

CITY OF TWINSBURG
BOARD OF ZONING APPEALS MINUTES
MAY 9, 2018

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
MAY 9, 2018**

Mr. Kancler called the meeting to order at 6:30 pm.

Present: Messrs: Brown, Wilner, Kancler and Griffith
Absent: Mr. Joe Zeitz

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

The Board recited the Pledge of Allegiance.

**CITY OF TWINSBURG
BOARD OF BUILDING AND ZONING CODE APPEALS
WORK SESSION
MAY 9, 2018**

1. Appeal #05-2018
Variance 1153.03

A public hearing will be conducted at 6:30 pm on May 9, 2018; for the purpose of hearing an appeal for variances from section 1153.03(a) 1 & 2 of the Twinsburg Zoning and Development Regulations which state that attached vehicle storage shall not exceed 600 square feet in area and requires a minimum 50 foot rear setback in a residential (R-4) district. The applicant is proposing a 29'W x20'D garage addition. This appeal is made by Thomas A. Nicholl of 2052 Presidential Parkway.

- Specifically, a 420 square foot floor area and 35 foot rear setback variances is requested.

Mr. Kancler asked for a motion to move from the work session straight to the regular meeting.

MOTION: I MAKE A MOTION TO MOVE FROM THE WORK SESSION INTO THE REGULAR MEETING.

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

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MEETING MINUTES
MAY 9, 2018**

PUBLIC PARTICIPATION – NONE

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Mr. Rodic administered the Oath to Mr. Thomas Nicholl.

Mr. Kancler stated for the record that the applicant has submitted detailed plans for variance on a garage addition and a rear yard variance.

- A 420 square foot floor area and 35 foot rear setback variances are requested.

Mr. Thomas Nicholl, 2052 Presidential Pkwy. presented the application for variance.

- As he is on a corner lot, he has a 19 foot long driveway and his 20 foot long vehicles sit over the sidewalk.
- He has older vehicles which he would like to keep inside and out of the weather, one of which is taller than the existing garage door so he is planning a taller opening for that vehicle.
 - This will allow maintenance to be done without disturbing the neighbors.
- He has a snow plow that he would like to store inside as well to make his property more orderly.

Mr. Kancler confirmed that the existing driveway is 19 feet long.

Mr. Nicholl replied that is correct, the garage was originally on the other side of the house and the builder changed that to a family room and placed the garage on Gettysburg Dr. instead, creating a very short driveway.

- This is a difficulty.
- The hardship is that he will have to move if he is not able to store his property inside.

Mr. Wilner added that the applicant has done nice work on other projects on his property and he believes that the current plan would enhance the property as well.

- As a part of this garage addition, the applicant would also have new siding put on the house and shed to make everything match.

Mr. Griffith asked what the purpose is for the breezeway.

Mr. Nicholl replied that it allows access to the rear yard without going around the new garage.

There were no public comments.

Mr. Kancler noted that no evidence has been presented that granting the variances requested would decrease or have a negative effect on value of adjoining or nearby properties.

MOTION: I MAKE A MOTION THAT WE APPROVE APPEAL #05-2018 SPECIFICALLY FOR A 420 SQUARE FOOT AREA EXPANSION IN THE GARAGE AND A 35 FOOT REAR SETBACK AS REQUESTED.

MR. BROWN MOVED, MR. GRIFFITH SECONDED

Mr. Kancler added to the motion that there is no opposition to the variance, there is no evidence of devaluing or a negative value effect on adjoining properties and if we grant the variance it would not be contrary to the spirit of the Code at 1199.09 and that the applicant has established both a practical difficulty and a hardship in the way that his property is situated if we don't grant the variance.

UPON ROLL CALL, MOTION PASSED UNANIMOUSLY.

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Mr. Rodic explained that City Council Representative Sam Scaffide will present this appeal to City Council and request the 30 day consideration period be waived. The next step will be the Architectural Review Board meeting in June.

APPROVAL OF MINUTES – Dated April 25, 2018.

MOTION: I MAKE A MOTION TO APPROVE THE MINUTES OF THE APRIL 25 MEETING.

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

COMMUNICATIONS –

Mr. Scaffide informed the Board that City Council has legislation before them that may affect the Board of Zoning Appeals; Ordinance #56-2018 establishes Chapter 769 of the Codified Ordinances of the City of Twinsburg creating a Donation Box regulation regarding the boxes sitting on various properties for donations.

- 769.07 Revocation of a Permit, (c) is the appeal area. If the permit were revoked by the Building Commissioner, the appeal would be to the Board of Zoning Appeals.
- This has had one reading at City Council with two more to come, he advises the BZA members to obtain a copy of the Ordinance for their reference.

Mr. Kancler commented that may fall under both variances and exceptions to the Code.

Mr. Scaffide offered a copy to the BZA members to review.

Mr. Rodic explained that the building owner would apply for a permit and there is a \$100.00 annual fee.

- The Ordinance requires the property owner to provide screening of the box from the street as well as keeping all donations inside of the box; nothing lying on the ground near the box.

Mr. Wilner asked if there are any currently in the city.

There was a conversation regarding boxes on various locations around Twinsburg.

Mr. Kancler noted that, if this is a growing trend in the City, there should be some regulations.

Mr. Rodic addressed the application process, specifically the letter that the applicant is asked to submit explaining the three criteria by which a variance is determined.

- Often the applicant submits a summary of their variance request without addressing those criteria specifically.
- Is the Board comfortable with the summary type application letter or do they prefer that the applicant fully address the specific criteria?

Mr. Kancler stated that the reasons for granting each variance should be given so that, when City Council is given the variance, they understand the grounds upon which it was granted.

Mr. Brown agreed, the applicant should respond to each of the three criteria asked of them.

- If the applicant does not explain their circumstances, the BZA and Council members may not understand the reasons for considering the variance.
- The board members take their time to investigate the variance request and the property involved, the applicant should be obligated to answer the questions on the application and BZA is obligated to be sure City Council has the full scope of why the decisions were made.

Mr. Rodic stated that submissions will not be accepted without a complete application.

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EXCUSE ABSENT – Mr. Joe Zeitz

MOTION: TO EXCUSE MR. ZEITZ FROM THE MEETING.

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

ADJOURNMENT- The meeting was adjourned at 6:49.

Ed Kancler, Chairman

Russ Rodic, Building Commissioner