

ZONING BOARD OF APPEALS
NOVEMBER 3, 2015
REGULAR MEETING
MINUTES

The regular meeting of the Zoning Board of Appeals was called to order by Chair Berthold at 6:30 p.m. in the City Chambers at 159 East Maumee Street.

Present: Mike Berthold Chair
 John Dudas City Commissioner
 Mike Jacobitz
 Maralee Koleski
 Gerry Burg(Alternate)

Absent: Cindy Bily

APPROVAL OF MINUTES OF THE
OCTOBER 6, 2015, REGULAR MEETING

There were no corrections to the minutes. Board Member Jacobitz moved that the Minutes of the June 2, 2015 regular meeting be approved. Board Member Koleski supported. Motion supported and carried unanimously.

CASE NO. 15-022
REQUEST FOR VARIANCE AT
1004 E. CHURCH ST

The applicant, Paul Torres is proposing to rebuild his enclosed front porch located at 1004 E. Church St. Applicant's front porch foundation has deteriorated, causing the entire porch structure and front stairs to weaken and crumble. Applicant's porch is currently enclosed with windows. He would like to put new insulated windows on the new porch to help insulate the front of his house, which he says is very drafty during the winter months.

Planning and Zoning Administrator David Rohr gave the back ground for this case. Mr. explained that the initial request by applicant to re-enclose his front porch had been denied by the building inspector and Planning and Zoning administrator due to section

24.02 of the zoning ordinance. Mr. Rohr explained that section 4.54 would allow Mr. Torres to rebuild his enclosed porch, yet the conflict within the zoning code should be ruled on by the ZBA. Mr. Rohr explained that many houses on the East side of town have similar enclosed front porches and that this issue would arise again. Staff believes the intent of section 24.02 was to not allow any porches moving forward to be enclosed except by screen. Mr. Rohr explained the request for a variance was more of an appeal of the zoning interpretation. Mr. Berthold and other board members agreed that the proceeding would be an interpretation of zoning code section 4.54.

4.54 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged, altered or rebuilt in a way which increases its nonconformity. Such structures may be enlarged, altered or rebuilt in a way which does not increase its nonconformity.
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.
- C. In the event any nonconforming building or structure shall be damaged by fire, wind, or an Act of God or the public enemy, the same shall be permitted to be rebuilt provided it does not exceed the size, floor area, height and placement of the original building or structure.

Mr. Jacobitz agreed that section 4.54 would allow applicant to rebuild his porch with windows. Mr. Jacobitz suggested the board approve applicant's request, but after approval the ZBA should discuss further the intent of section 24.02 which he believes was to rid the City of all enclosed porches.

Mr. Berthold noted a letter was received in support of Mr. Torres request.

Finding that all the criteria had been meet, Board Member Jacobitz moved that the Zoning Board of Appeals approve the interpretation of zoning code section 4.54 and allow applicant to rebuild his porch. Board Member Dudas supported. A roll call vote was made.

In Favor of Motion: Koleski, Jacobitz, Burg, Dudas, Berthold

Against Motion: none

Motion carried: unanimously

General Discussion

The board then began a general discussion of about the issue of enclosed porches in the City. Several board members suggested examining other porch ordinances around the state and amending section 4.54 to no longer allow porches being rebuild to be enclosed.

Mr. Rohr agreed to research ordinance language and bring new sample language to the Planning Commission for further discussion.

There being no further business the meeting adjourned at 6:55 p.m.

Respectfully submitted,

David Rohr, Planning & Zoning Administrator