

Members Present: Lisa Carpenter
Tim Cron (arrived at 6:32 pm)
Tim Schneider
Reece Timbrook, Chairman

Others Present: Nia Holt, Community Development Director
Dalma Grandjean, Law Director
Katie Lewallen, Clerk of Council

CALL TO ORDER: The Board of Zoning Appeals meeting was called to order at 6:31 p.m.

ROLL CALL: Mrs. Carpenter, present; Mr. Cron, present; Mr. Schneider, present; and Mr. Timbrook, present.

APPROVAL OF MEETING MINUTES: Having no comments or corrections, the minutes of July 25, 2023, stand approved.

APPROVAL OF AGENDA: Mr. Schneider moved, seconded by Mrs. Carpenter, to approve the agenda. Agenda was approved.

Chairman Timbrook stated that speakers need to speak directly into the microphone when making public comments.

PUBLIC HEARINGS/REVIEW:

- a. **BZA Case #23-0004 – 412 Waneta Avenue (Parcel ID# I39 00615 0036) – R-3,**
Medium Density Residential.
Variances from UDO Section 1107.05(D)(1)(f) and 1113.13(C)(6)(b) to allow an increase in the maximum lot coverage and to permit a driveway to cover more than 35 percent of the front yard.

Ms. Holt took the oath to give sworn testimony. She stated this is for two variances to allow an increase in the maximum lot coverage, an 11 percent increase from the 50 percent maximum requirement to a 61 percent requested, and to permit a driveway to cover more than 35 percent of the front yard, a 22 percent increase from a 35 percent maximum requirement to a 57 percent requested. She presented the zoning map of the subject site. The lot is made up of two parcels, but only one part was being considered. She stated that the applicant is putting in a new driveway that will go back to the detached garage. A revised plan to decrease the amount of coverage has been submitted, but it still requires the two variances. The first variance is a minor, but the second one is a major variance. She presented a site plan and various site photos of the property and properties immediately surrounding it. She reviewed the criteria for granting a variance. Regarding the first variance, staff finds that the requested variance to allow an increase in the maximum driveway width is not adequately justified and does not meet the standards for

approval. Staff recommends denial of the first variance as the variance is not the only option for the applicant as the applicant can combine the two parcels and meet the zoning requirements, and the spirit and intent behind the zoning code would not be observed as the variance would increase the amount of impervious area adding to stormwater runoff. Staff also recommends denial of the second variance as the requested variance to allow an increase in the maximum driveway width at the right-of-way is not adequately justified and does not meet the standards for approval. The proposed driveway is unlike most driveways in the neighborhood. The variance is not the only option for the applicant, and the spirit and intent behind the zoning code would not be observed. They want to see more greenspace; this is why they have maximum lot coverage, and coverage for the front yard.

Mr. Schneider asked what the other option was. Ms. Holt stated it would be to combine the lots; then the variances would not be required. He stated it sounds like they have dealt with this before. She stated that to combine the lots, they would need a surveyor, or a lawyer to rewrite the legal description and record it at the auditors office. If the lots were combined, they would be in code; they have already submitted the driveway permit. Mr. Schneider asked if they were given instructions on how to do that. Ms. Holts stated they were not comfortable with doing that, so they decided to request the variances. Mr. Cron stated that multiple homes there have the double parcel. He questioned why it was zoned this way when it seems like it was already one with a house and a garage. Ms. Holt stated it would be creating it after the fact and be nonconforming. Mr. Cron asked if parcels 16 and 17, shown in the aerial map, were created before the zoning. Ms. Holt stated it was prior to the current zoning. The situation at hand was after the current zoning. Variances are done on a case by case basis.

Mr. Schneider stated that one of the comments is that it would not fit in with the existing neighborhood, but he looks at parcels 16 and 17 and thinks that does not fit. He added that it is an older neighborhood as it was developed back when everyone had a one car garage. The owners are trying to improve it and also gain access where other places in the neighborhood that has something going back to the detached garage.

Audio cut out at 11:00 minutes into the meeting.

Chairman Timbrook opened the public hearing at 6:43 pm. Mr. Ronald Finney, 412 Waneta Avenue, Riverside, OH, took the oath to give sworn testimony. He stated he was trying to do things the right way and come before the BZA to put down a concrete driveway. He stated if he is required to do asphalt, he would, but they are trying to make the property nicer and put down concrete.

Ms. Heather Pennington, 412 Waneta Avenue, Riverside, OH, took the oath to give sworn testimony. She stated that they are trying to make the property look nicer and hopes that the BZA will consider what they are trying to do.

Discussion continued with BZA members regarding how the county looked at the lots as there were two parcel numbers, but all the taxes for the lots were on one parcel number.

Chairman Timbrook closed the public hearing at 7:01 pm.

Chairman Timbrook moved, seconded by Mrs. Carpenter, to deny the request on Case #23-0004, 412 Waneta Avenue, Variance 1 – maximum lot coverage to be extended. Roll call went as follows: Mr. Timbrook, yes; Mrs. Carpenter, yes ; Mr. Cron, yes; and Mr. Schneider, no. **Motion carried – variance denied.**

Chairman Timbrook moved, seconded by Mr. Cron, to deny the request on Case #23-0004, 412 Waneta Avenue, Variance 2 – driveway to cover more than 35 percent of the front yard. Roll call went as follows: Mr. Timbrook, yes; Mr. Cron, yes; Mrs. Carpenter, no; and Mr. Schneider, no. **Motion failed.**

The board continued discussion on the second variance request to determine if another motion should be made. It was discussed the need to have a fifth member on the board so that there would be no resulting tie in the votes.

Chairman Timbrook moved, seconded by Mr. Cron, to postpone a motion on the second variance. Roll call went as follows: Mr. Timbrook, yes; Mr. Cron, yes; Mrs. Carpenter, yes; and Mr. Schneider, yes. **Motion carried.**

ZONING ADMINISTRATOR DISCUSSION TOPICS: Ms. Holt stated that they are still looking for another member for the BZA. She asked the BZA to let Riverside friends and neighbors know they are looking.

ADJOURNMENT: Being no further business, the meeting adjourned at 7:35 pm.

Chair

Date