

RECORD OF PROCEEDINGS
UNION TOWNSHIP BOARD OF ZONING APPEALS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

MARCH 6

20 14

The March 6, 2014 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 Randall Wulker. Vice Chairman Thomas Hanrahan, Calvin Aicholtz, and alternate Richard DePucchio were in attendance. Members Brian Ford and Ben Joehnk were unable to attend. Cory Wm. Wright, Assistant Township Administrator and Planning and Zoning Director, represented the department. The minutes from the February 6, 2014 hearing were approved as distributed. Case #3-14-A was heard.

Mr. Wright introduced the application in Case #3-14-A, filed by Nicholas L. Corwin for property at 4187 Glen Este-Withamsville Road, seeking variance to Sections 623.1, 711.1, 711.5 and 801.5 to allow a second accessory structure, to exceed the height and area restrictions and paving requirements in the R-1 District. The applicant seeks to maintain and existing accessory building and construct a 46 x 84 foot accessory, including a 2 foot overhang, or 3,854 sq. ft. in excess of the 1,000 sq. ft. maximum. The desired net height from grade is 24.67 feet in excess of the 14 ft. net maximum. The application also seeks a two year extension on the paving requirements for residential driveways. The applicant has owned this home for many years and has made several improvements. The proposed structure would be situated in the rear yard and would house maintenance equipment, large truck and travel camper and other general storage in order to maintain a nice back yard and match the existing home. While the property is nearly two acres in area and wooded in the rear, and the benefits of indoor storage of recreational vehicles and equipment are established, the significant increases in height and area may have a disproportionate impact on the surrounding residential character as this size structure would typically be found on a commercial or industrial lot. The applicant explains that the size and height are necessary to accommodate the large vehicles. While it exceeds setback requirements, the size and height may well create an appreciable impact to adjoining homes, as the proposed structure would exceed the size of most surrounding structures. Mr. Wright demonstrated the current conditions through staff photographs.

Nicholas L. Corwin, the applicant, was present and duly sworn. Mr. Corwin explained that the structure would be situated so that the face would resemble a carriage house with a sloped roof, with the length of the building extending towards the rear. Mr. Corwin suggested that the photos submitted and distributed to the members with his application demonstrated that the rear yard was sufficiently wooded to screen the proposed structure.

There was no other testimony given, the floor was closed. Mr. Aicholtz simply felt it was too big. Mr. Hanrahan did not see how the request met any of the standards that are meant to guide the Board, especially Section 434 which states increases in area are generally not to exceed 25%. Mr. Hanrahan believed that the reasonable use of the land remains without the variance and failed to see any hardship that was not an issue created by the applicant. Mr. Wulker agreed that the size made it difficult to approve and follow the code.

Mr. Corwin asserted that the provision that allows one recreational vehicle to be stored on a property creates the hardship for him. Either he has to pay to park it somewhere else if he cannot house it on the property for which he pays taxes. Mr. Corwin believes that the proposal would not have negative impact and that his improvements to date have increased the value of his and the surrounding properties and he would not build an unattractive structure that would detract from its value. Mr. Wulker did not dispute the attractive improvements nor the appearance of the proposed building, but stated that the Board was bound to take the zoning resolution into account. Mr. Wulker asked if there were other options as far as addition. Mr. Corwin stated that it was way too big to attach to the house, as it would destroy the look of the house. Mr. Corwin understands the regulations are there for a reason, but he feels that his property is large enough and wooded enough.

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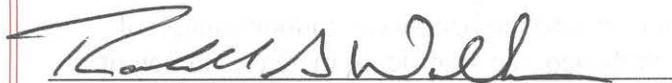
Mr. Hanrahan moved that the Board deny the applicant's request in Case #3-14-A for variance to Sections 711.1, 711.5, 623.1 and 801.5 of the Zoning Resolution, as requested, based on the excessive size well beyond the guidance of Section 434.8 and does not meet the conditions set out in Section 431.5, Subsections -d, -e or -g. Mr. Aicholtz seconded the motion.

ROLL CALL: Mr. Hanrahan, aye; Mr. Aicholtz, aye; Mr. DePucchio, aye; Mr. Wulker, aye.

Motion to deny the request was carried.

Mr. Hanrahan asked about the status of the Vandemark application that had been tabled. Mr. Wright stated that the Township was pursuing that and other matters that were pending before the Board. With no further business to come before the Board at that time, a motion was made to adjourn the meeting at 7:18 PM and was passed by acclamation.

Approved by:



Randal Wulker, Chairman