

RECORD OF PROCEEDINGS
UNION TOWNSHIP BOARD OF ZONING APPEALS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

MARCH 7

2013

The March 7, 2013 meeting of the Union Township Board of Zoning Appeals was called to order at 7:00 PM with an invitation to join in the Pledge of Allegiance by Chairman Randall Wulker. Vice Chairman Brian Ford and Member Ben Joehnk were unable to attend. Calvin Aicholtz, Thomas Hanrahan and Alternate Richard DePucchio were in attendance. Cory Wm. Wright, Assistant Township Administrator and Planning and Zoning Director, represented the department. The minutes from the January 3, 2013 hearing were approved as distributed with Mr. DePucchio abstaining. Cases #1-13-A and 2-13-A were heard. All those addressing the Board were duly sworn.

Mr. Wright introduced the application in Case #1-13-A filed by Clark Moore for his property at 4864-4868 seeking variances to expand a pre-existing nonconforming house where two principal structures exist on the same lot of record. The large farmhouse was built circa 1890 and the second built before the inception of zoning regulation in the 1950's. A barn structure was added to the smaller 1950's structure with agricultural exemption several years ago. The applicant now wishes to convert that attached structure to living quarters and essentially double its area. All structures are in excellent condition making the conversion viable. The proposal does not appear to impact adjoining properties. The nature of the lot and joint ownership of the adjacent land appear to pose a hardship impeding reconfiguration of the parcels. The surrounding neighborhood, made up of lots in significant acreage, makes this a unique situation.

Mr. Moore appeared on behalf of his application. With no other testimony and general consensus of the Board, Mr. Aicholtz moved that the Board approve the applicant's request for a variance to Sections 506 & 1060 of the Zoning Resolution, as requested by the applicant, in order to allow the applicant to expand a pre-existing, lawful nonconforming residential use, thereby allowing continuation and expansion of the second single family residential dwelling into a structure previously constructed for agricultural use, provided all permits are obtained by the applicant, as submitted, based on the evidence, testimony, and findings of fact. Mr. DePucchio seconded the motion.

ROLL CALL: Mr. Aicholtz, aye; Mr. DePucchio, aye; Mr. Hanrahan, aye; Mr. Wulker, aye.

Mr. Wright described the application submitted by Richard Hueber for property at 809 Greenwood Lane seeking variances to increase the area of an accessory in the R-1 District to 2,250 sq. ft., with a net height of 20.5 ft. or 27 ft. in gross height in excess of the limits and to waive the paving requirements for new access driveway. Just off Glen Este-Withamsville Road on Greenwood Lane, the lot adjoins the vacant corner lot. The proposal would meet setback requirements. A paved driveway would lead to a fenced enclosure with a gravel surface as a turnaround area. Concerns involve the bulk and area of the lot, the environs and the size of the proposal, great than 125% of the allowed 1,000 sq. ft. and a 46% increase in maximum net height. The proposed gravel area is significantly larger than the 30 ft. maximum drive width, yielding coverage of more than a third of the total lot area. The older nature of the private street relies on gravel and the applicant asserts that the proposal is consistent with the area. The applicant states that the reason for the variances is to accommodate storage of a large recreational vehicle and boat. Staff analysis pointed out several factors that could have negative impact, calling for modifications should a favorable decision be rendered.

Richard Hueber spoke on behalf of his application. He began by submitting a revised site plan to the Board taking into consideration some of the staff comments, rotating the building, reducing the turnaround area, and adding additional pines to buffer the west adjoiner. Mr. Hueber plans to grade and construct the drive to avoid dust issues. Mr. Hueber explained that he purchases run-down properties and improves them, planning to do the same here. He described the vehicles he owns, stating he wants to get a larger RV, boat, and a lift into this structure, making it difficult to downsize the request. If there are

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alternatives to reduce the height and still get the space he needs, Mr. Hueber stated would be willing to explore them once he received an approval here.

With no further testimony, the Board commented to each other that the structure was huge. Mr. Hanrahan stated that it was almost as large as a two story house. Mr. Hueber returned to the podium and pointed out some commercial structures at St. Thomas More and the grandfathered block building across the street. Mr. Hanrahan explained that the difference was that these were uses instituted before zoning was enacted. The Board asked if Mr. Hueber had any renderings of the proposed building, as none were submitted. Mr. Hueber showed some plans that were under consideration, but had no copies for the record, including a model that might be workable with a shorter wall. Mr. DePucchio stated that he was not comfortable with the proposal as it was too high and too big. Mr. Hueber stated that he could probably try to go with a 40 ft. by 40 ft. building and would look for a design with a 12 ft. wall, but would spend money to landscape it to make it look right. Mr. Hanrahan expressed the concern that a structure that size could easily be used for commercial purposes and is inappropriate. Mr. Wright confirmed that the property beside and across Glen Este-Withamsville were residentially zoned.

Mr. Hanrahan moved that the Board deny the request for variance in Case #2-13-A, stating that he does not see a hardship in this and that the request was very excessive to what would normally be considered as noted in the staff report, according to the evidence, testimony and findings of fact. Mr. DePucchio seconded the motion.

ROLL CALL: Mr. Hanrahan, aye; Mr. DePucchio, aye; Mr. Aicholtz, aye; Mr. Wulker, aye.

Discussion was reopened regarding procedure for reconsideration. Mr. Wright clarified that the Board denied the request as submitted, but that the meeting was not adjourned until they so moved. Through further discussion a compromise was reached as to what might be workable under the framework of Article 4. Mr. Aicholtz brought up the paving request. Mr. Wright stated that the reduced height and area, along with the reorientation and additional screening as presented to the Board in the hearing would be a significant alteration in the proposal. Mr. Hanrahan asked what the projected height would be with a 30 ft. by 40 ft. structure and a 12 ft. wall. Mr. Hueber estimated at roughly 18 ft. to the peak; Mr. Wright agreed probably 14 to 15 ft. in net height.

Mr. Hanrahan moved to reopen the case which was seconded by Mr. Aicholtz and approved unanimously in a roll call vote.

Mr. Hanrahan moved that in Case 2-13-A the Board modify the applicant's request for variance to Section 711.1, 711.5 and 801.5 of the *Union Township Zoning Resolution* to allow for the construction of a 30 ft. by 40 ft. accessory structure to a gross height not to exceed 18 ft. and served with a large gravel access driveway, thereby granting an asphalt paving exemption as submitted, based on the evidence, testimony and findings of fact, with the additional conditions that the screening and the building orientation submitted this evening be the requirement; reiterating that the 40 ft. width from the original request would be reduced to 30 ft. width and the 50 ft. depth would be a 40 ft. depth. Mr. Aicholtz seconded.

ROLL CALL: Mr. Hanrahan, aye; Mr. Aicholtz, aye; Mr. DePucchio, aye; Mr. Wulker, aye.

Mr. Hueber thanked the Board for revisiting his request and assured them he would make it right. With no further business before the Board, the meeting was adjourned by unanimous vote at 7:44 PM.

Approved by:



Randall Wulker, Chairman