

Board of Zoning Appeals  
June 17, 2010  
Minutes

The Chairman called the meeting to order at 4:30 p.m. The following members were present: John Mears, John Feick, Brett Fuqua and Bill Semans. Kevin Zeiher was excused. Walt Matthews was absent. Carrie Handy was present to represent the Planning Department.

Chairman Feick asked the Board to rule on the minutes from the previous meeting, May 20, 2010. Mr. Mears moved to approve the minutes as presented; Dr. Semans seconded the motion, which carried unanimously.

Chairman Feick swore in everyone who wished to speak.

**The first item on the agenda was an application for a variance to the front and side yard setbacks to permit a carport and deck addition to the residence/boathouse located at 406 Cove Street, filed by the Kurt & Kelly Kresser.**

Mrs. Handy handed out a revised site plan. When the staff report was written, the applicants were looking at relocating the utility pole in front of the property, they have since found out that was too expensive so they submitted a revised site plan to widen the carport by 4' so they could maneuver around the pole.

Chairman Feick asked if anyone wished to speak in favor of this request. Al Washek, 1104 W. Jefferson, stated that he was the contractor and the Cove Street property was a little different than a lot of properties in town since it was a boathouse. There was no backyard and no sideyard so to do any kind of addition; it had to come out in front of the property. Mr. Washek commented that the Kressers both drove nice vehicles which sat uncovered all year long so to improve their property and their life, they proposed this carport. It has been drawn up by an architectural student and in the rendering; he added a porch area on the front of the building. Mr. Washek commented that this was a neighborhood where everyone knew everyone else and this deck/porch area would give the Kressers a place to sit and visit with their neighbors. This was an important aspect since it helped to enhance the neighborhood. They were trying to keep everything in character with the neighborhood. Mr. Washek commented that the utility pole was in a state of disrepair and he would think the telephone company would have to replace that pole within 5 years and at that time, the Kressers would request that the pole be moved over to the property line or relocated to the next property. In the meantime, they could add 4' to the carport so that there was enough room.

Mr. Washek commented that there was almost nothing that could be done without a variance and the carport would enhance the property and add to the property values down the road. He stated that the intent of the zoning requirements were here, this was a perfect example of needing a variance to meet the zoning requirements. It would satisfy the zoning intent once this property was done. Mr. Washek commented that he was before this Board two years ago to do a project and they ended up getting a variance and building the garage differently than the variance they were seeking and it turned out to be a better project. He commented that if the Board had a different idea as to how to get this project built, he was willing to listen.

Mr. Washek referred to the staff conditions of a curb cut and approach and concrete and he said those conditions were no problem, the Kressers wanted to make it nice. By adding two feet on each side to the original drawing, the utility pole became a moot point. Mr. Washek commented that this was a win/win for the neighborhood, they got their cars covered and it would improve the property values and the neighborhood.

No one spoke against the request and the matter returned to the table.

Mr. Mears asked if Mr. Washek had seen the recommendations from the staff and did he have any problems with those. Mr. Washek stated that the only qualm he had was with moving the pole and they had looked into that but it was cost prohibitive. He stated that Mr. Kresser would still meet with the engineers from AT & T and they would try to persuade them that the pole was in disrepair and that it should be moved when they replaced it. Mr. Washek commented that the carport would stay open because they wanted light in it and the other recommendations, he had no qualms with.

Dr. Semans moved to approve the variance subject to the recommendations of staff, that it always stay open, the owner be responsible if any damage was done to it by the improvement of Cove Street, that it be paved and a curb cut be put in and the owners meet with AT & T about possible relocation of the utility pole. Mr. Mears seconded the motion.

Chairman Feick commented that he didn't like 0' setbacks and he understood the situation but all the neighbors on both sides were able to do something without a 0' setback. Dr. Semans asked if he saw any possibility of them getting a carport without this setback. Chairman Feick commented that he didn't know what was in the existing boathouse and if there was any way to recess the garage into the existing structure. He said the next closest structure was 8-10' from the right-of-way.

Mr. Washek commented that it was a boatwell right inside underneath the house so this couldn't be recessed into the boathouse.

Mr. Washek clarified that it was a 0' setback from the right-of-way but from the street itself, there was plenty of room to put in a sidewalk and an approach. He asked if he could set the posts back and cantilever the roof out, would that appease the Board.

Dr. Semans commented that you didn't want the side posts interfering with car doors. Mr. Washek commented that they were still technically at 0' setback if you considered encroaching into the air space but the posts would be further back. Chairman Feick asked if he could put the posts in line with the neighbors, 8-10' back. Mr. Washek commented that he didn't know if he could cantilever that much, he thought he could do a 1/3 but he would have to get the numbers. He stated that although there was almost no weight since it was just a metal roof, it would still need to be supported. Chairman Feick commented that it was physically possible to cantilever 8-10' if it needed to be. He stated that would help but it would be nice if the roof was back also.

Mr. Washek commented that if the roof went too far back, the cars wouldn't be covered. He stated that if you went clear to the end of that block, the corner property encroached out to the right-of-way and there was no way to even put a sidewalk in that area.

Mr. Fuqua commented that common sense would tell you that if you didn't support a building all the way to the end, it would get warped. He felt the poles would have to come out all the way to the end of the carport. Mr. Washek stated he would like to get them as close to the end as possible.

Chairman Feick stated that it appeared from the aerial that there was room for a car if it were parked closer to the building. He commented that typically you only needed 20' for a carport so it could be built at 20' and it would still leave 4' from the property line.

Mr. Washek commented that they had come up with the 24' since this length left room for a walkway so you wouldn't have to walk around the back of the car to get to the building; you could walk around the front and still be covered from the elements.

Chairman Feick stated he just didn't want to get into a 0' setback when you could get by with a 4' setback. Mr. Fuqua commented that would defeat the purpose of a carport if you had to walk out into the weather because the carport was too short.

Mr. Mears suggested a 2' variance with the posts at 20'. Chairman Mears commented that they could suggest they move the posts but they were really dealing with the setback.

Mr. Feltner, an audience member, commented that two of his cars were 18' long apiece so 19' wasn't much.

Chairman Feick restated his position that he didn't like a 0' setback but 2' would be acceptable.

Dr. Semans asked Mrs. Kresser how she felt about the 2' setback. Mrs. Kresser commented that they would like to have as much space as possible especially with getting in and out and it had been designed with a little sidewalk area near the house so it would look better aesthetically.

Dr. Semans moved that his motion be amended to allow a 2' setback, he wasn't concerned about the cantilevering and he would leave that up to Mr. Washek as to whether he wanted to do that or not. Mr. Mears seconded that. Chairman Feick asked if the property had been surveyed and Mr. Washek stated that he didn't know if it had been but he would make sure that they had some good property pins. The motion carried 3 – 0.

**The next item on the agenda was an application for a variance to the maximum rear yard coverage to permit the construction of a garage to be located at 1325 Putnam Street, filed by Michael & Melissa Feltner.**

Chairman Feick asked if anyone wished to speak in favor of this request.

Michael Feltner, 1325 Putnam Street stated that he had 4 cars and 2 motorcycles and he was currently paying storage fees. He wanted to build an accessory building to house all his vehicles. This way they wouldn't be in the street. Mr. Feltner commented that there would still be 45' in front of the garage to his house. He was planning on tearing down the existing

garage and building the new one 4' from the property line. All of the adjacent houses were located up farther so he wouldn't be blocking anyone's view.

No one spoke against the request and the matter returned to the table. Chairman Feick asked if he had spoken to the neighbors and Mr. Feltner commented that no one had a problem with this proposal.

Mr. Mears moved to approve the variance, Dr. Semans seconded the motion which carried 3 – 0.

Mrs. Handy introduced the new assistant planner, Anna Enderle.

There was no further business before the Board and the meeting was adjourned at 5:10 p.m.

APPROVED:

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Mary L. Grendow, Clerk

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John Feick, Chairman