

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
FEBRUARY 12, 2014

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
FEBRUARY 12, 2014**

Present: Messrs: Gary Wilner, Neil Rubin, Thomas Brown and Ed Kancler

Absent: Mr. Brian Davis

Also Present: Mr. Russ Rodic, Building Commissioner
Mr. Sam Scaffide, Council Representative

Oath of Office

Council Member Sam Scaffide administered the Oath of Office to Mr. Gary Wilner and Mr. Ed Kancler for terms running 2/1/14 through 1/31/17.

Elect Chairman

MOTION: MOVE TO ELECT NEIL RUBIN AS CHAIRMAN.
MR. BROWN MOVED, MR. WILNER SECONDED,

Elect Vice Chairman

MOTION: MOVE TO ELECT ED KANCLER AS VICE CHAIRMAN.
MR. WILNER MOVED, MR. BROWN SECONDED,

UPON ROLL CALL, BOTH MOTIONS PASSED UNANIMOUSLY.

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
WORK SESSION
FEBRUARY 12, 2014**

The Board of Building and Zoning Code Appeals met in a public work session on Tuesday, February 12, 2014. The Chairman, Mr. Rubin, called the meeting to order at 6:29p.m.

1. Appeal #07-2013
Variance – 1153.04 B
8744 Gettysburg Dr., PP#64-03084

Ms. Ross and Ms. Williams appeared before the Board seeking a 52 square foot variance from section 1153.04B in order to allow them to keep an existing shed built on their property without a building permit. *This is their third appearance before the Board.*

Mr. Rubin explained the work session to the Applicants. He advised them that having one board member absent tonight allows the possibility of a tied vote in which case, the Applicant would lose the appeal.

Ms. Ross gave the Board copies of estimates to reduce the square footage of the shed.

Mr. Kancler asked how much the shed cost to build.

Ms. Ross replied \$3500.00 including labor.

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It was determined that the Applicant is seeking a 25% variance to the allowed shed size.

Mr. Rubin asked what the reason was for building such a large shed.

Ms. Williams replied that they had a lot of outdoor equipment and children's play items stored in the garage and were unable to park their cars inside.

Mr. Rubin recognized that the neighbors are present to testify that the shed is attractive and they do not object to it. That is not being disputed; the size of the shed is the issue being discussed.

- The estimates to reduce the size of the shed are \$1800.00 and \$1200.00.
- The amount of the estimates is too high for the Applicant to afford.
- This is a very difficult case because the shed already exists and we are trying to bring it up to code retroactively.
- It was built without a building permit.
- There is no setback code violation.

Mr. Rubin discussed the process of taking the appeal to Council if it is denied by the BZA.

Mr. Scaffide replied that Council would perform a similar process in following the Building Code and considering the hardship.

Mr. Rubin established that there would be no fees required if this appeal is taken to Council.

Mr. Rubin explained that the Board is not able to discuss this matter in Executive Session and the entire matter will be on public record.

Mr. Kancler asked what contents are in the garage/shed.

Ms. Williams presented pictures of the full garage before the shed was built and discussed the contents.

Mr. Kancler asked if the things moved into the shed fill up the entire 192 square feet.

Ms. Williams replied that there is some walking space in the shed.

Mr. Rubin asked Ms. Ross her birth year

Ms. Ross replied 1948.

Mr. Rubin asked Ms. Ross her work information and if she plans to retire soon.

Ms. Ross answered that she works at Cleveland Steel as an accounts payable accountant. She has no retirement plans.

Mr. Rubin asked Ms. Williams if she expects to remain in the home.

Ms. Williams explained that the house was purchased by Ms. Ross and herself with the expectation of living there together.

Mr. Rubin inquired why granting the variance would not be detrimental to the public.

Ms. Williams replied that the shed is in the rear of the yard, near a neighbor's fence and other sheds.

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Mr. Wilner asked if there would be landscaping around the shed.

Ms. Williams replied that she will plant flowers and put mulch around to make it easier to maintain the lawn near it.

Mr. Kancler asked if the Applicants had considered any smaller sheds prior to building the large one.

Ms. Williams said that she did look at others before her brother offered to build one using higher quality materials than the store kits offer.

Mr. Rubin asked what the unnecessary hardship to the Applicant is if the variance is not granted.

Ms. Ross answered that the cost of reducing the shed and loss of space in the garage would be difficult.

CITY OF TWINSBURG BOARD OF BUILDING AND ZONING CODE APPEALS MEETING MINUTES FEBRUARY 12, 2014

The Board of Building and Zoning Code Appeals met in a public work session on Wednesday February, 12, 2014. The Chairman, Mr. Rubin called the meeting to order at 6:53p.m.

PUBLIC PARTICIPATION

Mr. Rodic administered the Oath to Mr. Bill Buzulence 8733 Gettysburg Dr.

Mr. Buzulence introduced himself. He is a former teacher, current Board of Education member and long time resident of Twinsburg. He is a neighbor of the Ross/Williams home.

- He feels that it is unfair for the board to require Ms. Ross to resolve her code violations when there are others in the city in violation of these codes who are not being cited.

Mr. Rubin answered that the Board of Building and Zoning Code Appeals addresses cases as they are presented to them, it is not the board's role to go out and find violations to address.

Mr. Kancler addressed Mr. Buzulence and explained that the Board addresses each case individually. He inquired whether Mr. Buzulence has personal knowledge of the Ross family needing such a large shed and whether the space is entirely filled.

Mr. Buzulence replied that the garage was very full prior to the shed being built.

Mr. Rubin asked if there were any other questions for Mr. Buzulence.

- There were none.

Mr. Rodic administered the Oath to Ms. Mary Ann Wisniewski 8730 Gettysburg Dr.

Ms. Wisniewski introduced herself. She is a neighbor of the Ross/Williams home and is stating that the shed is in the far rear of the yard and she does not have a problem with the size of the shed.

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- There were no questions for Ms. Wisniewski.

Mr. Kancler stated that, in his opinion, there has not been sufficient evidence that such square footage is necessary for storage.

- The picture shows approximately half of the garage filled with lawn care and outdoor children's items. That would not necessarily require such a large storage space.
- The difficulty is that the storage shed was built without a permit and therefore was too large. If the Applicant had applied for a permit she would have built it to Code and therefore may have created the hardship for herself.
- A variance may not be appropriate in this case.

Mr. Rubin is going to move to grant the variance on these bases:
1199.09(02)

- (a.) The unnecessary hardship being the cost of modifying the shed.
- (b.) The exceptional circumstances being that the shed already exists.
- (c.) There is no substantial detriment to the public as evident by the attendance of the neighbors at the meeting and their statements that they do not mind the size of the shed.

Mr. Rubin reminded the Applicants that there are four members in attendance and there is a risk of a tied vote. The Applicant has the option to postpone the vote to the next meeting having five members in attendance.

Ms. Ross chose to continue with the vote.

1. Appeal #07-2013
Variance – 1153.04 B
8744 Gettysburg Dr., PP#64-03084

MOTION: TO GRANT THE VARIANCE #07-2013

MR RUBIN MOVED, MR. BROWN SECONDED, UPON ROLL CALL THE MOTION PASSED THREE TO ONE, WITH MR. KANCELER DISENTING.

Mr. Rubin commented that this was the most difficult case that he has seen in front of this Board, and that this hardship was brought upon the Applicants themselves.

Mr. Wilner mentioned that he appreciated the attendance of the neighbors and that their testimony helped with his decision.

Mr. Rodic explained that City Council has 30 days to consider the BZA finding from this meeting. After that point, the application will be finalized to a permit and the case will be closed. Applicants need not attend the Council meeting.

APPROVAL OF MINUTES – DECEMBER 17, 2013

MOTION: TO APPROVE THE MEETING MINUTES FROM DECEMBER 17, 2013.

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MR. WILNER MOVED

MR. KANCLER SECONDED, UPON ROLL CALL MOTION PASSED UNANIMOUSLY.

COMMUNICATIONS-

Mr. Rodic informed the Board that the lobby will be under renovation to provide more security to the building. Meetings will continue to be in Council Chambers throughout renovations.

Mr. Metropulos, 9044 Gettysburg Dr.

Informed the board that the city Planning Commission received the Comprehensive Plan update and would like the BZA members to inform him or the Planning Commission of any problems or Code changes that should be considered prior to approving the Plan.

- He has noticed that the board sees many applications for side yard variances.
- The board might like to consider a code change in that area.

Mr. Kancler said that side yards offer a difficulty for corner lots with setbacks often making it difficult to build a deck, etc.

Mr. Rubin mentioned that pie-shaped cul-de-sac lots have similar problems.

Mr. Kancler added that the sign ordinance allows for sign appeals to be taken to the Architectural Review Board or the Board of Zoning Appeals. The ordinance should allow only one.

Mr. Rubin asked Mr. Rodic about an updated Code book. Has it been updated, are there new copies available?

Mr. Rodic said that the one that the Board is working from is the current version. He will look into getting new copies for the board members.

Mr. Kancler added that it is difficult to locate the Code book on the City of Twinsburg website.

Mr. Wilner welcomed the new Secretary, Cynthia Bennardo to the meeting.

EXCUSE ABSENT MEMBERS

MOTION: TO EXCUSE MR. DAVIS

MR. WILNER MOVED, MR. KANCLER SECONDED, UPON ROLL CALL, MOTION PASSED UNANIMOUSLY.

ADJOURNMENT-

MOTION: TO ADJOURN MEETING

MR. KANCLER MOVED, MR. BROWN SECONDED

The meeting adjourned at 7:10 p.m.

Neil Rubin, Chairman

Russ Rodic, Building Commissioner

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