

**CITY OF WHITEHALL
BOARD OF ZONING AND BUILDING APPEALS
SEPTEMBER 11, 2017**

The City of Whitehall Board of Zoning and Building Appeals meeting of September 11th, 2017 was called to order by Chairman Armes at 7:00 PM.

Chairman Armes asked for a roll call.

Armes-Present

Weatherby-Present

Arends-Present

Bailey-Absent

Elmore-Present

Upon a roll call all members were present except for Ms. Bailey who called to say she would be unable to attend. Mrs. Elmore motioned to excuse and Mr. Arends seconded. Voting was unanimous to excuse Ms. Bailey's absence.

Chairman Armes asked for a motion to approve the minutes from August 14, 2017 meeting. Mr. Weatherby motioned and Ms. Arends seconded.

Voting went as follows: Armes-Yes, Arends-Yes, Elmore-Yes & Weatherby-Yes. August minutes were approved.

*****Chairman Armes announced that Case # BA-17-06- The Ohio Hispanic Coalition had withdrawn their case earlier that day. *****

Chairman Armes announced Case# BA-17-08 & 17-09, Columbus Homes LLC/Lynn Edelman is an Administrative Appeal, 903.09(b). He is appealing the interpretation of the code dealing with Driveway Approaches on property located 3923 E Main St. (BA-17-08) and 4409 E Main St. (BA-17-09). Both properties are owned by Lynn Edelman.

John Ranft, who was representing Mr. Edelman who was in Germany at the time of the meeting, suggested that both cases be heard and voted on together. The Board had no problem with the suggestion.

Mr. Ranft went on to introduce himself as a real estate broker and general contractor. He works for Mr. Edelman and has various holdings such as Columbus Homes and JJR Enterprises.

Mr. Ranft said it started when they received a notice of violation for the sidewalks and approaches for 4409 E Main St and 3923-3915 E Main St.

They hired a contractor and submitted the drawings and applications to the Building Department. They came back denied.

He stated the cost to replace the entire approach would be three times more than to patch it. The approaches are 6 to 8 inches thick. He felt their plans were sufficient to fix the code violations.

Mr. Ranft said he went up and down E Main St, about three blocks, taking pictures of other business's approaches that had been repaired. He had these pictures

on a flash drive. Mr. Ranft didn't print any of the photos nor did he bring in a laptop so he could present the photos to the Board.

Mr. Ranft said he feels what they are asking for is not unreasonable compared to other approaches in the area.

Mr. Armes asked if he was proposing to use asphalt. Mr. Ranft stated he was going to replace the approach with concrete but he didn't feel he needed to replace the entire approach when 85% of it was still good.

He is appealing the interpretation of code 903.9.

Mike Hulsey, Chief Building Official for the City of Whitehall, said the City feels if Business's begin to repair only the bad sections of the approaches before long they will all look like patch work. That is not the direction in which the City wants to go.

Mr. Hulsey stated the City's policy is if you don't want to replace the entire approach you must at least replace an entire section. There are typically four sections to an approach. If you were to replace a sidewalk panel you would replace the entire sidewalk panel that way you keep the uniformed look.

Mr. Hulsey said Mr. Edelman wanted to replace a piece here and a piece there and before long it looks like a bunch of patched pieces.

Mrs. Elmore asked Mr. Ranft what his opposition would be to replace an entire section.

He said he wasn't quite sure which sections they were talking about. He mentioned that one of the approaches has a center cut so that entire approach would need to be replaced and it includes a section of sidewalk that would need replaced. He went on to say that it would be better for them to widen it to 10 ft. instead of 5 ft. which it is currently.

Mr. Ranft said there are many approaches down E Main St that are not consistent with what the City is asking them to do.

Mr. Hulsey said he is not aware of what has been done in the past but moving forward this is what the City will be enforcing.

Mr. Ranft said he took at least 16 pictures of approaches and the addresses that are currently just like what he is proposing. He said they are not new approaches but they don't appear to be causing any problems.

Mrs. Elmore asked if he had printed copies to present.

He answered no because he assumed there would be a computer for his use to display the pictures.

Mr. Hulsey said the code has been around for a few years and with the new Overlay, Main, Broad & Hamilton Rd., they are trying to improve the look and keep things more uniform.

Chairman Armes asked Mr. Ranft what was his reason for the appeal.

Mr. Ranft said to replace all 3 approaches the contract price is \$10,000.00. To replace the entire approaches would bring the cost up to \$22,000.00. It's a very expensive ordeal and Mr. Edelman is still responsible for maintaining them.

Mr. Ranft proposed they would be willing to widen them to create more balance and make them look new. The concrete would be a minimum of 6 inches with straight cuts and they would also seal the cuts to prevent water from coming into them.

Mr. Ranft again mentioned the pictures he took along E Main St of varying businesses with patchwork approaches.

Chairman Armes stated that Cases BA-17-08 & 09 hardship was based on saving money. Mr. Ranft confirmed it and said he doesn't feel a total replacement is necessary.

Mrs. Elmore said Whitehall is working on beautifying the Overlay areas so the City can draw in residents and business owners who want to live and open business in a nice area.

Mrs. Elmore noted the City's Administration and Economic team are working together to keep things moving forward. Uniformity is key factor. No-one can speak to what was allowed in the past but moving forward all approach applications will be to completely replace or at least replace one entire section of the approach.

Mrs. Elmore understands Mr. Ranft's appeal but the goal is to beautify.

Mr. Ranft feels that if he widens the approach it will make it look more uniform and less patch like. He said regardless of what they do, they will need to cut it because all the concrete is too big. He said they will cut it and balance the cut and make it look good and uniform.

Chairman Armes asked if he was asking the Board to overturn the CBO's recommendation. Mr. Ranft answered yes. He went on to say Mr. Edelman is willing to repair the approaches and make it look good and be responsible for the maintenance.

Mrs. Elmore asked if there were specifications for commercial approaches.

Mr. Hulseley answered there are specifications for commercial concrete. Normally an approach is cut into four sections, 5 or 6 ft. wide for reasons of expansion, contraction and cracking.

Mr. Ranft said his approaches are bigger than normal, one is 30 ft. and one is 40 ft., so they have to cut just because of settling and cracking.

There was some discussion of the other approaches along Main St. Mrs. Elmore asked Mr. Hulseley if he had seen the pictures the Mr. Ranft took. He had not seen them but said he has a good idea what he is talking about.

It was noted that 3923-3915 E Main St will have a 5 ft. patch cut down the middle of the approach.

Vice Chairman Arends said he did not have a problem with what Mr. Ranft was proposing to do but didn't like calling it "patching." He doesn't feel that is adequately describing what they are trying to do. He feels it will be an improvement to what already exists.

Mr. Hulseley spoke of the other two approaches at 4409 E Main St. They are proposing to "patch" them. There pieces being cut out of the approaches that are in random spots. Mr. Ranft pointed to one the joints and noted it was the sidewalk joint. He noted he was going to put concrete in the blacktop portion because he feels it would look better. Mr. Hulseley mentioned it would not be uniform if he proceeded that way.

Mr. Ranft said he is trying to be practical and not trying to avoid the issue.

Mr. Weatherby said he would have liked to have seen some pictures. He felt this case hard to follow without them. Mr. Ranft explained what they are trying to do.

Chairman Armes asked for a motion to approve both cases as submitted by Mr. John Ranft. Mr. Arends motioned and Mr. Weatherby seconded.

Mr. Armes stated Findings of Fact:

The City objects to the appeal.

The hardship presented was solely based on saving money.

There were no objections from adjacent property owners.

Chairman Armes called for a vote. It went as follows:

Elmore-No; Armes-No; Weatherby-No; & Arends-Yes.

Cases BA-17-08 & 09 were **Not approved**.

Chairman Armes announced Case BA-17-10. Juan Gonzalez is seeking a Fence Ht. Variance, 1125.06(b) on property located at 856 Rosemore Ave and owned by the applicant.

Mr. Gonzalez said he purchased the home October 2016. He was trying to fix up the property and started with replacing the old fence. He didn't realize he needed a fence permit to replace an existing fence. The building inspector stopped by his property and made him aware that he needed a permit.

Mr. Gonzalez submitted a fence application to the Building Department. Mr. Hulsey reviewed the application and denied it based on the Fence Ht. code 1125.06(b). One section of the fence, on the north side of the property was too high per what our code allows.

Mr. Gonzalez said he has a pool in the back yard and kids tend to jump the 4 ft. fence so when he replaced that portion he made it 6 ft. Mr. Gonzalez added the additional privacy was nice too.

Mr. Arends said he was against this fence variance. He did not approve of Mr. Gonzalez building the fence without a permit and then coming to the Board to ask for a variance. Mr. Arends said in his opinion Mr. Gonzalez had no hardship.

Mr. Hulsey said the City has no opinion on this variance but did mention that Mr. Gonzalez will be double fee'd for building the fence without a permit. He went on to say the entire fence meets code except for a small portion on the north side of his property.

Mr. Armes said the Board has heard many cases where the homeowner had erected the fence then ask for the variance after.

Chairman Armes asked for a motion to approve case BA-17-10. Mrs. Elmore motioned and Mr. Arends seconded.

Chairman Armes stated Findings of Fact:

The fence was already built.

The variance is only for the portion to the north of his property.

It will provide safety, as he has a pool.

It will also provide privacy.

Chairman Armes asked for a vote. It went as follows: Armes-Yes, Weatherby-Yes, Arends-No & Elmore-Yes.

Case BA-17-10 was **Approved**.

Chairman Armes asked for a motion to adjourn. Mr. Arends motioned and Mr. Weatherby seconded.

Roll was called and meeting was adjourned at 7:52 pm.

APPROVED: _____, 2017

Respectfully submitted,

WALTER ARMES, CHAIRMAN

Teresa Netotian, Clerk