



MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

November 6, 2014

**A. Call to Order – 7:30 p.m.**

1. Roll Call - the following members present: D. Falcoski, L. Reibel, R. Hunter, B. Seitz and C. Crane. Also present was L. Brown, Director of Building and Building, and D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Mr. Hunter moved to approve the October 2, 2014 minutes, seconded by Mr. Falcoski and the minutes were approved
4. Affirmation/swearing in of witnesses.

**B. Unfinished Business**

**1. Appeal – Notice of Violation and Order to Correct – Excessive Vehicles on Site – 6568 N. High St. (Tilton’s Automotive Services) BZA 36-14**

Mr. Hunter moved to take off table, Ms. Reibel seconded the motion and all members voted “aye” thereon

Discussion:

Mr. Phillips said this property is in the C-3 district where Automotive Services is neither a permitted or conditional use. On May 18, 2004 an application for a change in nonconforming use was received to allow Tilton’s Automotive Services to operate at the property. The application included a site plan showing 17 parking spaces. The building has 3 vehicle maintenance bays which total 20 spaces for vehicles. At the June 3, 2004 Board of Zoning Appeals hearing, Andy Tilton testified he would have from 10 to 20 cars on the lot at any given time. The Board approved the change from one nonconforming use to another. Part of that approval was the site plan showing up to 20 vehicles on that portion of the property for the nonconforming use. On August 4, 2014, the Building Inspector found 20 vehicles south of the building, 19 vehicles north of the building, and 3 vehicles inside the building totaling 42 vehicles on the portion of the property approved for 20 vehicles. On August 4, 2014, the Building Inspector found were 13 vehicles in the lot of 6560 North High Street. No record of an application was found seeking an expansion of a nonconforming use nor was any such approval found. On August 12, 2014, the

Chief Building Inspector found 6 vehicles in the lot of 6600 North High Street. That building has been vacant for a number of years. No record of an application was found seeking an expansion of a nonconforming use nor was any such approval found. The Chief Building Inspector found the Board of Zoning Appeals approved the parking of 20 vehicles on the property associated with the nonconforming use and 55 vehicles were parked on August 4, 2014 associated with the said use. This expansion of a nonconforming use was not approved, is in violation of the Zoning Ordinance, and ordered the owner of the property and the operator of the automotive services use to correct the violation.

Mr. Phillips continued to say it is not clear if the Board of Zoning Appeals would have approved the change from one nonconforming use to another if 55 vehicles were proposed instead of 20, especially when the vote in 2004 was a close 3 to 2. Similarly the 2 office uses on the property were never part of the discussion about the change in nonconforming use and expansion into those adjacent portions of the property had not been applied for, not approved, and the change from a conforming use to a nonconforming use would not be permitted. Staff did not err in finding a violation of the Zoning Ordinance.

Ms. Crane asked if the Board is only talking about the excessive vehicles at 6568 High Street or also the adjacent property at 6600 High Street, Mr. Phillips stated there are three addresses on the one property, the uses being considered are the entire property. In 2004 the approval was for just the central portion where the old gas station used to be, to go from one non-conforming use to the other, and the other two addresses were permitted uses then and now.

Ms. Crane asked if there were any questions for staff. Mr. Hunter said with three parcels on this property. Mr. Phillips replied there is one parcel with three buildings, each with their own address. Mr. Hunter stated he did not believe the amount of vehicles actually made it into the motion, but remembers a discussion on the amount. He also asked for clarification on what a yes vote and a no vote would actually mean.

Mr. Brown stated it has been staffs interpretation with support of the Director of Law that with the parking on the neighboring parcels it is typically from a permitted use to a permitted use within the same zoning category. This use being a nonconforming use and approved in 2004 for specific portion of the lot. By parking vehicles on other portions of the lot, it becomes an expansion of an existing nonconforming use.

Mr. Brown continued to say, due to complaints about the number of vehicles parked on the entire property, staff went back to the minutes from 2004 Board of Zoning Appeals and Architectural Review Board meetings to get a timeline and framework of what was actually approved by the Board, including the site plan that was submitted. The motion did not go into detail as to the number of vehicles, however, the motion did reference the findings of fact and conclusions in staff memo and the materials as presented at the meeting.

Mr. Hunter stated that in the 2004 meeting there was a discussion about a number, but did not think there was a specific number. Mr. Phillips replied that on page 62 of the 2004 meeting minutes, seventh line from the bottom, Andy Tilton stated he would have between 10 and 20 cars at any one time. Mr. Hunter stated he chooses to disagree and would like to hear from the applicant.

Mr. Falcoski read a portion of a letter from Mr. Plank about the Zoning Code Section 1171(c) and asked if it was correct. Mr. Brown replied that is where staff is disagreeing with the appellant. The Director of Law has advised the uses are usually associated with parking next to each other, that it is from one permitted use within the same district to the next. But this being a nonconforming use approved for that portion of the lot, by allowing parking on portions of the lot associated with the other uses, it would be an expansion of a nonconforming use and would need approval by the Board of Zoning Appeals.

Ms. Crane said she believes that if there were seventeen parking places that there would not be fifty five cars parked on the lot, and recalls it was the concern of some of the board member back in 2004.

Andy Tilton, 580 Hartford Street, stated that he had spoke with Jeffry Harris about a year ago due to knowing they had a parking problem. He then met with Lee Brown, Lynda Bitar, Don Phillips and the Law Director. The violation letter was actually secondary to a visit from the City Manager who explained he was responding to phone calls complaining about the number of vehicles parked at his business. There was a second meeting with Pam Fox, Matt Greeson, Lee Brown, Lynda Bitar, Don Plank, and myself where they discussed him moving toward a corrective action for the multiple cars parked. Since that meeting they have repaved the parking lot and striped it for twenty four parking places, not realizing eleven years ago when he proposed to have ten to twenty cars parked on the lot that he would be held to that number, or that his business would grow to this point. He stated he does not disagree with the violation of the number of cars parked on the lot, however, he has met with the City asking for help to resolve this issue. Then he read Zoning Code 1123.2 which defines accessory use or structure, stating he will endeavor to control the amount of vehicles on his lot, but, does not believe his business can be segregated in its nonconforming use variance from using the very Code that allows for parking on adjacent parking lots within three hundred feet of the physical building. Mr. Tilton then read Zoning Code 1171.02 special parking provisions, stating if the Code permits for off-site parking for a principle use on a lot up to three hundred feet from the use, clearly onsite, on lot parking even if the property has multiple addresses is permitted. Lastly stating he has no way of controlling the drop offs on Saturday and Sunday and some clients have their cars towed in also having no control where the wrecker driver drops the vehicles.

Ms. Crane asked if there were any questions for the applicant. Ms. Reibel stated she would like to support the possible expansion of his business, but is confused procedurally. Mr. Phillips replied if this was an expansion of a nonconforming use, you would be approving Mr. Tilton parking on the adjacent conforming uses, but tonight is not an application for an expansion of a nonconforming use, he was found in violation of a Zoning Code, has appealed that decision, and now the Board must decide whether or not that the notice was correct and that he is in violation.

Mr. Hunter asked what a yes vote means and Mr. Phillips replied saying it would mean that Mr. Tilton's appeal is upheld and he is allowed to park an unlimited number of vehicles on the property.

Mr. Hunter then asked what a no vote means and Mr. Phillips replied it would mean that the order was correct and that Mr. Tilton has to correct the violation, or he can appeal to Franklin County Common Pleas.

Mr. Hunter asked how can he comply without a number either in the original motion or tonight. Mr. Phillips replied by getting the number of vehicles down to twenty, or he can apply to the Board of Zoning Appeals for an expansion of a nonconforming use, or he can apply to the City for a rezoning to the C-4 zoning category; there are options for Mr. Tilton to reach his business goals.

Mr. Brown said staff has met with the appellant over the past year and has explained these three options to him. Staff is focusing on the portion of the site that was discussed in 2004 that is shown on the site plan and referenced in the meeting minutes of twenty cars. If the Board feels that the twenty cars for that portion was not part of the meeting minutes of 2004 then that is open for discussion.

Ms. Crane stated she would like to take a five minute recess and reconvene at 8:20pm.

Ms. Crane stated we are reconvened and that a couple members of the Board request from staff once more the definition of what a yes vote and a no vote will mean on the proposed motion. Mr. Phillips said a yes vote means that the appeal is granted, staff erred and Mr. Tilton is allowed to park an unlimited number of vehicles on the property. A no vote means the order was correct, staff was correct in the interpretation, and only twenty vehicles are allowed to be parked there per the 2004 approval.

Mr. Tilton stated he would like the Board to make the decision on the appeal. It is not about an expansion of a nonconforming use. He believes they have not expanded their nonconforming use and steps have been taken at 6568 N. High Street to not exceed in the amount of cars verses the number of parking spaces. Mr. Tilton stated he is asking the Board to allow him to have twenty seven cars, three inside and twenty four outside in a controlled environment on 6568 N. High Street, and the ability to supplant finished cars, undone cars on the adjacent parking lots, as your Code reads should already have permission to do, but instead has had to pay two hundred fifty dollars a month for offsite parking for ten vehicles because staff believed it would be a good step forward, and wants the Board to uphold his appeal because it means permission has been given to do the very thing the ordinances allow. Mr. Hunter stated the Board in 2004 should have put in the motion the number of vehicles allowed, but tonight it is either a yes or no, the motion cannot be amended on an appeal. Mr. Tilton stated since his attorney is not present he would like this tabled.

Mr. Seitz said this would give time to apply to the Board for an expansion. Mr. Tilton stated every meeting he has had with staff even with the City attorney involved he was told emphatically the City will never grant you an expansion of a nonconforming use or the City does not see that it will ever happen on this piece of property, and this is the reason for the appeal.

Ms. Crane asked why the motion only deals with parking at 6568 N. High Street, then read from the violation notice page 2 section 1121.04(B) and section 1151.04(A), and asking if that applies. Mr. Phillips replied yes 1151.04(A) does apply. On December 13, 1971 when the current zoning ordinance went into effect that particular property was zoned C-3 but the existing service station and the associated parking on that site became a legally nonconforming use, which is allowed to remain. In 2004 Mr. Tilton applied to change from one nonconforming use to another nonconforming use, so 1151.04(A) speaks about enlarging a nonconforming use and staff's interpretation is he enlarged it from twenty cars to fifty five cars, and when he moved

vehicles into the parking lot to the north at 6600 and to the east at 6660, which are conforming uses, he expanded a nonconforming use into a conforming area, which is in violation of section 1121.04(B).

Ms. Reibel stated there are no residences adjacent to this property so were the complaints by other businesses. Mr. Brown replied they were from residents of Worthington Estates, Worthington Glen Condominiums behind the Municipal Building, and there were a variety of complaints but since the lot has been cleaned up, there have been two positive phone calls.

Ms. Crane asked if there was anyone in the audience to speak for or against this proposal.

Martha Lopeman, 652 Sinsbury Drive, stated she is very happy with Mr. Tilton's business.

Chris Tilton, 261 North Chillicothe Street, Plain City, and son of Mr. Tilton, stated the site plan from then was just referencing parking spaces in a general nature, the numbers in minutes and are not factual. The lot currently is to code.

Brett Holland, 135 West Clearview Avenue, stated this 1.3 acre property has been servicing cars since the 1960's and Andy Tilton has been here for eleven years. Mr. Holland named organizations and activities that Mr. Tilton is associated with and that the growth is a result of the residents supporting this business.

Ms. Crane asked if the Board votes to approve the appeal which sides with Mr. Tilton, will this apply to the property under another ownership. Mr. Phillips replied the decision would only effect this violation order which has been appealed, so the findings of the Building Inspector are either correct or not correct.

Ms. Crane asked if the allowing of unlimited parking would stay with this property for this use. Mr. Phillips replied that is correct and if Mr. Tilton cease operations and someone else come in, that could be a change from a nonconforming use to another nonconforming use and could have to come before this Board.

Ms. Crane stated she is trying to separate this case from the owner, this not a personality issue, this is an issue about the property and the community, not whether it is a good repair shop or a helpful repair shop or a bad one, but whether there should be more cars on the lot than was approved, it is either what we approved or not what we approved, and whether it goes onto the other businesses there or not. There is not an issue about what a wonderful citizen the owner is, that is not being argued or that good repairs are done, again not arguing that.

Mr. Hunter said with all respect to the applicant, he calls for the question.

Mr. Brown stated that from the City staff's point, we are not against Mr. Tilton or the business or wanting it to thrive, but it needs to go through a certain public process to be able to do his next steps and his long term goals.

Ms. Crane stated that the question has been called by a member of the Board asked for a motion.

Mr. Seitz stated he is confused about the twenty parking spaces originally approved. Staff is saying it was in the record and why Mr. Tilton got a notice. Then there are members on the Board and the applicant are saying they do not remember the amount on which they agreed to. He is not sure how he can fairly vote yes or no and even though Mr. Tilton works on his cars it is not a reflection as whether we think it is a good business or a bad business.

Mr. Crane said this drawing was in the record, which might not be to scale but it does show a certain number of parking spaces. We give our motions based on the findings of fact and conclusions in the staff memo which should be in the minutes, which means the Board did approve it based on that expected usage of twenty cars and that there would not be more than that piling up, because that was a concern.

Ms. Crane said the question has been called. Mr. Tilton said he did not understand what that meant. Ms. Crane explained a Board member has called the question, which means he asks that we vote now, move to vote. Ms. Crane said she needs a motion to do that.

Mr. Tilton asked if he could table this and Mr. Hunter said he would like to withdrawal his motion to table. Mr. Seitz said no motion was made and Mr. Hunter said he did not make a motion, that he called for the question, which he would like to withdraw.

Ms. Crane asked Mr. Tilton if he would like to table this and Mr. Tilton said yes.

Mr. Hunter asked if someone were to go to the site tomorrow and count a different number of parking spaces that are striped what would happen. Mr. Phillips replied that if they are not on the adjacent portions and are legally parked on his lot then it would be found that he has corrected the violation and a thank you letter would be sent. The fact is he has appealed the order so staff cannot do any of those things.

Mr. Tilton asked if the Board has authority to make a motion that reflects the request of twenty four spots outside and three spots inside. Ms. Crane replied no, because this is an appeal of the finding of the Building Inspector and not a redesign of the property, which would have to be a separate application for an expansion of a nonconforming use.

Mr. Falcoski asked, if he believes that the City is correct that there were fifteen to twenty spaces at that time, but thinks he should be allowed to park more, how should he vote. Mr. Phillips replied he cannot say how to vote. Ms. Crane stated this is not about if he should be allowed to park more vehicles, if he gets an expansion of the nonconforming use, but whether staff was in error in their findings.

Ms. Crane stated there has been a request to table this by Mr. Tilton, may we have a motion.

Mr. Hunter moved to table, Mr. Seitz seconded and all members voted "aye" thereon.

## **C. Items of Public Hearing**

### **1. Variance - Rear Yard Setbacks – Porch – 6617 McBurney Pl. (Dave Dowden/Oberholzer) BZA 37-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked if there were any questions from staff.

David Dowden, 995 Groveport Road, Canal Winchester, stated originally it was going to be attached but felt it would affect the lighting in the house, so it was decided to build it away from the house.

Ms. Crane asked if there was anyone in the audience to speak for or against this request.

Findings of fact:

1. This property is in the R-10 district where the minimum rear yard requirement is 30 feet. Uncovered patios and decks are permitted to within 15 feet of the rear property line. Detached accessory structures must be set back 5 feet from the rear property line if not greater than 120 square feet in area, or 10 feet if in excess of 120 square feet in area.
2. The applicant is proposing to construct a 16 foot by 18 foot detached covered patio, 2 feet from the rear property line. The requested variance is 8 feet.
3. This Board had previously approved a 20 foot by 20 foot attached covered patio 10 feet from the rear property line. The granting of this variance would replace the previous variance.
4. The 2013 Residential Code of Ohio requires projections within 5 feet of a lot line be made of 1 hour, fire-resistance rated construction. Granting of this variance does not grant variances from the 2013 Residential Code of Ohio.

Conclusions:

1. The existing dwelling extends to the buildable portions of this irregularly shaped lot. The placement of the detached patio 10 feet from the rear lot line would place it very close to the dwelling. The property to the west is 692 feet deep, the west property line is screened with heavy vegetation, and the house on that lot is more than 100 feet northwest of this property. These factors mitigate the substantial nature of the variance request.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Mr. Seitz moved:

**THAT THE REQUEST BY DAVE DOWDEN AND LORI OBERHOLZER FOR A VARIANCE FROM CODE REQUIREMENTS FOR REAR YARD SETBACK TO ALLOW THE CONSTRUCTION OF A DETACHED COVERED PATIO AT 6617 MCBURNEY PLACE, AS PER CASE NO. BZA 37-14, DRAWINGS NO. BZA 37-14 DATED OCTOBER 2, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Falcoski seconded the motion and all members voted “aye” thereon.

**2. Extension of Construction Completion Period – New Dwelling – 5566 Milton Ave. (Lisa DuVernay) BZA 38-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Lisa DuVernay, 505 Lambourne Avenue, said the windows go in tomorrow.

Mr. Hunter asked if one year is enough time to complete and Mr. Rousculp replied they plan to move in by the spring and then the landscaping and grading completed when able in the spring.

Ms. Crane asked if there was anyone in the audience to speak for or against this request.

Findings of fact:

1. Building Permit 20224 was issued on March 5, 2013 for selective demolition within the existing dwelling and expired on September 5, 2014. A time extension of up to 1 year can be granted.
2. The project scope has grown to include construction of a new dwelling on the existing foundation with some additions. The last set of revised construction documents were partially approved on March 31, 2014. The last inspection, of the porch footings, was completed on October 2, 2014.
3. Construction is well under way. The balance of the construction documents required by the 2013 Residential Code of Ohio is expected over the next several weeks including wall bracing, floor truss protection, heating, fire place, and electrical system information.
4. Neighbors had routinely asked about the status of construction last year but have since stopped inquiring once the foundation work resumed this past spring.

Conclusions:

1. It is in the City’s interest this project be encouraged to continue and the granting of a year of additional time seems reasonable.



Ms. Reibel moved:

**THAT THE REQUEST BY LISA DUVERNAY FOR AN EXTENSION OF CONSTRUCTION COMPLETION PERIOD OF ONE YEAR TO CONSTRUCT A NEW DWELLING AT 5566 MILTON AVENUE, AS PER CASE NO. BZA 38-14, DRAWINGS NO. BZA 37-14 DATED OCTOBER 3, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Falcoski seconded the motion and all members voted “aye” thereon.

**3. Variance – Side Yard Setback – Egress Window – 514 Longfellow Ave. (Stephen N. Denman) BZA 39-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Stephen Denman, 514 Longfellow Avenue, stated they are finishing the basement and this allows for a fourth bedroom.

Ms. Crane asked if there was anyone in the audience to speak for or against this request.

Findings of fact:

1. This property is in the R-10 district where the minimum side yard requirement is 8 feet.
2. The applicant is proposing the placement of a 4 foot 7 inch wide by 5 foot 4 inch deep window well to serve a new basement egress window, 6 feet 7½ inches from the east property line. The requested variance is 1 foot 4½ inches.

Conclusions:

1. The requested variance is not substantial.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Mr. Seitz moved:

**THAT THE REQUEST BY STEPHEN AND RISHANNA DENMAN FOR A VARIANCE FROM CODE REQUIRMENTS FOR SIDE YARD SETBACK TO CONSTRUCT A WINDOW WELL FOR AN EGRESS WINDOW AT 514 LONGFELLOW AVENUE, AS PER CASE NO. BZA 39-14, DRAWINGS NO. BZA 39-14 DATED OCTOBER 9, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Hunter seconded the motion and all members voted “aye” thereon.

**4. Variance** – Accessory Structure Area – New Detached Garage – **1105 Beechview Dr. S.**  
(Alainna Greene) **BZA 40-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Josh Greene, 1105 Beechview Drive South said they had nothing further to add to staff comments.

Ms. Crane asked if there was anyone in the audience to speak for or against this request.

Findings of fact:

1. This property is in the R-10 district where the maximum total accessory structure area is limited to 850 square feet.
2. The property has an existing 30 foot by 23.5 foot detached garage being attached to the existing dwelling by an addition to the said dwelling. The existing accessory structure area is 705 square feet.
3. The applicant is proposing a 20 foot by 40 foot detached storage building and garage. The proposed building is 800 square feet and would increase the total accessory structure area to be 1,505 square feet. The requested variance is 655 square feet.

Conclusions:

1. The 850 square foot requirement is absolute and not relative to lot size. The minimum R-10 lot size is 10,400 square feet or 0.239 acres. In this particular case, the lot is 1.337 acres and mitigates the substantial nature of the variance request.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Mr. Hunter moved:

**THAT THE REQUEST BY ALAINNA AND DENNIS GREENE FOR A VARIANCE FROM CODE REQUIREMENTS FOR TOTAL ACCESSORY STRUCTURE AREA TO CONSTRUCT A DETACHED GARAGE AT 1105 BEECHVIEW DRIVE SOUTH, AS PER CASE NO. BZA 40-14, DRAWINGS NO. BZA 40-14 DATED OCTOBER 10, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Seitz seconded the motion and all members voted “aye” thereon.

**5. Variance – Rear & Side Yard Setbacks – New Detached Garage – 35 W. Stafford Ave. (Jim Case) BZA 41-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Kris Case, 35 West Stafford Avenue, said the existing garage is about one and half feet from the property line and if the variance is not granted then the new garage would essentially be sitting in the middle of the back yard.

Jim Case, 35 West Stafford Avenue, said this garage is going to help with lighting and privacy from the Griswold Center.

Ms. Crane asked if there was anyone in the audience to speak for or against this request.

Jack Lundberg, 28 West Stafford Avenue, said they had a similar case which came before this Board to demolish their old garage and build a new two story garage, which has increased their property value, and asked that the Board approve this request.

Mr. Lundberg further said he believes that there is a third option, the City has the opportunity to withdraw the citation. He said his experience when constructing his garage, which after demolishing his old garage, received a stop work order because of a word that they provided during the meeting and the recording secretary misused the word in the minutes of their meeting. He stated that one word made all the difference in their case and believes in the Tilton case there is no specific number on which the citation was issued. Ms. Crane replied it would be more appropriate for Mr. Lundberg to speak when the matter comes back to the Board.

Ms. Crane asked if there was anyone in the audience to speak for or against this request.

Findings of fact:

1. This property is an existing lot of record in the R-10 district where detached accessory structures must be setback a minimum of 8 feet from the side property line and 10 feet from the rear property line.
2. The applicant is proposing to demolish an existing detached garage and construct a 24 foot by 24 foot detached garage, 3 feet from the east property line and 5 feet from the south property line. The requested variances are 5 feet for side yard setback and 5 feet for rear yard setback.
3. The 2013 Residential Code of Ohio requires exterior walls and projections within 5 feet of a lot line be made of 1 hour, fire-resistance rated construction. Granting of this variance does not grant variances from the 2013 Residential Code of Ohio.
4. The garage replacement is subject to, and has been approved by, the Architectural Review Board

Conclusions:

1. This property is very narrow and placing the garage closer to the side and rear property lines helps maintain a larger rear yard. This factor mitigates the substantial nature of the variance request.
2. The essential character of the neighborhood should not be substantially altered.
3. The delivery of governmental services should not be affected.

Mr. Falcoski moved:

**THAT THE REQUEST BY JIM CASE FOR A VARIANCE FROM CODE REQUIRMENTS FOR SIDE AND REAR YARD SETBACK TO CONSTRUCT A DETACHED GARAGE AT 35 WEST STAFFORD AVENUE, AS PER CASE NO. BZA 41-14, DRAWINGS NO. BZA 41-14 DATED OCTOBER 13, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Seitz seconded the motion and all members voted “aye” thereon.

**6. Extension of Construction Completion Period – New Dwelling – 362 E. Granville Rd. (Rodney Arcaro) BZA 42-14**

Discussion:

Mr. Phillips reviewed the staff memo.

Rodney Arcaro, 362 East Dublin-Granville Road, said he apologizes for not being done and that he has submitted a landscape and drainage plan for review.

Ms. Crane stated there is no one in the audience to speak for or against this request.

Findings of fact:

1. Building Permit 19839 was issued on May 4, 2012 to construct a single family dwelling and expired on November 4, 2013. A time extension of up to 1 year can be granted.
2. The last set of revised construction documents were partially approved on November 19, 2012. The last inspection, to grant a temporary certificate of occupancy of the dwelling, was completed on March 26, 2013. The temporary approval expired on April 26, 2013.
3. Construction is mostly complete. The balance of the construction documents required by the Codified Ordinances, including the approval of the landscaping plan by the Architectural Review Board, and approval of the final grading plan by the Department of Service and Engineering, is expected over the next several weeks. The application to the Architectural Review Board has been received. These approvals will likely push the site work and landscaping into winter with the work anticipated to be completed this spring. Once all work is completed, final inspections can be scheduled and a final certificate of occupancy and certificate of compliance can be issued.

4. The property owner to the west has inquired about the status of construction and site drainage on the property.

Conclusions:

1. It is in the City's interest this project be encouraged to continue and the granting time to June 30, 2015 seems reasonable.

Mr. Seitz moved:

**THAT THE REQUEST BY RODNEY ARCARO FOR AN EXTENSION OF CONSTRUCTION COMPLETION PERIOD TO JUNE 30, 2015 TO CONSTRUCT A NEW DWELLING AT 362 EAST GRANVILLE ROAD, AS PER CASE NO. BZA 42-14, DRAWINGS NO. BZA 42-14 DATED OCTOBER 13, 2014, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Falcoski seconded the motion and all members voted "aye" thereon.

Mr. Falcoski moved to adjourn, seconded by Mr. Seitz and the meeting adjourned at 9:28 PM.