12' – if I did 10, would that—

Mr. Feeney: Well, you're still – with the shed, you're still – you'd have to cut the deck in half because the deck is twice the size of your shed. So in theory, you'd have to cut your deck in half. If you went out – if it goes out 12', if you'd go out 6', you know, it'd give you a nice size porch, pretty much what it would give you. That's about all we would allow. It'd go out only just a foot or two past where your stoop is now.

Ms. Mahr: But that doesn't give me a place to set a table or anything really.

Mr. Feeney: No. But that's the dilemma where we're at.

Ms. Mahr: Um-um. That 10 by 12, if I took some off the side and the back, you know, maybe if I could cut it down a couple of feet that still wouldn't do it?

Mr. Domini: How important is the shed? I mean, you have a garage.

Ms. Mahr: Well, the problem is I've got it and I've got it in the yard right now. I mean, I've already brought finally, after, you know, I've been trying to get this for a couple of months.

Mr. Feeney: You know you could go with the smaller deck and with an additional concrete patio.

Ms. Mahr: Um-um.

Mr. Feeney: That gives you the additional space and then you would have your deck that you could walk straight out on, your parents could walk straight out on and make it, you know, 6' is pretty good size. You could walk around with tables and chairs there and then a concrete patio would give you the space for your grill and whatever else you want.

Mr. Haire: Even the other way, an 8 by 12, you know, 12' out from the house by 8 I think I would be okay with that. You're still cutting the size in half. Your deck would come out basically from your door.

Ms. Mahr: So 8' and then 12' wide?

Mr. Feeney: Yeah, 8' from the house and then 12' along the back of the house.

Ms. Mahr: That would be good. I mean, that gives me a little bit more to work with.

Mr. White: (speaking off mic)

Mr. Feeney: That would be the deck.

Mr. Haire: I would like to see it go towards the east, I guess away from that bump out in the fence.

Mr. Feeney: Over towards where the air conditioner looks – looks like where the air conditioner is the _____.

Mr. Brusk: Oh, you want it away from the fence?

Mr. Feeney: Yeah, the bump-out would hinder the direction.

Mr. Haire: So I guess away from the air conditioning unit, towards where the grill is.

Mr. Domini: I think the only problem with that is where the door is. You see the door in the bottom left? If you shift it too far to the east, it's not going to line up with the door.

Mr. Haire: Right, but starting at the door and then over from the door.

Mr. Brusk: If you went the other way, you would have less of the deck adjacent to the -- well, it'd probably be either way to that bump-out.

Mr. Haire: I'm also considering that that back corner is the corner that's wet.

Mr. Brusk: Yeah. That's-

Mr. Feeney: Where the air conditioner is?

Mr. Haire: I would like to, yeah, I would like to keep it to the other direction if we could, to not add any additional water going that way.

Mr. Brusk: Yeah. And that's the air conditioner, right?

Mr. Feeney: Yeah. So, if you go 8' out from your house—

Ms. Mahr: Um-um.

Mr. Feeney: --and then 12' long—

Ms. Mahr: Okay.

Mr. Feeney: --with the door in the center of the 12', is that what, Lucas, is that what you're saying or the door at the—

Mr. Brusk: At the edge.

Mr. Feeney: --edge.

Mr. Haire: At the edge.

Mr. Feeney: At the edge and then from your door towards your garage area—

Ms. Mahr: Um-um.

Mr. Feeney: --that side of your house 12'. That'd give you-- actually gives you a little bit more than half of what you're asking for now which is—

Ms. Mahr: All right.

Mr. Feeney: And then you can also put your—

Ms. Mahr: So, I think, you say where the grill is sitting with the, you know, to come this way?

Mr. Feeney: Yeah, that way, yeah.

Ms. Mahr: Okay.

Mr. Feeney: Where the double windows are.

Ms. Mahr: Okay.

Mr. White: (speaking off mic)

Mr. Brusk: Sure, that's why we are doing this, to try to get—

Mr. Haire: I mean it's half the size.

Mr. Feeney: Yeah.

Mr. Haire: So it was a 16 by 12 and now we're 8 by 12, so—

Mr. Feeney: Okay.

Mr. Haire: --we're half the size it was before.

Mr. Feeney: And then with the shed, we're back up to 30% coverage.

Mr. Haire: Yeah, because it's actually a little smaller, because the shed is 8 by 10 and we took off 8 by 12, so we're actually a little bit smaller than we were before.

Mr. Brusk: So she could take a little bit -- she could go a little bit bigger. What would be the maximum?

Mr. Haire: Well, she was already right there.

Mr. Feeney: Yeah. We were talking a percentage, plus or minus anyway, so.

Mr. Brusk: Okay.

Mr. Haire: I think we're probably still underneath the 30% coverage, just with the way the lot -- you probably did this as a square and it's not really a square lot. It's a little skewed, so it's actually probably a little bit—

Mr. Domini: I took average.

Mr. Haire: --a little bit larger, so we're probably still underneath that 30% coverage.

Mr. White: (speaking off mic)

Ms. Mahr: Um-- the cover on this side—

Mr. Feeney: On that-- where the grill is?

Ms. Mahr: A rather larger area on—

Mr. Brusk: On the opposite from the air conditioner.

Ms. Mahr: Yes.

Mr. White: (inaudible)

Mr. Feeney: Yeah.

Mr. Brusk: Would you be willing to amend your request to meet those criteria?

Ms. Mahr: Yes.

Mr. Haire: With that, I'll make a motion that we approve the proposed variance with the condition that the deck be no larger than 8 by 12 and that the 8' come out from the rear door and 12' towards the east, or towards the garage side of the house.

Ms. Mahr: Okay.

Mr. Feeney: I'll second that.

Mr. Brusk: And just one comment, I'd like to just make sure we have on the record, although it's been said about 42 times, that the consideration we're giving for it being a hardship is the fact that there are elderly parents living there, makes it very difficulty for one to get out and that is, I feel, a legitimate hardship.

Mr. Feeney: I'll second that also. Can I hear the roll, please?

(Mr. Domini called the roll. Mr. Feeney voted "yes." Mr. Brusk voted "yes." Mr. White voted "yes." Mr. Haire voted "yes." Motion carried.)

Mr. Brusk: Thank you for your cooperation on—

Mr. Feeney: You're approved.

Mr. Brusk: You are approved.

Mr. Mahr: Now, what do I tell the contractor? Does he need to resubmit the drawings?

Mr. Domini: Yes,

Mr. Feeney: You know, he'll need to resubmit his drawings—

Ms. Mahr: Okay.

Mr. Feeney: --to show exactly what he is going to do out there.

Ms. Mahr: Okay. Okay. Maybe I'll get some back from Lowe's.

Mr. Brusk: Hopefully.

Mr. Domini: We'll have a talk with Lowe's, too. Good luck with the project.

Ms. Mahr: Thank you.

Mr. Feeney: Yes, thank you for coming in.

D. OTHER BUSINESS

Mr. Feeney: All right. I see there's no additional New Business. Is there any other business that we need to take care of tonight? (No response.) If not, we'll adjourn. Thank you.

E. ADJOURNMENT

The meeting was adjourned at _____ o'clock, p.m.

Patrick Feeney, Chair

Aaron Domini, Planning Administrator

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Area East Secretarial Service
7668 Slate Ridge Blvd.
Reynoldsburg OH 40368