



**WASHINGTON TOWNSHIP BOARD OF ZONING APPEALS MINUTES
September 28, 2015**

The Washington Township Board of Zoning Appeals met in regular session on September 28, 2015 in the Meeting Room of Washington Township Government Center. Members of the Board present were Mr. Klepacz, Mr. Schmidt, Mr. Roberts and Mrs. Mulligan. Mr. Schwartz was excused. Call to order at 7:00 p.m.

Pledge of Allegiance

Mr. Schmidt explained the hearing procedure.

Mr. Schmidt administered the oath to all persons testifying.

Case No. A-1709 Ronald and Cecilia Resch requests a reduction from the required side yard setback from 15' to 3' for a residential structure located at 523 Druewood Lane

Zoning Manager, Ryan Lee, presented the case.

The applicant requests reduction in the required side yard setback for a single-family dwelling located within an R-4 zoning district; which requires a minimum side yard setback of 15' from the property line. The proposed variance would allow for an encroachment into the required side yard area a total of 12', which would provide a minimum of 3' between structure and property line.

The board members were given correspondence from surrounding neighbors in opposition of the proposed variance request.

Staff is of the opinion that this request is substantial and that there does not exist practical difficulty precluding the property owner from beneficial use of the property without the variance.

Staff recommends denial of the requested variance, Case no. A-1709.

Mr. Klepacz- Will the proposed structure extends into the easement area?

Mr. Lee- There is a 5 foot easement which runs along the entirety of the northern property line and would be encroaching 2 foot into the 5 foot easement.

Mr. Schmidt- Who owns the easement?

Mr. Lee- It is a standard utility easement but I believe it exist a sewer line that runs there but the applicant can confirm the use.

Mr. Schmidt- The existing concrete pad is right at the edge of the easement and does not encroach into the easement?

Mr. Lee- It is my understanding that it does go up to the easement but is not located within it.

Mr. Lee noted that the survey submitted by the applicant was recently completed.

Ronald Resch, Cecilia Resch, 523 Druewood Lane, Washington Township, Ohio, both have been sworn in. We moved into this home late last year from downsizing from our two-story home. This house has been on the market for two years and we have been looking at it. The price has been going down and decided it was worth looking at and found several things. The limited family activates space in the family room which included a diagonal fireplace for heating the kitchen area too. We have 24 of us when we get together and couldn't have it at that house with that space. There is no back yard which is obvious with the 15 foot setback and we need an area for the

grandchildren and pets to be fenced in also safe. The exclusions we thought when we bought the property is not knowing where the property line was exactly because the information they got indicated it was further North. Our survey indicated it was further to the South. We decided to add a 12 x 24 four season's room adjacent to the heating area and family room. We would not have a backyard but will run a fence from the addition towards Anne Lane go out about 30 feet going the width of the house but not past the front of the house. On the addition there would be three windows on that side to view the playing area and direct access to the back for safety. The addition will have brick face to match as close to the house as possible to make it match as though it was built that way. We figure for the price we paid for the property was below the properties in the area we would add the addition bringing it up to the price of the surrounding area. We feel this will enhance and improve our property.

Mr. Resch spoke to the water conservatory to ask if they would need to pay for any of the upgrades in the easement for putting the foundation into the easement. He also explained the distance between him and he's neighbor's property lines with the addition. He also mentioned the neighbor behind the property was opposed to the application and read some of the letter with his own response to the concerns. He also continued to mention other letters of opposition for the proposed application with his responses to their concerns.

Mr. Resch- This is what our options are and if the variance is not approved we could do nothing which is unacceptable because we have the space that is needed there is no question about it. We could rent or sell the house but will have the same problem because of the back yard and small family living space. We figured if we put the addition on and sell the house it will take away the space problem including the fenced in area for children. This will meet the standards of the neighborhood or better.

Mr. Schmidt- You purchased the house late last year?

Mrs. Resch- Yes, we had been looking for a while and what struck us with this house is the storage with 5 closets in the middle of the house. We thought we had a lot more space outside because of the way the grass was cut. We thought we could close in for a room. I didn't realize that the patio didn't have footer that we couldn't just switch it and have a roof. We had been looking for a basement and none of the houses we saw with basements had houses that I wanted. We ended up with this house because we thought it would be suitable and we tried to buy it for about a year.

Mrs. Mulligan- When you purchased the property and reviewed the property did you know at that time that you were going to try and make changes to the property? Or did you decide after you moved in?

Mrs. Resch- We lived there for a while and didn't have enough room. When we moved in I had a previous house that had a three season screened in room and I was figuring we could put a screen around the existing patio. We also found out we don't have enough room for the dining room table and couch space for everybody to get in. We have moved things back and forth to room to room. I figure to option would be to rent it again if we don't get approval. The only thing I have against renting the house is I don't like to rent in a totally owner occupied neighborhood because tenants can't be complied to take care of it the way you would. They might have to cut the grass at 8 inches but don't have to keep up the bushes, weeds and flower beds. There have been people come by and commented on how much better it looked in the past year because it had been empty and unkempt for two years.

Mrs. Mulligan- Did you think that you would have to come before Washington Township to make this request?

Mrs. Resch- No, I didn't even realize that this is the process of anything at that time. You don't normally get a survey before you purchase the house. The way the grass was cut and we did talk to the man next door and he said he thinks this is where it is.

Mrs. Mulligan- Was it a pen survey or just a sheet of paper?

Mrs. Resch- It was a pen survey that we had done recently.

Mrs. Mulligan- You have one neighbor who is objecting because it's too close to his property or is it an easement issue?

Mrs. Resch- What he doesn't realize is that we can legally put a fence up without his comments so he will not have the open space that he thinks he's going to have. He will not have all the side lawn without a fence. We can legally put up a four foot fence and we will do that.

Mrs. Schmidt- This is a one story home with no basement is that correct?

Mrs. Resch – Yes.

Mr. Lee advised that any concerns from the neighbors that staff is aware are those specific points that were in the email. The neighbor on Anne Lane raised three issues 1) property resale value based off the distance between properties with the encroachment to the northern property line 2) time cost and repair to replace sewer with the proposed structure next to the line serving surrounding properties 3) compromised neighborhood esthetics and beauty establishing an 18 foot set back to the line. The property owner immediately to the east of the property on Druewood Lane is 1) echoing the same comments as the northern property owner 2) fear of compromising the sewer lines.

Mr. Schmidt swore in a member of the audience.

Dave Weir, 5554 Mark Dale Drive, Washington Township, Ohio, he has been sworn in. I came here thinking that this request was something different. I am a builder/remodeler and I understand what the homeowners are proposing to do. If I was the neighbor to the north I would certainly welcome what they are trying to do with taking off an alumni structure off the back. They are making a smart decisions for their home and as long as it's done correctly. The concern is in the sewer easement if they do the proper research he doesn't see how it will affect it with such a short distance. I think this will enhance their home tremendously and I am in favor for anyone to do something like that to their home in any neighborhood. They do have a hardship because their house is where it is and the setback requirements are not in favor. I would greatly approve the request and I am in favor.

No citizens voicing concerns, questions or comments.

Public hearing closed.

Board deliberation.

Mr. Schmidt believes that it is a difficult situation and a brick structure is better looking than aluminum. The applicant did mention some other options with front of the home but layout of the interior wouldn't work out without substantial remodeling. He noted that the applicant is asking for a large variance and his concern is with other variances in other neighborhoods where they are closer together. The setbacks are in place to create some space.

Mrs. Mulligan- What is the setback between the homes in that neighborhood?

Mr. Lee- I can speak and staff has not been able to substantiate a varying setback requirement of the years within an R-4 zoning district there is a minimum 15 foot for side yards result is 30 foot minimum. The only deviation from that is when talking about an accessory structure which is in the rear half of the yard and go as close as 5 foot from the property line. The principal structures will need to adhere to those minimum requirements of the R-4 districts.

Mr. Schmidt advised that the two property owners adjacent to the proposed structure are in opposition.

MOTION- Mrs. Mulligan moved to **deny** Case No. A-1709 Ronald and Cecilia Resch requests a reduction from the required side yard setback from 15' to 3' for a residential structure located at 523 Druewood Lane. Motion was seconded by Mr. Roberts.

VOTE- Mrs. Mulligan, aye; Mr. Schmidt, aye; Mr. Roberts, aye; Mr. Klepacz, no

Additional Business:

None

Meeting adjourned.

Next Regular Meeting Date – Oct 26, 2015

Matthew Schmidt, Co-Chairman