



**BOARD OF BUILDING AND ZONING APPEALS
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING
JUNE 27, 2023**

The hearing was called to order at 7:30 P.M. by Chairman Baesel

PRESENT: Bryan Baesel, Karen Alfred, Cynthia Nolde, Brad Lamb, Robert Swisher
ALSO PRESENT: Clerk of Commissions Nicolette Sackman and Assistant Law Director
Nathalie Supler

DOCKETS

Majdi Alaraj 2023-14

23783 Cornwell Dr., PP#21409042, Ward 1

*Requesting to construct addition 9' off the side property line. §1211.08(e): the width of either side yard of a lot shall be not less than the respective dimensions as set forth in §1211.09 (15'); a **6' side yard setback variance**.*

Mr. Sarrough (engineer) and Mr. Alaraj, were sworn in by Ms. Supler. It was explained the request is for an addition to the house that was constructed in 1954 with a 9' setback off the property line. Current code requires a 15' setback and they would like to build the addition with the same setback as the house. The house is a 1,000 sf, two-bedroom home and Mr. Alarja would like to increase the size for a future family. The location will follow the same setback and roof line. The addition would be adjacent to the neighbor's rear yard and next to their house.

Members of the board discussed if other locations were considered such as off the back of the garage. Mr. Sarrough advised placing an addition behind the garage would cause potential roof issues as the pitch of the garage is different than the house and there would be a valley between the garage and addition roof which is not the best structural design. The proposed location will keep in character of the existing home, works with the interior layout, and will look ascetically better and as if it was always part of the house rather than an add on.

Mr. Grimes, 23831 Cornwell Dr., sworn in by Mr. Supler, stated that he had no objections to the request as he is the neighbor and the addition will add to the value of the neighborhood.

After a careful review of the evidence and testimony, the Board made the following findings of fact:

1. Whether the property in question yield a reasonable return or whether there can be any beneficial use of the property without a variance – yes
2. Whether the variance is substantial – no
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance – no
4. Whether the variance would adversely affect the delivery of governmental services – no

5. Whether the property owner purchased the property with the knowledge of the zoning restriction – n/a
6. Whether the property owner’s predicament feasibly can be obviated through some other method other than a variance – no
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance – yes

Motion: Mr. Lamb moved, seconded by Ms. Alfred to grant a 6’ side yard setback variance.

Yeas: Alfred, Basel, Nolde, Lamb, Swisher

Nays: none, motion carried

Taylor Keaton 2023-15

3189 Columbia Rd., PP#21530014, Ward 2

*Requesting to construct a 6’ tall fence in the side yard of this corner lot 3’ from the planned right-of-way. §1211.04(b)(3): fences, may be permitted along the side lot line except that on a corner lot no fence shall be located within 25’ from the planned right-of way line; **a 22’ side yard setback variance.***

Mr. Porter (owner), was sworn in by Ms. Supler, and explained their property is a corner lot and they would like to construct a fence 3’ off the right-of-way. They would like use of the rear yard and some privacy as they have a daughter and dog. If the fence were placed per the code, it would be located in the middle of the yard greatly limiting the use. Placing the fence 3’ off the sidewalk allows for room next to the sidewalk for people walking their dogs or other people/kids on the sidewalk. There are three trees along the side yard that they would like to be located inside the fence for shade and they wish to retain the trees. The portion of the fence along the side walk and rear property line will be a 6’ board on board fence; and the portion along the other side property line will be 4’ farm style fence.

Members of the board discussed: the fence height; location; line of site; and safety. They requested that both corners (ends) of the fence along Hall Dr. are placed 20’ off the right of way and connect to the fence along the sidewalk at an angle so there is an unobstructed view from each driveway. Mr. Porter stated that would not be a problem and will do that.

After a careful review of the evidence and testimony, the Board made the following findings of fact:

1. Whether the property in question yield a reasonable return or whether there can be any beneficial use of the property without a variance – no
2. Whether the variance is substantial – yes
3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance – no
4. Whether the variance would adversely affect the delivery of governmental services – no
5. Whether the property owner purchased the property with the knowledge of the zoning restriction – n/a
6. Whether the property owner’s predicament feasibly can be obviated through some other method other than a variance – no

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance – yes

Motion: Mr. Lamb moved, seconded by Ms. Alfred to grant a 22’ side yard setback variance with the condition that the both corners (ends) of the fence along Hall Dr. are placed 20’ off the right of way and connect to the fence along the sidewalk at an angle so there is an unobstructed view from each driveway.

Yeas: Alfred, Basel, Nolde, Lamb, Swisher

Nays: none, motion carried

MISCELLANEOUS

None

APPROVAL OF MINUTES

Motion: Ms. Nolde moved, seconded by Mr. Swisher to approve the minutes of the May 30, 2023 Board of Building and Zoning Appeals hearing.

ROLL CALL:

Yeas: Alfred, Basel, Nolde, Lamb, Swisher

Nays: None, motion carried

ADJOURNMENT

Mr. Baesel adjourned the meeting at 7:55 P.M.

Bryan Basel
Bryan Basel, Chairman

Nicolette Sackman
Clerk of Commissions Nicolette Sackman, MMC

Approved: July 25, 2023