

**Hiram Township Board of Zoning Appeals  
Ober Variance Request Hearing  
March 3, 2017**

Board Members: Chairman, Janet Pancost, Gary Bott, Wendell Schulda and Bette Gualtieri.

Public Present: Candy Ober and Zoning Inspector, Rich Gano

Janet Pancost called the meeting to order at 6:30 p.m.

Secretary, Kellie Durr stated that a legal notice was published on February 17, 2017 and neighbors were sent certified letters regarding the matter on February 16, 2017.

Janet Pancost explained the Hearing process. The members introduced themselves.

Interested audience members were sworn in.

Mrs. Pancost asked Candy Ober why they needed a variance. Mrs. Ober replied that they would like to take down a portion of their house and rebuild it with a garage. They need a variance to go two feet closer to the property line than allowed and it is more than a 20% increase of the building footprint. Mr. Gano stated that it exceeds the 20% increase. Wendell Schulda asked by how much. There was a brief discussion regarding the matter and living space.

Mrs. Pancost asked Mrs. Ober how many square feet her house currently is. Mrs. Ober did not know the answer. The members reviewed the sketch from the Portage County Auditor's Office website of Mrs. Ober's home. Mrs. Ober pointed out and explained what each room was in the sketch and explained what they would like to take down and where they would rebuild.

Bette Gualtieri asked if there was an accessory building. Mrs. Ober answered no. Mrs. Pancost asked how many square feet the house would be when complete. Mr. Gano answered 1,440 square feet with the proposed addition. Gary Bott asked how many bedrooms there were. Mr. Gano answered that there would still be three bedrooms, they are not increasing bedrooms.

Mrs. Gualtieri asked if the portion they would be removing is one story or two stories. Mrs. Ober answered that it is one story and that they would like to put in a basement. There would be a loft area. Mrs. Ober reviewed the proposed addition on the drawings provided. The members reviewed the drawings and discussed square footage.

Mrs. Pancost stated that the square footage of the house per the Auditor's website is 1,596 square feet. The square footage after the proposed addition would be 1,440 square feet. Mrs. Pancost stated that it could be that the house is not getting smaller but the addition of the garage, which is not living space is accounting for the difference. There was a discussion regarding square footage, living space and the foot print.

Mrs. Pancost asked how far the house is currently from the property line on the one side. Mr. Gano answered that it is 14.5 feet.

There was a brief discussion regarding non-conforming properties.

Mrs. Pancost asked how many feet over the allowed 20% increase the proposed addition was. The members calculated the same and concluded that it was 224 square feet of living space and an additional 720 square feet for the garage which is a total of 944 square feet. The original house square footage is 1,596 square feet per the tax map. It is a 41% increase, 21% more than allowed.

Mrs. Pancost stated that the Obers would like to build 8 feet from the property line and asked who was the neighbor on that side. Mrs. Ober answered Scott Huge. Mrs. Pancost asked if he has said anything about it. Mrs. Ober answered no. Mrs. Pancost asked Secretary, Kellie Durr if she had received any telephone calls or emails from any of the neighbors besides The City of Akron. Mrs. Durr answered that she received an email from Daniel Glicksman who asked what the variance was for but had no further comment. Mrs. Pancost asked if Mrs. Ober has discussed the addition with the neighbors. Mrs. Ober stated that she spoke with Mr. Glicksman's sister and her husband has spoken with Mr. Huge. Mrs. Pancost stated that the neighbors were notified and suspected that if anyone had strong feelings about the matter they would be present or would have contacted someone.

Mr. Bott asked if they had a working septic system. Mrs. Ober answered yes. Mr. Bott asked if they were making any changes to the plumbing. Mrs. Ober stated that they are taking down the kitchen and rebuilding it. Mr. Gano stated that septic systems go by bedroom number. Mrs. Pancost stated that there is a communication from The City of Akron regarding the septic system and understands their concern. However, septic systems are a county issue and not a Board of Zoning Appeals issue. Mrs. Pancost further stated "with all due respect to The City of Akron, this is not within the board's purview to worry about, this is between the homeowner, their contractor and Portage County". Mrs. Pancost asked if there were any further comments regarding The City of Akron. There were none.

Mr. Schulda stated that Mrs. Ober mentioned that they do not have accessory buildings on the property. He further stated that he drove by the property and there are sheds which would be considered an accessory building. He asked if the shed would remain. Mrs. Ober answered that it is their intention to keep the shed. Mr. Schulda asked if there were two accessory buildings and reviewed an aerial map of the property. Mrs. Ober answered yes, there are two sheds. Mr. Schulda asked if the garage would be a front or side entrance. Mrs. Ober answered that it would be a side entrance. Mr. Schulda clarified the current property line distance. Mrs. Gualtieri asked what the front shed was used for. Mrs. Ober answered her children's bicycles and sports equipment.

Mrs. Gualtieri asked if there was currently a basement. Mrs. Ober answered no and that there is a crawl space. Mr. Schulda asked if it is possible to have a basement dug being that close to the river. Mrs. Ober answered yes and that they are "pretty far off of the river". Mr. Bott asked what side of Thrasher Road they are on. Mrs. Ober answered river side. The members reviewed a map showing the relation of the house to the river. There was a brief discussion regarding walk out basements.

Mrs. Pancost asked if there were any other questions. There were none. Mr. Schulda expressed that he thought it was nice that they were putting in an investment on that street. He further stated that the only thing that bothered him was the shed. He stated that the shed would distract from the nice new addition.

Mrs. Gualtieri motioned to accept the variance for the additional square footage of the garage and reconstruction as proposed with the condition that the front shed is relocated to the rear yard. Mr. Schulda seconded the motion.

Mrs. Pancost clarified that the variance was for two items, one for the two foot variance for the property line and the other for the square footage variance. Mrs. Pancost summarized that a motion has been made to approve the variance as submitted with the condition of moving the shed that is currently in the front yard to the back yard. The variance submitted includes both the increase of the square footage as well as the distance to the side yard property line.

The members reviewed the Variance Request criteria:

- 1. Whether the land will yield a reasonable return or whether there can be any beneficial use of the land without the variance.**

*All members said yes.*

- 2. Whether the variance proved substantial.**

*Mrs. Gualtieri stated that the side yard variance is not substantial, the overall lot coverage variance is substantial. All members agreed with Mrs. Gualtieri.*

- 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining landowners would suffer a substantial detriment as a result of the variance.**

*All members said no.*

- 4. Whether the variance would adversely affect the delivery of government services.**

*All members said no.*

- 5. Whether the applicant purchased the land with knowledge of the zoning regulation.**

*Mrs. Ober stated they have owned the home for twenty years and rented the home before that. Mrs. Pancost stated that at the time they purchased the land the zoning regulation was not limiting to them but things have changed and it is limiting now.*

- 6. Whether the applicant's predicament feasibly can be obviated through some other method than the variance.**

*Mr. Schulda answered yes. All other members answered no.*

- 7. Whether the spirit and intent behind the zoning regulation would be observed and substantial justice done by granting the variance.**

*All members answered yes.*

All in favor of approving the variance. Roll call: Wendell Schulda YES, Gary Bott YES, Bette Gualtieri YES, Janet Pancost YES.

Mrs. Pancost stated that the minutes will be journalized at the scheduled March 13, 2017 meeting. Mrs. Pancost explained the appeal process. Mr. Gano explained to Mrs. Ober the next steps she would take regarding obtaining building permits.

There was a review of the upcoming scheduled meetings.

Mrs. Gualtieri motioned to adjourn. Wendell Schulda seconded the motion. Roll Call: Wendell Schulda YES, Gary Bott YES, Bette Gualtieri YES, Janet Pancost YES.

The meeting adjourned at 7:21 p.m.