

**VILLAGE OF EVENDALE
BOARD OF ZONING APPEALS
MINUTES FOR THE
FEBRUARY 12, 2015**

Pursuant to written notice, a public meeting of the Board of Zoning Appeals (the "BZA") was called to order by Chairman Al Schutte at 7:30 PM on Thursday, February 12, 2015, in the Council Chambers of the Village of Evendale Municipal Building. Attending in person were Chairman Al Schutte, members Dave Harwood, Lynn McCarthy, Mike Reed and Ken Valentine. Supporting the BZA was Pam Morin from the Evendale Building Department.

After all those present who planned on giving testimony were duly sworn in by Chairman Schutte, the following appeal was heard:

**David & Carol Acus
3696 Glendale-Milford Road
Applicant has submitted an application for a variance from Section 1266.04(A) of the Village of Evendale Zoning Code requiring all accessory structures to be located in the rear yard.
File #V-15-01**

Mr. Acus told the committee that his family has lived in this house since 1956. It has only a single car garage in which they use to park his wife's vehicle. This vehicle is older and not reliable. Mr. Acus had a carport installed in the west side of the house. Mr. Acus didn't feel that he could locate the carport in the rear yard because of the grade. He did not receive a building permit for this project.

Mrs. Acus has some health issues in which on occasion Mr. Acus has had to transport her to the hospital. Mr. Acus stated that he needs a carport to protect his vehicle from the snow and ice, in case another health emergency arises.

There was a discussion of possible alternative solutions.

Mr. Schutte read through the seven Justifications of Variance. He proposed that Mr. Acus had not fulfilled justifications #2, #3, #6, and #7.

Findings of Fact:

After hearing Mr. Acus's testimony and reviewing the documents filed, the BZA establishes the following Findings of Fact:

1. Mr. Acus has timely filed an appeal from the notice provided by Don Mercer, Village of Evendale Building Commissioner dated January 5.
2. Pursuant to notice, a hearing was held on this evening at which time Mr. Acus had the opportunity to present his justification for variance.
3. Following a discussion the BZA felt:
 - a. The variance was substantial.
 - b. Granting the variance would greatly change the character of the neighborhood because of the carport's current location
 - c. There are viable alternative solutions without granting the variance, either by changing the location of the carport, switching the vehicles, using the trickle charger on the vehicle in the garage, using the services of the Village EMT's

when there is a health emergency, or storing the vehicle that is currently parked in the garage off site.

d. The request is not in the spirit of the zoning code.

Mr. Reed made a motion to deny Mr. Acus's request for a variance. Mr. Valentine seconded this motion. There was no discussion. The motion passed with a vote of 5 yes, 0 no.

A motion to approve the minutes of the December 8, 2014, meeting was made by Dave Harwood and seconded by Lynn McCarthy. The motion passed with a 5 – 0 vote.

The meeting was adjourned at 8:00 PM.

Attest:

Al Schutte, Chairman
Board of Zoning Appeals