

MINUTES

REYNOLDSBURG BOARD OF ZONING AND BUILDING APPEALS

JUNE 18, 2009

6:30 P.M.

A. CALL TO ORDER

1. ROLL CALL

Members Present:	Mr. Lucas Haire Mr. Duane White Mr. Chris Long Mr. Norman Brusk Mr. Patrick Feeney
Others Present:	Ms. Nadine Morse

2. APPROVAL OF MINUTES OF MAY 21ST MEETING

Chairman Feeney: Okay, we'll go on to Item 2 which is approval of the minutes for the May 21st meeting. Is there are changes or addendums to the minutes? (No response.) Hearing none, will stand approved.

3. APPROVAL OF AGENDA

Mr. Feeney: Item number 3, approval of the agenda. Is there any changes to the agenda for tonight? (No response.) Agenda is approved.

4. SWEARING IN OF SPEAKERS

(Mr. Feeney administers the oath.)

5. PUBLIC COMMENT

Mr. Feeney: We're looking for any public comment other than what's going to be on the agenda for tonight. There's no public comment, so we'll go on to Item B.

B. UNFINISHED BUSINESS

Chairman Feeney: I see none, so we'll skip right to Item C-1.

C. NEW BUSINESS

1. VARIANCE APPLICATION, 1024 TIFFANY DRIVE, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM SECTION 1171.06 (B) (1) B OF THE

REYNOLDSBURG ZONING CODE TO ALLOW A POOL TO BE CONSTRUCTED
CLOSER THAN TEN (10') TO ANY LOT LINE. CONTACT: DENNIS COLE (55-ZV).

Mr. Feeney: So, then are they going to move it to the location or—

Mr. Haire: The applicant?

Mr. Feeney: The applicant is not here.

Mr. Haire: The applicant's not here? It's my understanding that they're proposing the pool as was laid out in the drawing that they provided. The revised drawing that I passed around just shows an alternate location that would meet all our zoning requirements. I have not discussed this with the applicant. Aaron has discussed it with them and they said they wanted to proceed with this application. Aaron showed them the alternative layout to meet code.

Mr. Feeney: Oh, is that correct? So they knew that there's a place to move it to?

Mr. Haire: Right.

Mr. Brusk: And they knew there was a meeting tonight?

Mr. Haire: Yes.

Mr. White: Since it's actually looking in compliance, is there any need for the application, or should they withdraw it?

Mr. Haire: It's not within compliance what they're proposing. They can be, but what they've proposed does not.

Mr. White: Does not.

Mr. Long: No, not as proposed.

Mr. White: May I see the drawings? My question then, regarding this modification they've proposed is that something they've actually submitted in writing or I see here the drawing.

Mr. Long: That's not theirs. That's Luke's suggestion.

Mr. Feeney: Yeah, that's the City's—

Mr. White: Okay. So we have no written modification entered.

Mr. Long: No.

Mr. Haire: No. That's something Aaron, when he met with the applicant, apparently prepared for them to show them, because his concern was the drawing was not to scale. So he redrew the drawing to scale to show where their pool would actually be and to show that they can meet the requirements with moving the pool very little, and they chose not to do that.

Mr. Brusk: I assume we were not called at all that they weren't coming. I'm getting tired of that happening. I'm going to move that we dismiss this one.

Mr. Long: I'll second.

Mr. Haire: Dismiss or deny?

Mr. Feeney: --deny? We need to vote on it.

Mr. Brusk: Okay. Let's deny it, either way. Dismiss, would reject it. But they would have to start from scratch again.

Mr. Feeney: Well, yeah—

Mr. Brusk: If it's a denial, they still have to do that?

Mr. Haire: Right.

Mr. Brusk: All right.

Mr. Haire: So you move that we deny the application?

Mr. Brusk: Absolutely. If they're not going to be here.

Mr. White: I just wish – I mean, I question why are we denying this without any indication of a reason for the applicant not to appear here today.

Mr. Brusk: That is the only reason. That's why—

Mr. White: Well, what I'm looking at is that in previous occasions we've had applicants failure to appear and we've actually tabled it and asked them – you know, give them another time for them to actually make an appearance. I wonder why we're going outside on this particular – unless there's something other than just on record, I _____ this happening.

Mr. Haire: It's my feeling that there's no justification for a variance here. It's a matter of convenience for the applicant. They have been shown that they can meet the requirements with a small adjustment, which they were unwilling to do. I feel it's a waist of the Board's time to even view this application.

Mr. White: I think we're raising two points. One is a merit issue which you are raising and the other issue is on raising the procedural issue is that we, in the past, have actually allowed an applicant to come forth and explain or not to explain the reasons for their application and to allow them an opportunity to do that. If they don't come the second time, then we actually have gone ahead and dismissed it. I wonder why we're doing different on this.

Mr. Feeney: Do we have to have an amendment for table?

Mr. Brusk: All right. I'll amend that to table under duress.

Mr. Long: I'll second.

Mr. Feeney: Do we vote on tabling? Is there any other discussion? (No response.)

(Ms. Morse called the roll. Mr. Feeney voted "yes." Mr. Brusk voted "yes." Mr. Long voted "yes." Mr. White voted "yes." Mr. Haire voted yes.)

Mr. Feeney: I think that was – I don't think we've ever dismissed an applicant.

Mr. Brusk: We were getting ready to.

Mr. Feeney: We really have to give them an opportunity and things come up. Okay, we'll move on to Item C2.

2. VARIANCE APPLICATION, 1055 SUNVIEW ROAD, REYNOLDSBURG, OHIO; REQUESTING A VARIANCE FROM TABLE 1175.03 OF THE REYNOLDSBURG ZONING CODE TO ALLOW A DWELLING TO ENCROACH INTO THE THIRTY FOOT (30') REQUIRED FRONT YARD SETBACK. CONTACT: BARBARA BAILEY (56-ZV).

Mr. Feeney: And do we have an applicant?

Mr. Haire: Yes.

Mr. Feeney: Yes. Now you can come up and if you'll explain what would you like to do?

Ms. Bailey: I was asked to bring my copies of what you have and I did. Would you like to have that?

Mr. Feeney: Yes. I guess so.

Ms. Bailey: What I would like to do is add a sunroom to the front of my house. I've lived in Reynoldsburg for about 22 years and I would like to stay here until I retire permanently. What I would really like to add the sunroom for is my mother, who lives in Whitehall, is aging and has been sick a couple of times and has come to my house to recuperate. And one of the things that she has at her house that I do not have is a place for her to sit and watch traffic go by. It's her biggest reason for not moving in with me and I know the day is going to come when she will eventually have to move in with me permanently and I would like to make her as happy as possible. And I think if you would allow me to put this addition on the front of my house it would certainly make her happy and make my life a lot easier.

The pictures that are in the folder – it's not exactly like what I intend to add. The top picture, this one here, is actually – the windows will be three wide and this is actually a picture of a second floor addition and mine, of course, will be just on the first floor. But as far as like the roofline goes, how the windows are set in, this is basically what it will look like.

Mr. Feeney: Do we know if there are any other porches up and down your street? I didn't make it out there myself.

Ms. Bailey: Okay. I traveled around my neighborhood and lots of people have porches. Most of them are open, but they still encroach within that 30' easement that I'm asking for a variance on. I don't know the exact addresses, but there are several people with porches in my neighborhood. The biggest reason I want to enclose mine is that my mother is a cold-natured person and unless it's 100° outside, she has a sweater and long johns on. So, you know, if I can't enclose it there is no reason for me to put it up.

Mr. Long: I know that the Chairman here mentioned, and you just commented on as well, is the aspect of a porch. This isn't a porch.

Ms. Bailey: No.

Mr. Long: You're asking to put a room addition on the front of your house.

Ms. Bailey: It's like a sunroom. It's mostly glass.

Mr. Long: Ma'am, it is a room addition. It's going to be completely enclosed. The way that the photograph is showing here, is it's an incorporated part of the structure. It isn't what a typical individual would call a porch. It is a room addition that you want to put on the front of the house as opposed to the back of the house, like some people do for a room addition and so forth like that.

Ms. Bailey: Okay. The reason I can't put it on the back of the house is that, when and if I can talk my mother into moving in with me, I will be back in here asking for a permit to put a bathroom on the back of my house, because she can't easily use the

bathroom because those houses have only one bathroom and I would need to add a bathroom that was more in line with the elderly who doesn't raise her legs easily, which is why I want to put this on the front of the house, plus she likes to watch the traffic go up and down. It gives her stories to tell.

Mr. White: I question whether or not you couldn't achieve most of your desires by actually putting the addition on the back end of the house as opposed to the front. And I understand that things you pointed out – one, the restroom. You would have to build into it and the fact that your mother wouldn't be able to see the traffic in the front. But my concern is that you have a large lot here, at least not – I mean in terms of open space, and what you're proposing to do is put the addition into the area where it's the least amount of space, whereas opposed to the back end of your yard, you have a large area to put the addition on. And it would actually not take up a whole lot of space, open area space.

Ms. Bailey: Well, I – as I said, you know, my mother likes to sit out front. If I'm going to – I have a patio if she wanted to sit out back she could sit on. But the whole thing of putting this room on the front of the house is because that's where hers is at her house and 81 she just doesn't listen to any good reason for not having someplace to sit where she can watch the world go by. I have discussed this with my neighbors and they don't have any objections to it. It will be a nice room.

Mr. Feeney: Well, the – if my calculation is right, you could put up a 7' deep porch which is a good sized porch on the front of your house without intruding into the building setback.

Ms. Bailey: I'm sorry?

Mr. Feeney: You have 7' between the front of your home to where the building line is.

Mr. Haire: That's not correct. Our current building length is 30'. When this subdivision was built it was 25.

Mr. Feeney: So it doesn't get grandfathered-in?

Mr. Haire: No.

Mr. Feeney: Okay. So it is 30'.

Mr. Haire: Then you'd only have 2'.

Mr. Feeney: You'd only have 2', so that makes it even more of an encroachment into the setback line.

Mr. Brusk: I do understand your desire to have a room in front of the house, but the fact that just to watch traffic is probably, by my reckoning anyway, not enough of a hardship to justify the variance that would be needed. If you had no place to put an additional room at the rear of the house, I would tend to agree. If the lot was such that you couldn't do it, I would tend to agree that that would be a good idea. But putting it in front as a room as opposed to a porch, it is a major difference and a substantial difference. And I tend to agree with the others that maybe that's not the appropriate place for it.

Ms. Bailey: Because it what? It'll—

Mr. Brusk: Because it sets a precedent that we would, in the future, have to consider for every house in that neighborhood. And instead of having porches being the variance that's being requested, it will be rooms that will be requested. And what we will have is houses that are encroaching, all encroaching on the area. And, which in effect, this takes away the ordinance that says we are to have a 30' setback. The only reason you would have a setback is if there was, by my reckoning again, if there was no other feasible place to put this. The fact that to watch traffic is not enough of a reason for me to do it.

Ms. Bailey: Okay. I mean, and I understand what you're saying, but the hardship that it's going to cause me is that I will have to sell my home of 22 years in Reynoldsburg and live in Whitehall. So, that's the hardship it's going to cause me, because my mother will not move in with me unless she has someplace to sit. And she spends 90% of her time in her porch on the front of her house.

Mr. White: Ma'am?

Ms. Bailey: Yes.

Mr. White: Two things. One is I think the hardship has to do with the actual land itself, not individual. Secondly, I've lived in that area for 18 years and I'm familiar with that Tiffany Drive area and my recall, is the traffic is not that heavy going through there at all. The fact is, Matterhorn is used more often than Tiffany to go down to that area, so the traffic you are referring to would be very minimum in terms of what your mother would be able to see.

Ms. Bailey: Okay. If I could speak. The traffic was just how I was explaining that she sits on hers, visits with the neighbors, talks to people. I mean, people do walk up and down the street all the time. If I were to put this on the back of my house, she would see nobody. She's 81. I mean, I don't know what to tell you, but that's where she sits. That's what she likes, and I'm just trying to make her happy.

Mr. Brusk: If it's an enclosed room, there's no talking to other people as they're walking by.

Ms. Bailey: Well, her porch at home is enclosed and it's all windows. She gets to see things go by. She has birdfeeders out that she can watch them. She knows her entire neighborhood and that's how she's gotten to know them, is that if they walk by they wave. She gets to holler at them.

Mr. Feeney: Yeah. I think, again, it's getting to – it really is a room addition and it setting a precedence if we would approve something like this. I mean, it is a large encroachment into the building setback line. The building setback line is uniform throughout the City and we have always been pretty tight with that historically on this Board. You do have – I think you could put a concrete slab out there that she could sit on and I don't think that's an encroachment. It's just a concrete slab, so – but you couldn't enclose it, but you can put a concrete slab there. So there are some other things you could do.

Ms. Bailey: Okay. So I could put an open porch out there – I mean, with a roof. Could I do that?

Mr. Haire: No.

Mr. Feeney: No. It's just a concrete slab is what – a level area.

Mr. White: And would that be 20'. I don't know if that's – or 10' into the—

Mr. Feeney: I don't know. Is there requirements on the – I know we've—

Mr. Haire: Concrete? You can do whatever you want. It's just – yeah, you just can't cover it. You can cover it if you attach it to the house.

Ms. Bailey: Yeah. But there are lots of porches, lots of buildings in my neighborhood with covered, open porches.

Mr. Feeney: I don't know the neighborhood that well. I can't answer to that.

Mr. Brusk: In that case, though – in that case, we would again review it, but with a different eye to it. There we would be looking at the variance to allow for a porch in the front. And that, we would have a little different view of it.

Mr. Feeney: You know, there used to be—

Mr. Brusk: I think the biggest problem here is that this is a room that's on the house, not a porch that's added to the front of the house. We might very well, if we could agree on a covered porch which would require a variance as opposed to a room, which obviously would require a variance.

Mr. Feeney: And, yeah, I don't know the different properties you're talking about, but I know there used to be a 25' setback, so they very well could have put a

porch on. I looks like they bumped out but they are out past that 25'. I don't know but I know that now it's a 30' setback and your house is at 32 and this is an enclosed room versus a porch. But, like I said, you do have an option. With a concrete slab you could do that and she'd have a place to sit. So, I guess that's about the only option I can come up with. Again, this room could be put on the back and it looks like you have plenty of room in the back yard to do something like this and maybe put something nice out there, too, so there are some options here I believe.

Ms. Bailey: Okay.

Mr. Feeney: Any other Board comment? If you'd like to you like to say anything else?

Ms. Bailey: I've said it.

Mr. Feeney: Okay.

Mr. Haire: I move that we approve application 56-ZV.

Mr. White: I second.

Mr. Feeney: May I hear the roll, please?

(Ms. Morse called the roll. Mr. Long voted "no." Mr. Brusk voted "no." Mr. Feeney voted "no." Mr. Haire voted "no." Mr. White voted "no.")

Mr. Feeney: Sorry.

Ms. Bailey: Thank you.

D. OTHER BUSINESS

Mr. Feeney: Is there any other things we need to take care of tonight? (No response.) Hearing none, we'll adjourn.

E. ADJOURNMENT

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

Patrick Feeney, Chair

Nadine Morse, Development Department

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