



WASHINGTON TOWNSHIP BOARD OF ZONING APPEALS MINUTES

The Washington Township Board of Zoning Appeals met in regular session on December 28, 2015 in the Blair Meeting Room of Washington Township Government Center. Members of the Board present were Mr. Schmidt, Mr. Roberts and Mrs. Mulligan. Mr. Klepacz and Mr. Schwartz were 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 A-1712 Forrest and Sandra Anderson request variance to reduce side-yard setback and increase building size of a detached garage located at 9074 Clio Road

Zoning Manager, Ryan Lee, presented the case.

The applicant is requesting a variance to encroach into the required 20' minimum side yard setback for an accessory structure in the rear yard of the lot. The second request is to construct the accessory structure to a size of 864 square foot, larger than the 720 square foot maximum permitted by the Zoning Resolution.

The property owner is requesting two variances related to the proposed construction of a detached garage at their residential property. The property is within an Agricultural zoning district and is used for single-family residential use; which is a principally permitted land use within the zoning district.

The setback variance request is to reduce the required side-yard setback of the proposed structure from 20' to 6'. The zoning resolution requires a greater setback for accessory structures located within the front-half of the rear yard to provide additional separation from the abutting neighbors. The applicant states that the position was chosen because of an existing concrete slab in this vicinity as well as to not encroach into their usable rear yard area.

The size variance request is to increase the footprint of the accessory structure to an overall size of 864 square foot, an increase of 144 square feet over the maximum accessory structure size of 720 square foot. The applicant states that this is to accommodate a small workshop in the detached garage structure.

Staff has not received correspondence related to the public hearing notice to report.

Forrest Anderson, 9074 Clio Road, Washington Township, Ohio, he has been sworn in.

Mr. Schmidt- What is the reasoning or justification for increasing the size of the structure the maximum 720 square foot to 864 square foot?

Mr. Anderson- I have someone giving me a bunch of their wood working equipment and I thought it would give me some additional room. I would be able to do without backing the cars in and out when using it. We are using the garage for the cars and the back half will be for a little workshop.

Mr. Schmidt- Is there a garage attached to the home currently?

Mr. Anderson- There was an original foundation for the garage when the original farmhouse was there and it was close to 720 square foot. I took the foundations out along with a few other buildings on the property which I removed their footers also.

Mr. Schmidt- Where is the wood working equipment you mention being stored right now?

Mr. Anderson – In a garage in Miamisburg and sitting outside.

Mr. Schmidt- What type of materials will you be using for this detached garage?

Mr. Anderson- It will be a metal structure with main structure 2 ¼ inch square beam and will be constructed in one day.

Mr. Schmidt- Are you hiring someone to construct the garage?

Mr. Anderson- Yes, I'm also hiring someone for the footers and concrete floor.

Mr. Schmidt- You mentioned that there is some concrete existing today.

Mr. Anderson- No, it is all torn out. We have hauled in some gravel but it is just sitting there.

Mr. Schmidt- Is there any other area on your property that you could place the structure elsewhere?

Mr. Anderson- No, it would be too far away from the house.

Mr. Anderson provided the board members with a picture of the property he had taken today. He mentioned that in the picture there is a stake that shows the 24 foot from the 6-foot line of the property.

Mr. Schmidt- How many vehicles is this garage going to hold?

Mr. Anderson- I will have 2 regular sized vehicles. The wrecked vehicle on the property I want it gone. It was from an accident I had and the insurance company hasn't made a deal or come get the vehicle.

Mr. Roberts- Where is the hardship for this building? Is it convenience or hardship?

Mr. Anderson- The property line comes up from the creek bed about 15 feet and it seems that it looks better over there. As far as the size I am retired and I spend more time in there.

Mr. Roberts- The location is convenient to your home?

Mr. Anderson- Yes. I did speak to the neighbor south of us and they said they are happy for us in getting a garage. We will have things inside and neater than today.

Mr. Schmidt- If we did not grant the variance would you have to change your driveway or get more concrete to get the driveway to come up to the garage? It is difficult to see it in the picture.

Mr. Anderson- If we moved it over I would have to alter the driveway. We had an engineering company do the survey for us four years ago for flood plain. You will see on the yellow dotted lines the elevations of the property.

Mrs. Mulligan- How long have you lived there?

Mr. Anderson – We moved in 1978.

Mrs. Mulligan- Was the house built in 1890?

Mr. Anderson- The house was built in three sections and over the years we squared the house up.

Jeff Anderson, 255 Clove Lane, Kettering, Ohio, he has been sworn in. I am Forrest Anderson's son. My dad has been working in this area my entire life with his own business Anderson & Associates. His business had a lot of equipment and part of the hardship is allowing it to be bigger for the cars, woodworking, and keeping stuff out of the way from view of the neighbors. It allows them not loss money if something is damaged by the weather this gives him more space.

No citizens voicing concerns, questions or comments. None.

Public hearing closed.

Board deliberation.

Mr. Schmidt advised that in looking at the lot, shape, heavily wooded, and creeks. He believes on paper that it looks substantial but looking at the way everything is laid out he doesn't think it is substantial.

Mr. Roberts agrees with the setback variance of 20 feet to 6 feet.

Mrs. Mulligan agrees that there is certainly enough room with the little over an acre lot and location.

Mr. Schmidt mentioned that the layout of neighbors their back yards are facing the garage. If the neighbor is able to put a structure on their property in the back yard within five feet without asking for a variance. He feels it is not substantial.

Mrs. Mulligan noted that no neighbors have rejected the application.

Mr. Schmidt advised that the second variance request for additional square footage for the woodworking workshop and keeping materials protected and out of sight. He noted he doesn't see a hardship but in the same sense it is not substantial for increasing the size.

Mrs. Mulligan feels that it will not be that noticeable when she drove by the property today. She noted the property is hidden by trees and it's not a major request or will not affect the neighbors.

Mr. Roberts- The configuration of the lot and the location of the structure has no impact on the neighbors or environment.

MOTION- Mr. Roberts moved to approve Case A-1712 Forrest and Sandra Anderson request variance to reduce side-yard setback for an accessory structure from 20 foot to 6 foot located at 9074 Clys Road as submitted. Motion was seconded by Mrs. Mulligan.

VOTE- Mr. Roberts, yes; Mrs. Mulligan, yes; Mr. Schmidt, yes

MOTION- Mrs. Mulligan moved to approve Case A-1712 Forrest and Sandra Anderson request variance to exceed the maximum size limitation of an accessory structure from 720 square foot to 864 square foot located at 9074 Clys Road as submitted. Motion was seconded by Mr. Roberts.

VOTE- Mr. Roberts, yes; Mrs. Mulligan, yes; Mr. Schmidt, yes

Additional Business:

None

Meeting adjourned.

Next Regular Meeting Date – January 22, 2016

Matt Schmidt, Co-Chairman