



**BOARD OF BUILDING AND ZONING APPEALS
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING
JULY 25, 2023**

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

PRESENT: Karen Alfred, Cynthia Nolde, Brad Lamb, Robert Swisher
ABSENT: Bryan Baesel
ALSO PRESENT: Clerk of Commissions Nicolette Sackman and Assistant Municipal
Prosecutor Jack Corrigan

DOCKETS

David and Lisa DiFrancesco 2023-16

1825 Clague Rd., PP#21426023, Ward 1

Requesting to construct a second garage area to an existing detached garage.

*§1211.04(a)(2): on lots of single family uses, private garages may be attached or detached, but not both, and shall be limited to one garage area: a **variance for two garage areas**. §1211.04(a)(2): on lots more than 20,000 but 40,000 sf the maximum garage area is 1,000 sf; this will result in a combined total of garage areas equaling 1,232 sf; **an area variance of 232 sf**.*

Mr. DiFrancesco, sworn in by Mr. Corrigan, explained he would like to build an addition on his existing garage. He stated that he was denied a variance last year for a second detached garage and it was suggested at that time to consider an addition. The addition will not have access to the existing garage so even though the addition is attached it is considered a second garage area. He would like two additional parking spaces. The rear of the addition is 233' from the rear lot line and he showed a site plan showing the location of the adjacent neighbor's houses and garages.

Members of the commission discussed the following: reducing the area as a 40,000 sf lot is permitted a 1,200 sf garage; the applicant's lot is approximately 30,000 sf; concerns with a 5 car garage as a variance stays with the property regardless of owner; the area variance is large; withdrawing the variance for two garage areas by putting an opening in the wall between the two garage areas making it one garage area; and how much concrete will there be. Mr. DiFrancesco agreed to create an opening between the two garage areas and withdraw the request for the second garage area. He will also reduce the total area to 1,200 sf.

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 – 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 an area variance of 200 sf. for a 1,200 sf. garage.

Yeas: Alfred, Nolde, Lamb, Swisher

Nays: none, motion carried

Gregory and Caitlin Plona 2023-17

29292 Hampshire Place, PP21612076, Ward 6

*Requesting to install pool equipment in the side yard of the property. 1211.04(g)(2)(B): the pool and all mechanical equipment used in conjunction therewith is to be located in the rear yard; a **location variance for the pool equipment from the rear to the side yard.***

Mr. Plona and Mr. Biven from High Tech Pools, were sworn in by Mr. Corrigan. Mr. Biven reviewed the site plan showing the layout of the property and proposed location for the pool equipment. Locating the unit on the side of the house is the best location due to existing gas, electric, concrete pad and the air conditioner. The area will be screened so it is not visible from the street. If they were to put the unit in the rear yard it would be more visible and not near the existing utilities.

Members of the board discussed the following: if moving the until to the opposite side of the house was considered as that location is further away from the neighbor; the unit should be screened from view from the street and neighbor; and how often the unit runs. Mr. Plona and Mr. Biven explained the following: that moving the unit to the other side of the house would still require a variance and costly as there are no utilities; the neighbor has a fence and the garage is adjacent to the proposed location; placing it in the rear would also be costly to run the utilities and there is a pool deck that it would cause problems with accessing utilities as they would have to be under the pool deck; the unit is a whisper quite unit most and when it is running at full power it is the same volume as the air conditioner unit; and the unit will be screened with either landscape or fencing.

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 – yes
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. Nolde to grant a location variance for the pool equipment from the rear to the side yard with the condition that it is screened from view from the street and neighbor.

Yeas: Alfred, Nolde, Lamb, Swisher

Nays: none, motion carried

Pamela & John Compton 2023-18

26775 Schubert Dr., PP21313044, Ward 3

*Requesting to construct a patio cover addition 8’-9” off the side property line. 1211.22(c): the minimum side yard setback for a shading device is 12’; a **3’-3” side yard setback variance.***

Correspondence: Phil and Ann Beck, 26772 Brahms Drive - no objections

Mr. Oslin from Bright Covers, sworn in by Mr. Corrigan, explained the proposal is for a cover over an existing patio. He reviewed the site plan showing the patio is at the rear corner of the house. The patio will not be enclosed and there will be two posts on the end of the cover in the setback. He expressed the street is a dead end street so it should not be visible.

Members of the board discussed the following: the patio will not be enclosed as it is a sun screen; there will be no additional patio surface; how the cover will tie into the gutter downspouts and how runoff will be handled so it does not flow into the neighbor’s yard.

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. Nolde to grant a 3’-3” side yard setback variance.

Yeas: Alfred, Nolde, Lamb, Swisher

Nays: none, motion carried

MISCELLANEOUS

None

APPROVAL OF MINUTES

Motion: Mr. Lamb moved, seconded by Ms. Alfred to approve the minutes of the June 27, 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 8:15 P.M.

Robert Swisher, Vice Chairman

Clerk of Commissions Nicolette Sackman, MMC

Approved: _____