

MEETING AGENDA



Board of Zoning Appeals

City Hall • 3800 Municipal Way • Hilliard, Ohio 43026
and Live-Streaming on YouTube

Thursday, November 17, 2022 | 7:00 pm

- 1. Call to Order**
- 2. Pledge of Allegiance to the Flag**
- 3. Roll Call**
- 4. Approval of the Meeting Minutes – September 15, 2022**
- 5. Oath to Tell the Truth**
- 6. Changes to the Agenda (requests for postponements, withdrawals, or change in order of cases)**
- 7. New Cases:**

CASE 1: BZA-22-34 – QUATHIFACHI / KROUROU RESIDENCE – 5217 SCIOTO DARBY ROAD
PARCEL NUMBER: 050-000893 (Mary K. Conklin Subdivision – Lot #20)
APPLICANT: Bouchra Krourou and Assad Qathifachi, 5217 Scioto Darby Road, Hilliard, OH 43026.
REQUEST: Review and approval of a variance to Hilliard Code Section 1109.03 to reduce the required rear yard from 35 feet to 9 feet for a 272-square-foot addition to an existing single-family home.
- 8. Communications**
- 9. Adjournment**

[END OF AGENDA | NOVEMBER 17, 2022]

MEETING MINUTES

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Thursday, September 15, 2022 | 7:00 pm

CALL TO ORDER

President Piper called the Regular Meeting of Board of Zoning Appeals to order at 7:00 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

President Piper led the Board and attendees in the Pledge of Allegiance.

ROLL CALL

Attendee Name:	Title:	Status:
President Matthew Piper	President	Present
Vice President Aaron Epling	Vice President	Present
Steve Donato	Member	Present
James Martin	Member	Present
Greg St. Clair	Member	Present
Arthur Steele	Member	Present
Bobby Stepp	Member	Present

Staff Members Present: Planning Director John Talentino; Planning Manager Carson Combs; Administrative Assistant/Acting Clerk Nicole Starrett.

Others Present: Jorge Bahr (translator) and Reynaldo Pacheco, 4788 Jeannette Road, Hilliard, OH 43026 representing BZA-22-33; Mohammed Ahmmad.

APPROVAL OF MEETING MINUTES – August 18, 2022

President Piper made a motion to approve the August 18, 2022, meeting minutes. The motion was seconded by Mr. Bobby Stepp.

Status:	Approved (7-0)
Ayes:	President Piper, Vice President Aaron Epling, Mr. Steve Donato, Mr. James Martin, Mr. Greg St. Clair, Mr. Bobby Stepp, Mr. Arthur Steele

CHANGES TO THE AGENDA (requests for postponements, withdrawals, or change in order of cases)

Mr. Combs confirmed there were no changes to the agenda.

OATH TO TELL THE TRUTH

President Piper administered the Oath to Tell the Truth.

CASE 1: BZA-22-33 – PACHECO RESIDENCE – 4788 Jeannette Road

PARCEL NUMBER: 050-002356

APPLICANT: Reynaldo Pacheco, 4788 Jeannette Road, Hilliard, OH 43026.

REQUEST: Review and approval of variance to Hilliard Code Section 1127.04(b)(1) to permit gravel as a driveway/parking surface within the rear yard of a single-family dwelling on 1.5 acres.

[Mr. Combs provided the staff report.]

BACKGROUND:

The site is 1.5 acres located on the north side of Jeannette Road approximately 250 feet west of Scarberry Drive. The property is zoned R-3, Moderate Density Residential District which permits single-family dwellings and other residential types as conditional uses. The property includes a single-family home for which a demolition permit was granted to remove the attached, one-car garage in August 2021 (DEMO-21-3). The home includes an existing gravel driveway between the street and concrete garage pad that is legally non-conforming. In addition to conducting ordinary maintenance to the current driveway, the property owner installed approximately 2,625 square feet of gravel behind the home and was sent a violation notice by Code Enforcement on August 19, 2022 (CE-22-213). This is a request for a variance from Section 1127.04(b)(1) to permit the use of approximately 2,652 square feet of gravel behind the concrete garage pad as an approved parking surface.

CONSIDERATIONS:

- The applicant has demolished the attached one-car garage and extended the existing driveway behind the residence. The 2,652 square feet of gravel includes a 26' x 12' driveway extension and a general parking area that is approximately 39' x 60' in size.
- Section 1127.04(b)(1) of the Zoning Code requires a paved surface of concrete or asphalt. The Code does not permit gravel parking areas. The Planning and Zoning Commission may approve alternative pavement systems such as pavers, brick or other permeable hard surfaces based upon the durability and appearance of proposed materials for parking areas, but the proposed gravel would not meet the general parameters for Planning Commission consideration.
- In the recent past, a variance has been granted for a gravel driveway providing access to an accessory structure off Dublin Road. In that case, the gravel would be rarely used to access an accessory garage at the rear of the lot, and the property owner had a significant paved driveway that would restrict the disbursement of gravel toward the public street. Two requests for gravel parking expansions for commercial properties have been denied by the Board within the last year.

STAFF RECOMMENDATION:

Staff finds that the proposed variance to Section 1127.04(b)(1) for the purpose of expanding gravel parking area behind a home within a residential district is not appropriate and would set a negative precedent for other properties throughout the city. Staff finds that the expanded gravel is visually significant and will have a negative impact on surrounding properties and the general area. There can also be beneficial use of the property without the variance and that the proposal would be a substantial departure from the Code. Staff finds that the proposed variance does not meet the spirit and intent of the Code and the provisions listed within Section 1106.04 of the Code. Based on these findings, staff respectfully recommends that the variance request be denied.

[END OF REPORT | BZA-22-33]

President Piper requested any questions for staff.

Mr. Stepp inquired if the location is a commercial property. Mr. Combs clarified that we cannot say for sure how it's being used. At the time of the pictures, the equipment that was present in the photos presented by staff was used to install the gravel. Mr. Combs noted that staff does not believe the equipment is being stored on the site for commercial use and that during a Code Enforcement inspection on September 15, 2022, many of the vehicles/equipment had been removed. Mr. Combs likened the size of the gravel area to a parking lot on a residential lot.

Mr. Combs clarified for Mr. St. Clair that the gravel was noticed by Code Enforcement during its installation. He said that a violation notice was issued, and the applicant had submitted a request for the variance as a course of action to address the violation.

Mr. Martin inquired about the circumstances in which the driveway in front of the home was legally non-conforming. Mr. Combs clarified that aerial photography had been viewed from the past 12 years, and it was confirmed that the front driveway appeared to be gravel. Placing gravel in the existing location would be considered ordinary maintenance.

Mr. Stepp inquired about the number of driveways on that road that are gravel now. Mr. Combs said that most are paved, but there is at least one additional instance where gravel is present. Mr. Combs noted for Mr. St. Clair that no public response was received from the notices sent to surrounding property owners.

Mr. Pacheco, the property owner, appeared with his translator Mr. Jorge Bahr. Mr. Bahr explained that Mr. Pacheco has trouble speaking English, but can understand some.

President Piper asked if there was anything Mr. Pacheco would like to add. He explained through the translator that the front of the driveway has smaller gravel. From the main entrance to what used to be the garage there is a cement pad. Behind the house he placed an area of larger gravel. Mr. Bahr explained on behalf of Mr. Pacheco that the larger gravel was applied to land that tends to have drainage issues resulting in mud. He said the equipment belonged to relatives and had been removed.

Mr. Bahr confirmed for Vice President Epling that Mr. Pacheco is the property owner. Mr. Bahr noted that Mr. Pacheco had noticed other properties with gravel and assumed he could fix the low-lying area on the property by adding gravel, as well. Mr. Pacheco indicated that there were two or three other homes in the neighborhood that have gravel from the street to the garages.

President Piper voiced that the City's concern is having the gravel in the backyard. He received confirmation from Mr. Combs that the issue is with the gravel in the rear yard.

President Piper inquired why additional dirt wasn't considered instead of the gravel. Mr. Bahr on behalf of Mr. Pacheco mentioned it was because of the flooding and too hard to walk in that area with a lot of mud.

Vice President Epling noted that the lot seems to be bigger than the others on the street.

Mr. Stepp inquired about the purpose of the gravel in the area in question; Mr. Bahr confirmed it was to park vehicles and that is due to a lack of space in the front of the property. In addition, it was placed to cover some of low-lying area and water that accumulates in that area during the rain.

Mr. Stepped inquired if pavement would be an approved material. Mr. Combs said it was and that the Commission also has the authority to grant alternative pavements such as a grassy grids and pavers. Mr. Combs verified for Mr. Martin that parking on the grass is not permitted by Code.

Vice President Epling asked if parking was prohibited in the rear yard, and Mr. Martin asked if stormwater runoff is an issue. Mr. Talentino explained that parking is allowed, but the area must be with an approved paved surface. He said that as long as stormwater is not flowing inappropriately onto the neighbor's property it is allowed.

Mr. Stepp clarified for the record and wanted the property owner to understand that there is no problem with parking in the rear yard, but the parking must occur on a paved surface.

Mr. Pacheco requested additional time to address the Code violation and indicated that the work could be finished in November. He indicated that the size of the pavement would be somewhat less than the current gravel area due to cost.

Mr. Martin asked if any trees were removed to put the gravel down; Mr. Pacheco confirmed no trees were removed.

Mr. St. Clair inquired about how to proceed and if a stipulation is needed to approve the request; Vice President Epling indicated that he has a motion in mind.

Mr. Martin asked if Mr. Pacheco would be willing to concrete the front driveway, as well; Mr. Pacheco indicated it would be too much money to do at the same time, but he would eventually like to do that portion as well.

Mr. Pacheco stated that he has been living in the property for five years and has removed all the trailers and other vehicles. He noted that some of his neighbors have trailers in their driveways and wanted an explanation. Vice President Epling stated that while the Board could not comment on those situations, that if a violation exists Code Enforcement could look into those situations.

President Piper clarified for the record that the concern is not that of parking vehicles in the driveway, but of having gravel in the rear yard as a parking surface.

Vice President Epling made the motion, seconded by Mr. Stepp, to approve variance to Hilliard Code Section 1127.04(b)(1) to permit gravel as a driveway/parking surface within the rear yard of a single-family dwelling on 1.5 acres with one condition:

- 1) That the variance will expire on November 30, 2022.

Mr. Talentino clarified for the record that the driveway behind the home will have to either be paved or removed by that day. Vice President Epling concurred.

Status:	Approved (7-0).
Mover:	President Matthew Piper
Second:	Mr. Bobby Stepp
Ayes:	President Matthew Piper, Vice President Aaron Epling, Mr. Bobby Stepp, Mr. Greg St. Clair, Mr. James Martin, Mr. Steve Donato, and Mr. Arthur Steele.

PRESIDENT'S COMMUNICATION

Mr. Combs noted that there may be one case on the agenda for October.

ADJOURNMENT – 7:24 PM

President Piper motioned to adjourn and gaveled the meeting at 7:24 p.m.

CERTIFICATION:

Nicole Starrett, Administrative Assistant / Clerk
November 18, 2022

[END OF MINUTES | SEPTEMBER 15, 2022]

STAFF REPORT

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CASE 1: BZA-22-34 – QUATHIFACHI / KROUROU RESIDENCE – 5217 SCIOTO DARBY ROAD

PARCEL NUMBER: 050-000893 (Mary K. Conklin Subdivision – Lot #20)

APPLICANT: Bouchra Krourou and Assad Qathifachi, 5217 Scioto Darby Road, Hilliard, OH 43026.

REQUEST: Review and approval of a variance to Hilliard Code Section 1109.03 to reduce the required rear yard from 35 feet to 9 feet for a 272-square-foot addition to an existing single-family home.

BACKGROUND:

The site includes 0.157-acre located on the south side of Scioto Darby Road, approximately 100 feet northwest of Conklin Drive. The parcel is Lot #20 within the Mary K. Conklin Subdivision and is zoned R-2, Low/Medium Residential District. The subdivision was recorded in 1984 and includes lots that are generally 63' x 135' in size. Properties surrounding the site are zoned R-2 as part of the Conklin Subdivision, and residences on the north side of Scioto Darby Road are also residences zoned R-2 as part of the Luxair Addition subdivision. The property is adjacent to Reserve A, which is owned by the City of Hilliard and is the former location of a sanitary lift station. Application of the R-2 zoning classification has resulted in the need for many variances in the city's older neighborhoods to permit additions and other improvements. This is a request for variances to permit the construction of a 272-square foot home addition.

CONSIDERATIONS:

- The applicant is proposing to install a 272-square-foot addition to the rear of the 1,650-square-foot ranch-style home (total 1,922 square feet). Analysis of the property to applied zoning standards includes the following:

	R-2 Requirement	Existing Lot
Minimum Lot Size	11,200 sf	6970 sf
Minimum Lot Width	80 feet	73 feet

- The proposed addition would be centrally located off the rear of the home. The addition would comply with the required side yard setback of 10 feet. This lot within the subdivision has a more compact size and shape because of (1) the curvature of Conklin Drive and (2) the flag shape of Reserve A, which was included in the subdivision because of the location of a pump station for the sanitary main. As a result, the rear yard has much less depth and converges to a point. The proposed addition would be located 9 feet from the rear property line, which has a required setback of 35 feet. Based on the R-2 standards, the required rear setback extends to the midpoint of the side elevation facing Reserve A and almost to the front elevation of the side facing toward Conklin Drive.
- Maximum lot coverage for homes in the R-2 District are limited to a 30 percent for structures. Given the much smaller size of the lot, the proposed improvements still result in only a 27.6% percent lot coverage which is still under the R-2 maximum.

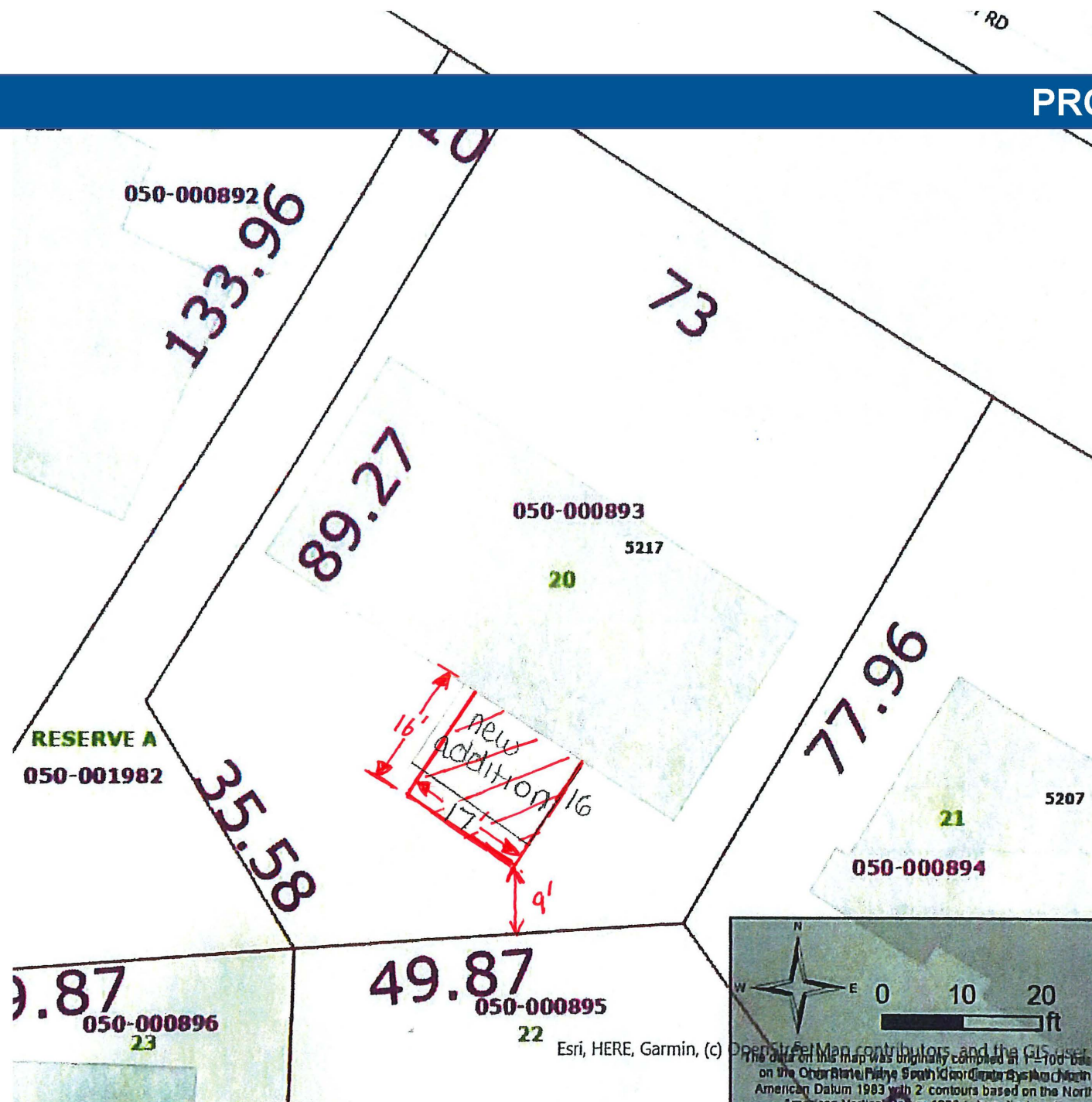
- As part of this application, staff determined that the property owner had installed a concrete driveway addition and placed an accessory structure within Reserve A. The City is working with the property owner to address the Code issues and the property owner has been cooperating.
- The original pump station and forced main within Reserve A was taken out of service long ago and replaced with gravity flow with the completion of the Luxair development on the other side of Scioto Darby Road. Given those changes, the reserve is not necessary and the City is in the initial process to transfer the property while maintaining a utility easement to access the sanitary line and manholes. Expected in 2023, that transfer would significantly increase the backyard space of this site and add an additional 0.05-acre to the property.

STAFF RECOMMENDATION:

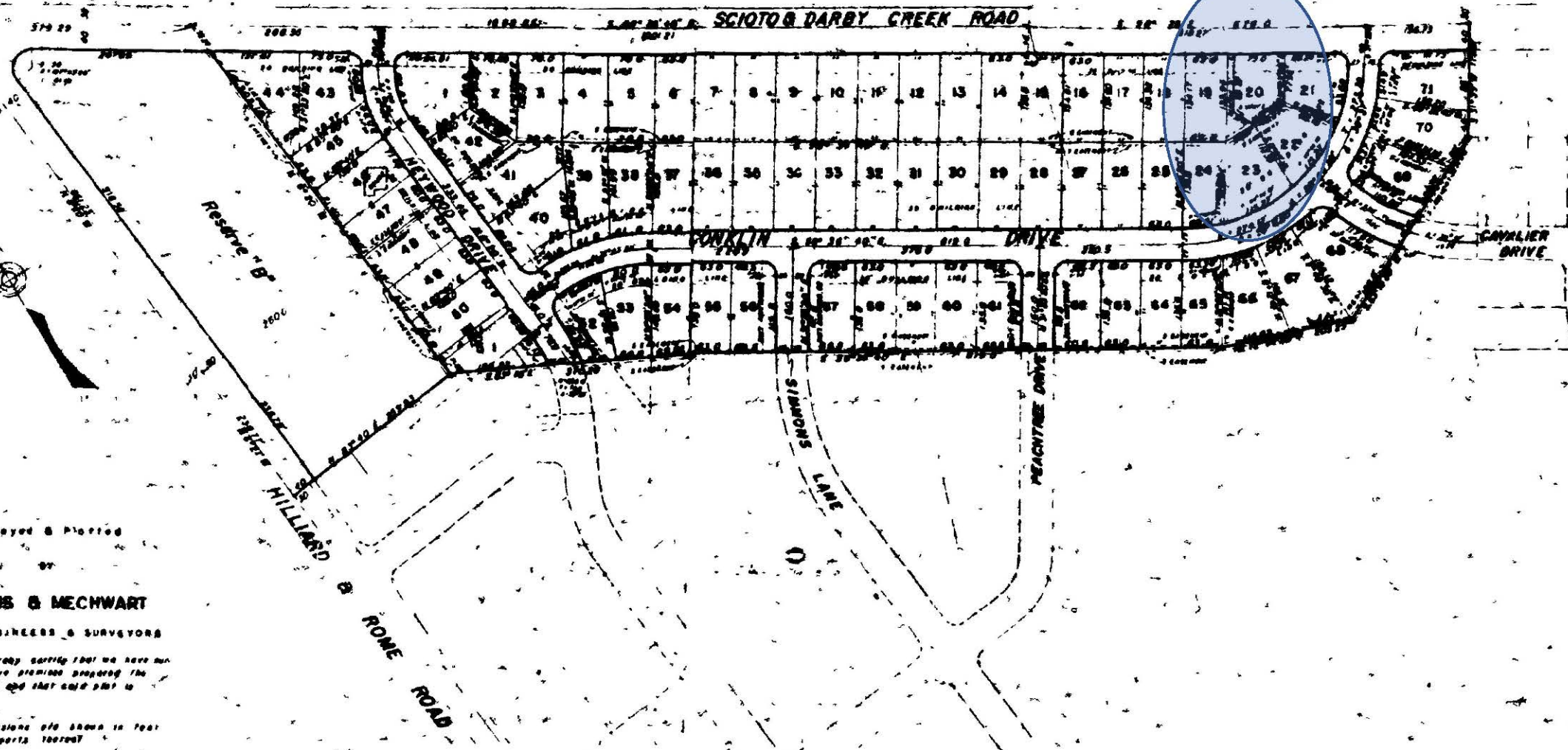
Staff finds that the proposed variance is generally consistent with the spirit and intent of the Zoning Code. As proposed, improvements to the residence will not adversely affect the character of the surrounding neighborhood, nor be a detriment to surrounding neighbors. Staff finds the proposed variances will not affect public services and alternative options have been evaluated. While the applicant could utilize the property without the addition, the proposed improvements should be highly encouraged in the City's older neighborhoods where investment is necessary to maintain quality for all residents. The R-2 District standards as applied to such older neighborhoods is not appropriate to the size and scale of lots and should be considered for revision as part of Zoning Code updates following the completion of the current Comprehensive Plan process. Staff, therefore, recommends that the proposed rear setback variance be approved with two conditions:

- 1) That a zoning certificate be obtained for the addition prior to the issuance of building permits; and
- 2) That all applicable building permits be obtained prior to construction.

[END OF REPORT | BZA-22-34]



MARY K. CONKLIN SUBDIVISION



Surveyed & Plotted

97

EVANS & MECHWART

CIVIL ENGINEERS & SURVEYORS

We do hereby certify that we have surveyed the above premises according to the attached map and that said map is correct.

All dimensions are shown in feet and decimal parts thereof.

