

**Board of Zoning Appeals Minutes
December 11, 2019 – 6:00 pm
233 South Main Street, Monroe, Ohio**

The Board of Zoning Appeals of the City of Monroe met on December 11, 2019. The meeting was held at Monroe City Hall.

Call to Order

The meeting was called to order at 6:00 pm by Mr. Nerenberg. Members present were Mr. Adam, Mr. Howard, and Mr. Robbins.

Also present was: Kameryn Jones, Planner.

Mr. Robbins moved to approve the minutes from the September 26, 2019 meeting; seconded by Mr. Adam. Voice vote. Motion carried.

Mr. Nerenberg opened the Public Hearing at 6:02pm.

Case No. 2019-3—Consideration of an application for variance regarding construction of an enclosed deck

Mrs. Kameryn Jones stated that Mr. Jerome Wilson, owner and resident at 573 Brookhurst Drive, has requested a variance regarding construction of an enclosure atop an existing 14'x22' deck at the rear of their home. The applicant requests a variance of 4 feet to encroach upon the required rear yard setback of 30 feet to accommodate the enclosed deck. When the deck was originally constructed in 2012, Code regulations required deck structures to meet the same setback requirement as the principle structure (i.e. the house), which is 30 feet. An administrative waiver was applied for and issued to allow the deck to encroach 2 feet into this setback, for a new setback of 28 feet. Since that time, the Code has been updated to allow open deck or porch accessory structures to have a rear yard setback of 5 feet. However, if the deck or porch is primarily enclosed or is covered with a solid roof, the structure must meet the setback of the principle structure (30 feet).

The required minimum front yard setback for this property when developed was 50 feet. In regards to the Reserves at Brittony Woods subdivision, only four lots—the four on Brookhurst Drive—had this setback. These particular lots have this increased setback because the Code at that time required cul-de-sac lots to be at least 80 feet wide at the setback line of 40 feet. In this instance, the 80 feet could only be achieved with a 50-foot setback due to lot dimensions. It should be noted that today's code only requires 40 feet at the front yard setback line.

The rest of the subdivision has a minimum front yard setback of 40 feet, as is standard in most current subdivisions, though there are exception areas in other parts of the city that have even smaller setbacks. While not unique to the Wilson property alone, this larger than average front yard setback is unique to

the four properties on this particular cul-de-sac.

The essential character of the neighborhood may not be substantially altered as a result of the variance requested. The property owners have provided signed letters of support from the two adjacent property owners. According to the applicant, the two-family homes to the south of the property would not be greatly impacted due to the 20-foot buffer easement in place that provides heavy vegetation.

The variance would not adversely affect the delivery of governmental services. The variance requested is a result of the property owner's desire to convert an existing deck to an enclosed structure. The predicament would be removed by not pursuing this project or by reducing the depth of the structure by 4 feet. The overall intent of the code is to provide for open space on lots in part to promote the health, comfort, and welfare of residents. It appears the spirit of the code is upheld when considering the abovementioned front yard setback of this particular property, and lot shape, in combination with the mature foliage in the required 20-foot buffer yard in the rear. It appears that overall open space on the lot is adequate but placed differently than other typical lots. When considering all the aspects of the setback requirements and buffer yard, which is not typical, it does not appear that the request will confer a special privilege on the applicant.

Mrs. Jones stated that no departments have comment but public comments contain signed statements of support from two adjacent property owners obtained by the Wilsons.

Mrs. Jones stated that Staff recommends approval of the variance request due to the atypical setback issues and the mature buffer yard. It should be noted that no existing foliage within the bufferyard area is permitted to be removed. If damaged by the construction of the enclosed porch, damaged/removed parts of the bufferyard will be required to be replaced as approved by Staff.

Mr. Wilson stated that he is only looking for 8 foot of variance to increase the living space of the home.

Mr. Adam moved to accept documents as presented; seconded by Mr. Robbins. Voice vote. Motion carried.

Mr. Robbins moved to close the public hearing at 6:21pm; seconded by Mr. Adam. Voice vote. Motion carried.

Mr. Robbins moved to approve Case No. 2019-3—Consideration of an application for variance regarding construction of an enclosed deck; seconded by Mr. Howard. Roll call vote. 4 ayes. Motion carried.

Mr. Robbins moved to adjourn at 6:36 pm.

Respectfully submitted by:

Deana England
Deputy Clerk of Council