GENOA TOWNSHIP
BOARD OF ZONING APPEALS
DECEMBER 18, 2012

Present: Harry Goussetis, Chair
          Curtis Williams
          Mark Harmon
          Cybele Smith
          David Dunn

Also Present: Joe Clase, Director of Development & Zoning

RE: BZA 2012-13 (6001 Sunbury Rd.)
    BZA 2012-14 (5215 Blessing Ct.)

Mr. Goussetis called the meeting to order at 7:01 p.m.

OLD BUSINESS

Minutes – 11/27/12

Mr. Williams moved to approve the Minutes from November 27, 2012, as written. Motion was seconded by Ms. Smith. Roll call: Mr. Williams, aye; Mr. Goussetis, aye; Ms. Smith, aye; Mr. Harmon, aye; Mr. Dunn, aye. Motion carried.

NEW BUSINESS

BZA 2012-13

This hearing began at 7:03 p.m.

Mr. Goussetis read the legal notice for the record, as follows:

RALEIGH AND THERESA KLANDNEY, REQUESTING A VARIANCE TO §1609.01(C) OF THE GENOA TOWNSHIP ZONING RESOLUTION, TO ALLOW FOR CONSTRUCTION OF AN ACCESSORY STRUCTURE TO BE CLOSER THAN THE MINIMUM REQUIREMENT OF 15 FEET TO THE PRINCIPAL STRUCTURE, ON LOT 7520 OF THE WALNUT GROVE ESTATES SUBDIVISION, 5215 BLESSING COURT, A PLANNED RESIDENTIAL (PRD) ZONING DISTRICT.

Mr. Goussetis asked everyone to sign the sign-in sheet and directed those who wished to speak to stand and be sworn in.
Mr. Goussetis marked the following as exhibits:

Exhibit “A” – Legal Notice  
Exhibit “B” – Sign-in Sheet  
Exhibit “C” – Application  
Exhibit “D” – Staff Report, dated 12/18/12

Mr. Kladney stated that he is proposing to build a 13x24 foot detached, one-car garage on his property. He had a survey done due to the existence of an easement to be sure that no construction was done in that easement. As a result, the proposed garage would need to be constructed eight feet away from the existing principal structure instead of the required fifteen feet as required by the Zoning Resolution. The purpose of the proposed garage is to provide additional personal vehicle and miscellaneous storage. Mr. Kladney testified that the exterior building materials for the proposed garage would match the existing house.

Mr. Dunn asked Mr. Kladney if he had any objection to the stipulation by the Genoa Township Fire Department that, if this variance were to be approved, he install the one-hour fire separation materials to the proposed garage on the side closest to the principal structure. Mr. Kladney agreed to that stipulation and will work with the Development and Zoning Office to make sure he uses the correct materials.

Susan Dorsch, Permit and Compliance Inspector, stated that the Township does not have any objections to the requested variance as long as the applicant complies with the Fire Department’s stipulation. Mr. Kladney would have been able to construct the garage in a compliant location if the easement on the property did not exist. Ms. Dorsch stated she was not aware of any public objections to the requested variance.

Public Comment:

None.

Board Comment:

At this time, the Board reviewed the criteria in Duncan v. Middlefield, as follows:

(a) Whether the property in question would yield a reasonable return or whether there can be any beneficial use of the property without the variance. The Board deemed that the property in question would yield a reasonable return and there can be beneficial use of the property without the variance.
(b) Whether the variance is substantial. The Board deemed that the variance is substantial since it is approximately 47% less than the Zoning Resolution allows.
(c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance. The Board deemed that the essential character of the neighborhood would not be substantially altered nor would adjoining properties suffer a substantial detriment as a result of the variance.

(d) Whether the variance would adversely affect the delivery of governmental services (i.e., water, sewage, garbage). The Board deemed that the variance would not adversely affect the delivery of governmental services.

(e) Whether the property owner purchased the property with knowledge of the zoning restriction. The Board deemed that the property owner did purchase the property with knowledge of the zoning restriction.

(f) Whether the property owner’s predicament feasibly can be obviated through some method other than a variance. The Board deemed that the property owner’s predicament can feasibly be obviated through some method other than a variance.

(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The Board deemed that the spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

Mr. Dunn moved, incorporating Exhibits “A” through “D” into evidence, to approve a variance for BZA 2012-13, dated November 27, 2012, to allow for construction of an accessory building to be seven (7) feet from the principal structure on Lot 7520 of the Walnut Grove Estates subdivision, 5215 Blessing Court, a Planned Residential (PRD) Zoning District, based on the following findings of fact.

(a) The property in question would yield a reasonable return and there can be beneficial use of the property without the variance.

(b) The variance is substantial since it is approximately forty-seven percent (47%) less than the Zoning Resolution allows.

(c) The essential character of the neighborhood would not be substantially altered and the adjoining properties would not suffer a substantial detriment as a result of the variance.

(d) The variance would not adversely affect the delivery of governmental services.

(e) The property owner did purchase the property with knowledge of the zoning restriction.

(f) The property owner’s predicament can feasibly be obviated through a method other than the variance.

(g) The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.
Approval of this variance is subject to the owner’s agreement to the following condition:

1. Provide a one-hour fire separation wall on the detached garage where the walls face the existing structure.

Motion was seconded by Mr. Williams. Roll call: Mr. Goussetis, aye; Mr. Harmon, aye; Ms. Smith, aye; Mr. Dunn, aye; Mr. Williams, aye. Motion carried.

This hearing ended at 7:20 p.m.

BZA 2012-14 (6001 Sunbury Rd.)

This hearing began at 7:22 p.m.

Mr. Goussetis read the legal notice for the record, as follows:

MITZI HINES, REQUESTING A VARIANCE TO §606.07 OF THE GENOA TOWNSHIP ZONING RESOLUTION TO ALLOW A PROPOSED ADDITION TO ENCROACH INTO THE MINIMUM SIDE SETBACK, ON PROPERTY LOCATED AT 6001 SUNBURY ROAD, A RURAL RESIDENTIAL (RR) ZONING DISTRICT.

Mr. Goussetis asked everyone to sign the sign-in sheet and directed those who wished to speak to stand and be sworn in.

Exhibit “A” – Legal Notice
Exhibit “B” – Sign-in Sheet
Exhibit “C” - Application
Exhibit “D” – Staff Report, 11/27/12
Exhibit “E” – Letter from Mr. and Mrs. Anderson
Exhibit “F” – Letter from Mr. Wells
Exhibit “G” – Architectural rendering of property

Justin Collamore, Collamore Builders, attended on behalf of the applicant. Homeowner, Herb Platt, also appeared and assisted in the presentation. Mr. Collamore stated that the applicant is proposing to construct an addition on each side of the existing house. The applicant is requesting a variance for the garage addition on the north side of the house. No variance is needed for the addition to the south side of the house. Mr. Collamore testified that they researched different locations areas on the lot in which to build the garage addition; however, the location proposed in this application will provide the best solution for the homeowners’ needs.

Mr. Collamore stated that the proposed addition would be located approximately eight feet from the north property line. The neighbor’s home is located approximately
25 feet from their property line. The distance between the two structures would be approximately 33 feet, which is sufficient for the safety aspect required by the Fire Department. Mr. Platt submitted letters from his adjacent neighbors giving their support for the requested variance.

Mrs. Dorsch stated that the Development and Zoning Office has no objection to the variance request since the initial concerns of the Fire Department have been addressed with respect to the building separation.

Public Comment:

None.

Board Comment:

The Board reviewed the criteria in *Duncan v. Middlefield*, as follows:

(a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance. **The Board deemed that the property in question would yield a reasonable return and there can be beneficial use of the property without the variance.**

(b) Whether the variance is substantial. **The Board deemed that the variance is substantial since it is approximately 68% less than the Zoning Resolution allows.**

(c) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance. **The Board deemed that the essential character of the neighborhood would not be substantially altered nor would adjoining properties suffer a substantial detriment as a result of the variance.**

(d) Whether the variance would adversely affect the delivery of governmental services (i.e., water, sewage, garbage). **The Board deemed that the delivery of governmental services would not be adversely affected.**

(e) Whether the property owner purchased the property with knowledge of the zoning restriction. **The Board deemed that the property owner did have knowledge of the zoning restriction when he purchased the property.**

(f) Whether the property owner's predicament feasibly can be obviated through some method other than a variance. **The Board deemed that the property owner's predicament can feasibly be obviated through some method other than the requested variance.**

(g) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. **The Board deemed that the spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.**
Mr. Dunn moved, incorporating Exhibits “A” through “G” into evidence, to approve a variance for BZA 2012-14, dated November 30, 2012, to allow a proposed addition to encroach seventeen (17) feet into the minimum side setback, on property located at 6001 Sunbury Road, a Rural Residential (RR) Zoning District, based on the following findings of fact:

(a) The property in question would yield a reasonable return and there can be beneficial use of the property without the variance.
(b) The variance is substantial since it is approximately sixty-eight percent (68%) less than the Zoning Resolution allows.
(c) The essential character of the neighborhood would not be substantially altered nor would the adjoining properties suffer a substantial detriment as a result of the variance.
(d) The variance would not adversely affect the delivery of governmental services.
(e) The property owner did purchase the property with knowledge of the zoning restriction.
(f) The property owner’s predicament can feasibly be obviated through a method other than the variance.
(g) The spirit and intent behind the zoning requirement would be observed and substantial justice would be done by granting the variance.

Motion was seconded by Ms. Smith. Roll call: Mr. Goussetis, aye; Mr. Harmon, aye; Ms. Smith, aye; Mr. Dunn, aye; Mr. Williams, aye. Motion carried.

This hearing ended at 7:52 p.m.

Mr. Williams moved to adjourn at 7:53 p.m. Motion was seconded by Mr. Harmon. Vote: all ayes. Motion carried.

Respectfully submitted,

Vicki L. Stainer
Zoning Secretary

Date Approved: ____________________

Harry Goussetis, Chair