



**BOARD OF BUILDING AND ZONING APPEALS
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING
July 26, 2022**

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

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

DOCKETS

Joseph Kunchik 2022-25

27054 Courtland Meadows, PP#21514020, Ward 4

*Requesting to construct a garage addition 7'6" off the side property line. This will result in the sum total of the two side yards on this lot being 22'6". §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') and the total width of both side yards of a lot and the width of two adjoining side yards on adjoining lots shall be not less than the total width set forth in §1211.09 (30'); a **7'- 6" for the side yard setback** and a **7'6" for the sum total of the side yards on this property.***

Mr. and Mrs. Kunchik were sworn in by Mr. Maloney. They explained they wish to build an addition to their garage for a third bay. When they purchased the house they were not aware that they would not be able to construction this addition. The addition will alleviate the number of vehicles parked in the driveway, which would be beneficial to the neighbors so vehicles are not being moved around at various hours of the day/evening. The addition will also add value to the property. The house was going to have a side load garage but when constructed there was not room due to the width of the lot so it was designed as a front load garage. They cannot add on to the rear due to a retention basin in their rear yard. The addition will be over 30' from the neighbor's house and if the neighbor ever wanted a garage addition it would be on the other side of the neighbor's house.

Members of the board discussed the sewer easement on the side lot line and if the addition would be too close to the easement. Mr. Kunchik advised there is room to access the easement and retention basin at the rear of the property. Mr. Maloney advised that the city engineer will review and make that determination and it is not something the board rules on.

The following was received: Letters in support from: Richard Klingshirn, 26945 & 26909 Rose Rd.; Sam & Tracy Martello, 27039 Courtland Meadows; Dadi Nanut, 27003 Courtland Meadows

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 – 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 – no
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 approve a 7’ - 6” for the side yard setback variance.

ROLL CALL:

Yeas: Alfred, Swisher, Basel, Nolde, Lamb

Nays: None, motion carried

Motion: Mr. Swisher moved, seconded by Ms. Alfred to approve a 7’6” variance for the sum total of the side yards on this property.

ROLL CALL:

Yeas: Alfred, Swisher, Basel, Nolde, Lamb

Nays: None, motion carried

Docket: Richard and Eleanor Mergo 2022-26

27623 Dunford Rd., PP#21502019, Ward 4

*Requesting to construct an addition 13’ 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 **2’ side yard setback variance.***

Mr. O’Brien, contractor, was sworn in by Mr. Maloney. He explained the applicant wants to build an addition that needs a variance. Members of the board questioned what was the practical difficulty and if other options had been considered. Mr. O’Brien explained an addition cannot be placed on the other side of the house as it is 13’ off the property line. The lot is an old narrow lot with a house that is 22’ wide. The addition will provide additional living space, master bedroom with a bath and walk in closet. The provided the floor plan and was asked why the addition couldn’t be 20’ so a variance wasn’t necessary. He advised at 20’ the layout would not work as there would not be enough room.

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. Swisher moved, seconded by Mr. Lamb to approve a 2’ side yard setback variance.

ROLL CALL:

Yeas: Alfred, Swisher, Basel, Lamb

Nays: Nolde, motion carried

Docket: Mary Denis & Mike Lowe 2022-27

23625 Concord Dr., PP#21420009, Ward 1

*Requesting to install an addition 4’2” 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 10’10” side yard setback variance.***

Mr. and Mrs. Lowe were sworn in by Mr. Maloney. They explained they wish to build an addition. The existing house is 4’2” off the lot line and the addition will be flush with the house at the same setback. They cannot build the addition on the other side of the house due to layout but mostly the location of the detached garage behind the house on that side. Members of the board did not have any issues with the proposed request.

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 – 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: Ms. Alfred moved, seconded by Mr. Swisher to approve a 10’10” side yard setback variance.

ROLL CALL:

Yeas: Alfred, Swisher, Basel, Nolde, Lamb

Nays: None, motion carried

MISCELLANEOUS

None

APPROVAL OF MINUTES

Motion: Mr. Swisher moved, seconded Ms. Alfred by to approve the minutes of the June 28, 2022 Board of Building and Zoning Appeals hearing.

ROLL CALL:

Yeas: Alfred, Swisher, Baesel, Nolde, Lamb

Nays: None, motion carried

ADJOURNMENT

Mr. Baesel adjourned the meeting at 7:58 P.M.

Bryan Basel, Chairman
MMC

Clerk of Commissions Nicolette Sackman,

Approved: _____