

BEAVERCREEK BOARD OF ZONING APPEALS
REGULAR MEETING, May 11, 2022, 6:00 PM

PRESENT: Mr. Althoff, Mr. Archibald, Mr. Essman

ABSENT: Mr. Bhatla, Mr. Rust

Chairman Archibald called the meeting to order at 6:00 PM, and explained the Board was going to go into recess due to a lack of a quorum. The meeting started at 6:18 PM after the third member arrived.

Mr. Althoff MOVED to excuse Mr. Bhatla and Mr. Rust from the meeting, seconded by Mr. Essman. Motion PASSED by majority voice vote.

Mr. Althoff MOVED approval of the agenda postponing reorganization to the next regularly scheduled meeting, seconded by Mr. Essman. Motion PASSED by majority voice vote.

Mr. Essman MOVED approval of the November 10, 2021 minutes, seconded by Mr. Althoff. Motion PASSED by majority voice vote.

Mr. Essman MOVED approval of the March 9, 2022 minutes, seconded by Mr. Althoff. Motion PASSED by majority voice vote.

PUBLIC HEARING

V-22-2, Michele Hurst, 2242 Turnbull Road (Case withdrawn by applicant.)

V-22-1, Michael Wellman, 2524 Coldsprings Drive

Clerk Gillaugh read the notice of public hearing on an application filed by Michael Wellman, 2524 Coldsprings Drive, Beavercreek, OH 45434, requesting a variance from Chapter 158.104 (E) of the City of Beavercreek Zoning Code, requesting permission to construct an accessory structure that would exceed the square footage permitted. The property is located eight lots southeast of the intersection of Coldsprings Drive and Edenwood Drive further described as Book 5, Page 12, Parcel 193 on the Greene County Auditor's Property Tax Atlas.

Mr. Funk summarized the staff report dated May 2, 2022, which stated the applicant is requesting to construct a 24'x34', 816 square foot, accessory structure that would exceed the total allowable square footage by 119.5 square feet with the removal of the existing shed. Mr. Funk explained Chapter 158.104 (E) of the Zoning Code limits the sum of the footprint of all accessory buildings to no more than 50% of the footprint of the principal structure. He said based on the calculation, the applicant is permitted 696.5 square feet in total accessory structures for his property. Mr. Funk reviewed the criteria for a variance, and based on staff's findings the variance request did not adequately satisfy the requirements. Staff recommended denial of the case.

Mr. Archibald asked how the square footage of the house is calculated to determine what square footage is allowed for the total accessory structures. Mr. Funk explained

staff uses the County's GIS website, and calculates the footprint of the house then divides that number in half to determine the total allowed accessory structure square footage. Mr. Archibald asked if everything attached to the house would be counted. Mr. Funk said it has to be livable space to be counted.

Mr. Archibald asked Mr. Funk to explain what discussions have taken place with Mr. Wellman. Mr. Funk explained Mr. Wellman applied for a permit, and staff was not able to approve it so Mr. Wellman applied for a variance.

Michael Wellman, 2524 Coldsprings Drive, stated the Board should have three pages of signatures of neighbors in support of the variance. He said he is proposing to build a two-car detached garage that would be built by Weaver Barns. Mr. Wellman explained he is requesting to build a 24'x34' garage, and a concrete driveway would be connected to the existing driveway. He stated the issue is the footprint, and his understanding is the largest structure permitted by the Code is a 24'x29' that would also require him to tear down the existing shed in his backyard. He said the reason he is requesting the larger structure is that he has two classic cars that are not currently stored at his property, and the problem is he needs space for the two cars so they are not crowded. Mr. Wellman said since he has to tear down the shed, he also needs space for his lawnmowers and other lawn equipment. He considered expanding the attached garage, but the price is much higher than a detached garage. Mr. Wellman said his property abuts Vergalito Park, so he has no rear neighbors and it is not an eyesore to the neighborhood.

In written input, staff received 18 signatures supporting the case.

There being no further public input, the public hearing was closed.

Mr. Essman stated he understood where the applicant is coming from, but wanted to clarify that he would be able to build a standard two-car garage if the shed would be removed. Mr. Funk said that was correct. Mr. Essman asked if the applicant is requesting an additional five feet to hold his lawn equipment. Mr. Funk stated that is what the applicant is claiming based upon his testimony. He explained the important fact is that the applicant is creating the need for a variance, which does not meet the criteria because there is nothing unique about his property and he has alternatives.

Mr. Althoff questioned if the variance was for square footage only. Mr. Funk said that was correct. Mr. Althoff asked Mr. Wellman why the 29 feet would not work, and why the extra five feet was needed. Mr. Wellman said a typically garage is a 21'x21', but he would like a 24' wide garage because of the difficulty in opening car doors in a 21 foot garage. He explained with everything having to go from the shed into the garage he needs the extra space so he does not crowd the cars.

Mr. Archibald asked what other options the applicant had considered. Mr. Wellman said he could probably add one additional garage bay and go deep into the rear yard with an attached garage, but when he talked to Weaver Barns several years ago about it the cost was pretty prohibitive. Mr. Wellman said the proposed structure is not a dumpy garage, and is good quality and will match the house the best it can. He said the existing shed is starting to show its age, which is why he is not too concerned with

tearing it down. Mr. Wellman said he could not tear the shed down though until the garage is built because he needs a place to put the stuff in the shed.

Mr. Archibald questioned if the applicant was in agreement with the calculations with footprint of the house square footage. Mr. Wellman said yes, but it is a two-story house. He said the deck is not enclosed, and he didn't see a reason to enclose it. He stated the yard is large, and he needs a riding mower to mow it. He said he was trying to get everything together into one structure. Mr. Wellman explained they are meeting all the setback requirements.

Mr. Essman asked if the applicant has had the opportunity to work with the builder, Weaver Barns, to meet the Code requirements. Mr. Wellman said yes, and they could build a 24'x29' size, but then he had the square footage issue. He said they did suggest doing 21' wide, which would not work because he needs more room to open the doors of the vehicles. Mr. Wellman explained in the middle of the existing garage is a support pole that holds up the second floor, which is always in the way.

Mr. Archibald asked if an accessory structure could be attached to the house by a breezeway and be considered part of the principal structure. Mr. Funk said the Code does allow for breezeways, however it would have to meet the breezeway requirements. Mr. Funk explained the applicant could have a 24'x24' garage and the extra 5' would give him an extra 120 square feet, which would be equivalent to the existing shed. He explained in the 24'x29', he could house his two vehicles and compensate for the removal of the shed.

Mr. Essman said a 24'x29' would be permissible without a variance. Mr. Funk said yes.

Mr. Essman MOVED to deny V-22-1. Motion was seconded by Mr. Althoff, and PASSED by a roll call vote of 3-0.

ADJOURNMENT

Mr. Essman MOVED adjournment at 6:59 p.m., seconded by Mr. Althoff. Motion PASSED by majority voice vote.

Melissa Gillaugh
Deputy Clerk