

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
MAY 13, 2015

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
MAY 13, 2015**

Present: Messrs: Gary Wilner, Brian Davis, Ed Kancler and Neil Rubin

Absent: Mr. Tom Brown

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

The Board cited the Pledge of Allegiance.

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
WORK SESSION
MAY 13, 2015**

The Board of Building and Zoning Code Appeals met in a Public Work Session on Wednesday, May 13, 2015. The Chairman, Mr. Rubin called the meeting to order at 6:31 p.m.

Mr. Rubin stated that there is no need for a work session and the Board Members moved directly into the regular meeting.

Appeal # 06-2015
Variance 1143.09 R-4

A public hearing will be conducted at 6:30 pm on May 13, 2015; for the purpose of hearing an appeal for a variance from section 1143.09 R-4 district of the Twinsburg Zoning and Development Regulations which states minimum front yard depth shall be 50 feet. The applicant is proposing an attached (21'x24") garage to the front elevation. This appeal is made by of Karen Hillman of 2275 Gary Drive.

- Specifically, a 9 foot front setback variance is requested.

Appeal # 07-2015
Variance 1147.04 (c)

A public hearing will be conducted at 6:30 pm on May 13, 2015; for the purpose of hearing an appeal for a variance from section 1147.04 (c) of the Twinsburg Zoning and Development Regulations which states driveway serving public facility shall be located not less than ten feet from any adjacent lot line. The applicant is expanding the width of the driveway to the public facility. This appeal is made by of Kenneth Damm of Lesko Associates Inc. on behalf of Twinsburg City School district of 9198 Darrow Rd.

- Specifically, a 6 foot side distance variance is requested.

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
MEETING MINUTES
MAY 13, 2015**

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The Board of Building and Zoning Code Appeals met on Wednesday, May 13, 2015. The Chairman, Mr. Rubin, called the meeting to order at 6:31p.m.

1. Appeal # 06-2015
Variance 1143.09 R-4
 - Specifically, a 9 foot front setback variance is requested.

Mr. Rubin administered the Oath to Ms. Karen Hillman, 2275 Gary Dr. Twinsburg.

Mr. Rubin explained that the Board having four members in attendance allows for the possibility of a tied vote which would result in the variance being denied. The applicant could then take the appeal to City Council for consideration.

Ms. Hillman stated that she would like to continue with the application.

Ms. Hillman explained that she would like to convert her garage to living space and build a garage in front of the current garage which will require a 9' setback variance.

Mr. Kancler mentioned that the neighbor's yard is higher than the applicant's yard; would they consider placing the garage in the back yard?

Ms. Hillman answered that they would have to reduce the size of the existing house in order to create access to a rear garage.

Mr. Kancler asked what style of roof would be on the garage.

Ms. Hillman presented a drawing off microphone.

Mr. Kancler noted that the garage will sit slightly in front of some of the neighboring homes, has Ms. Hillman discussed this with her neighbors?

Ms. Hillman indicated that she spoke with one neighbor and the others' addresses were sent in with her application.

Mr. Rubin asked if the neighbors were informed of the meeting,

Mr. Rodic stated that they were.

Mr. Rodic administered the Oath to Ms. Tina Jira 2267 Gary Dr., Twinsburg

Ms. Jira stated that she is concerned that she will feel "blocked in" due to the size of the garage addition.

- When the large vehicle is parked in front of the large addition, she will not be able to see past them.
 - o This is a safety concern for her regarding inability to see traffic and an inconvenience in not being able to see the school bus coming.

Mr. Kancler asked which side of the house she lives on.

Ms. Jira indicated that she is on the left side if facing the house, not the side of the variance.

Mr. Rubin asked how it will impact her visibility if she is on the side furthest from the addition.

Ms. Jira stated that she is short and the addition and vehicle are tall.

- When she purchased her home, the neighborhood was designed with houses being set back a certain distance from the street and she does not like the idea of that changing.

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Mr. Rubin and Ms. Jira discussed the location of her home and her line of sight off microphone.

Mr. Kancler Clarified that there is approximately 54 feet from the street to the proposed garage front.

Mr. Kancler stated that he understands Ms. Jira's concern, but he does not feel that it will be as bad as she thinks it will be for visibility.

Ms. Jira explained that her neighbors on the other side have put an addition on the rear of their house impacting the view and now her view will be impacted in the front by the proposed garage addition.

Mr. Rubin asked if Ms. Jira has measured the location of the proposed garage to see what the impact to her will be.

Ms. Jira explained that there is a stake marking the location.

Mr. Rubin asked Ms. Hillman what determined the size of the garage.

Ms. Hillman explained that 21'x24' is required for vehicles and storage and they plan to include attic space as well.

- She also plans to install tall landscaping along her property line.

Ms. Jira stated that they will have the lot surveyed to be sure of property lines.

Ms. Hillman indicated that the large vehicle will park in the garage most of the time.

- She hopes that the neighbors will view the garage addition as a beautification for the neighborhood.

Mr. Wilner noted that the distance from the street to garage is 54 feet, which will allow the neighboring house to maintain their sight line.

Ms. Jira explained that she feels that the codes were created for a reason when the development was built and when she moved there she liked the way it was.

- She is uncomfortable with these changes.

MOTION: TO GRANT THE VARIANCE AS REQUESTED ON THE BASIS THAT IN SPITE OF THE OBJECTIONS, THE VARIANCE SOUGHT IS NOT SUBSTANTIAL IN TERMS OF ITS LOCATION IN TERMS OF ITS DISTANCE FROM THE PAVEMENT ON THE STREET AND THAT IT IS DIFFICULT IF NOT IMPOSSIBLE TO UNDERSTAND HOW SIGHT LINES FROM A NEIGHBORING HOUSE WOULD BE INTERFERED WITH WITH ANY SIZE VEHICLE BEING PARKED UP TO THE GARAGE. LIKEWISE, THERE IS A PRACTICAL DIFFICULTY HERE WITH TRYING TO MAXIMIZE THE USE OF THE PROPERTY WITH NO EVIDENCE THAT IT WILL EFFECT THE PROPERTY VALUES OF NEIGHBORING PROPERTIES AS A CONSEQUENCE IT SEEMS THAT BECAUSE OF THE PRACTICAL DIFFICULTY OUTLINED IN THE APPLICATION THAT THERE WILL NOT BE ANY HARM TO NEIGHBORING PROPERTIES AND THE FACT THAT THE PURPOSES OF THE CODE WILL STILL BE PRESERVED.

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

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Mr. Kancler explained to Ms. Jira that she is able to appeal this finding to City Council.

Mr. Kancler pointed out that the garage design will have to go to the Architectural Review Board.

2. Appeal # 07-2015
Variance 1147.04 (c)

- Specifically, a 6 foot side distance variance is requested.

Mr. Rodic administered the Oath to:

Mr. Kenneth Damm, Architect representing Twinsburg City Schools and
Mr. Chad Welker, Director of Business Affairs for Twinsburg City Schools

Mr. Damm explained that the 6' variance is needed at the end of the driveway and along part of the drive in a smaller dimension.

- This will allow for individual right and left turn lanes as well as an ingress lane.
- It also allows a slightly larger arc to accommodate bus traffic.

Mr. Welker stated that the project is a direct result of the Facilities Focus Groups held by the School District in the spring.

- This was an issue brought up by the parents of Wilcox students.

Mr. Damm indicated that the project should not negatively affect any neighbors.

Mr. Welker explained that the project will also require a construction easement for the sidewalk as well as a temporary grading easement.

- They have had discussions with "Corporate in Virginia" [Advanced Auto Parts] and they are reviewing it.
- He had a conversation with the property manager who indicated that things were going smoothly.

Mr. Rubin asked if the easement will be deeded to the property.

Mr. Welker answered that it will.

- The project will not progress until the easement agreement is approved by Advanced Auto Parts.

MOTION: TO GRANT THE VARIANCE BASED ON THE FACT THAT THERE ARE EXTRAORDINARY CIRCUMSTANCES THAT DO NOT GENERALLY APPLY TO OTHER PROPERTIES BEING THAT IT IS A SCHOOL WITH LARGE SCHOOL BUSES, IT CERTAINLY WILL NOT BE A SUBSTANTIAL DETRIMENT TO THE PUBLIC INTEREST AND WILL PROBABLY HELP THE PUBLIC INTEREST IN MORE WAYS THAN ONE, AND FINALLY THE UNNECESSARY HARDSHIP AND PRACTICAL DIFFICULTY IS THAT IT WOULD HAVE TO BE COMPLETELY REDESIGNED OR MAY NOT BE DONE AT ALL IF YOU DIDN'T GET THIS VARIANCE.

MR. RUBIN MOVED, MR. DAVIS SECONDED
UPON ROLL CALL, MOTION PASSED UNANIMOUSLY.

Mr. Rodic confirmed that the applicant is on the agenda for the Planning Commission meeting on 5/18/15.

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BOARD OF ZONING APPEALS MINUTES
MAY 13, 2015
APPROVAL OF MINUTES- Dated April 8, 2015

MOTION: MOTION TO APPROVE MINUTES OF APRIL 8, 2015.

MR. KANCLER MOVED, MR. WILNER SECONDED
UPON ROLL CALL MOTION PASSED 3-0 WITH MR. RUBIN ABSTAINING.

COMMUNICATIONS-

Mr. Rodic indicated that there is a strong possibility of a meeting on May 27 for the Tabled application for variance regarding an electronic sign.

- Mr. Maistros sent a memo stating that BZA does have jurisdiction to consider the application.

Mr. Rubin indicated that another date may be better to allow all Board Members to be present.

EXCUSE ABSENT MEMBERS-

MOTION; MOTION TO EXCUSE MR. BROWN FROM TONIGHT'S MEETING.

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

ADJOURNMENT-

The meeting adjourned at 6:35 p.m.

Neil Rubin, Chairman

Russ Rodic, Building Commissioner