

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ June 7, 2018 _____

The June 7, 2018 meeting of the Union Township Board of Zoning Appeals was called to order at 7:00 PM with an invitation to join in the Pledge of Allegiance by Chairman Brian Ford. Vice Chairman Randy Wulker, and members Tom Hanrahan, Ben Joehnk and Rick DePuccio were also in attendance. Cory Wm. Wright, Assistant Township Administrator and Planning and Zoning Director, represented the department. The minutes from the May 3, 2018 meeting were unanimously approved. Cases #3-18-A and #4-18-A were heard. All those giving testimony were duly sworn.

Mr. Wright introduced the application in Case #3-18-A filed by James Lewis for the residence at 879 Hawthorne Drive to allow for a reduction in the side yard setback from 15 ft. to 6.5 feet to accommodate an 830 sq. ft. addition. Built prior to the institution of zoning, the existing legal non-conforming R-1 home sits approximately 5.5 ft. from the property line and the proposed addition would not exceed the current setback to the side. An open veranda at the rear is also proposed but does not require relief. The applicant states that the submitted design best fits the existing layout and cost objectives. Before any testimony was offered, Mr. Joehnk recused himself from the proceedings on account of personal association with the applicant.

Kent Brandley Roush, 4142 Airport Road, 3rd floor #3, Cincinnati, Ohio, spoke as the architect on the project. Mr. Roush explained that the goal was to create wheelchair accessible living space to meet future needs.

With no further testimony, Mr. Hanrahan asked whether it was necessary to grant a variance to the existing non-conformity. Mr. Wulker asked if any consideration was given to a conforming design. Mr. Roush stated that this was the minimum area necessary to achieve the desired goals and that he held it a foot further away so as not to make the encroachment worse.

Mr. Hanrahan made a motion that the Board approve the applicant's request in Case #3-18-A requesting relief to Section 602 of the *Union Township Zoning Resolution* as to allow for a rear addition onto a principal structure to reduce the side yard setbacks from 15 ft. to 6.5 ft. based on the evidence, testimony and findings of fact. Mr. Wulker seconded the motion.

ROLL CALL: Mr. Hanrahan, aye; Mr. Wulker, aye; Mr. DePuccio, Mr. Joehnk, abstaining; Mr. Ford, aye. The motion was carried.

Mr. Wright outlined the application in Case #4-18-A filed by Rodney Davenport to construct a 1,230 sq. ft. accessory at 1027 Schuster Lane, in excess of the R-2 limit of 750 sq.ft. With the rural character and mixed zoning in the area, the applicant owns one lot at Shephard and also the subject property along this gravel access drive that serves several other properties. The applicant seeks to build a larger accessory for garage and storage purposes and wished to maintain the gravel driveway off the gravel lane. The height will be held to code limits and the proposed location meets all setbacks on this larger lot.

Mr. Davenport spoke on behalf of his application. Mr. Ford asked about the existing detached buildings. Mr. Joehnk verified that one was already removed and Mr. Davenport affirmed. Mr. Ford asked if there were plans for an apron. Mr. Davenport said he was thinking maybe 10 or 15 ft. Mr. Wulker asked if the parcels were consolidated and Mr. Davenport confirmed that he owned a separate home at 460 Shephard Road and one at 1027 Schuster Lane; but the proposed garage was to go on 1027 Schuster with the house. The net height of the garage was discussed and confirmed.

With no further testimony or discussion, Mr. Wulker made a motion that the Board approve the applicant's request for variance in Case #4-18-A, requesting relief from

RECORD OF PROCEEDINGS
UNION TOWNSHIP BOARD OF ZONING APPEALS

Minutes of

Meeting

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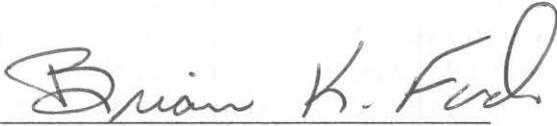
Section 711.1 & 801.5 of the *Union Township Zoning Resolution* as to allow for the construction of a 30 ft. x 41 ft. accessory structure, totaling 1,230 sq. ft. in area not to exceed 14 ft. in net height and to be in accordance with Section 711.5. with an unpaved gravel driveway, as submitted based on the evidence, testimony and findings of fact. Mr. Joehnk seconded the motion.

ROLL CALL: Mr. Wulker, aye; Mr. Joehnk, aye; Mr. Hanrahan, aye; Mr. DePuccio, aye; Mr. Ford, aye. The motion carried.

With no other application to come before the Board, Mr. Hanrahan asked Mr. Wright about gravel driveway projects on Glen Este-Withamsville Road, in the vicinity of Hawthorne Drive. Mr. Wright replied that would be an issue unless there were previous gravel or remnants of gravel. Mr. Hanrahan also asked about a new home under construction with a huge garage on Mt. Carmel-Tobasco Road. Mr. Wright explained that the garage was attached to the home by defined living space and the project met all setback requirements. Other similar requests have included a large rear studio addition to a ranch on Clough Lane and so on, having been the department's interpretation of standards for many years.

With no further business, the meeting was adjourned by unanimous vote at 7:27 PM.

APPROVED BY:



Brian K. Ford
Brian Ford, Chairman