

**WESTLAKE BOARD OF ZONING APPEALS  
MINUTES OF THE REGULAR MEETING  
FEBRUARY 28, 2006**

Meeting was called to order at 7:30 P.M. by Acting Chairman Neverman.

PRESENT: Board Members Jeff Neverman, Scott Fatzinger & John DesForges

ABSENT: Richard Edmister, Jim Mayer

ALSO PRESENT: Assistant Law Director William Huffman and Clerk of  
Commissions Nicolette A. Sackman

Acting Chairman Neverman explained the Sunshine Law and the procedures of the Board of Zoning Appeals. He explained that there were only three members present this evening and the applicant could request that his variance be tabled until five members are present. In order for the variance request to be approved three affirmative votes are necessary. Sometimes it is easier to get three yes votes out of five votes than three votes.

**SELECTED CORRESPONDENCE**

**Calendar 2006-01, Preteroti**

Letter from Anita F. Parker, 1660 Westhill Blvd. – no objection

**CALENDARS**

**Calendar 2006-01**

**Applicant: Gary Preteroti**

**Premises: 1696 Westhill Blvd. PP# 214-05-034**

Requesting to construct a 280 sq. ft. utility building with a 12' high roof at variance with 1211.04(k) which limits the building area to 120 sq. ft. and a maximum of 11' high; a 160 sq. ft. variance and a 1' height variance.

Mr. Gary Preteroti, duly sworn in by Acting Chairman Neverman, explained he wishes to construct a shed at the rear of his property that will match his home. His home was constructed in the 1950s which he has renovated. The existing garage is small and he needs additional room for storage. Mr. Preteroti stated that the existing garage is small for 1950s standards, and especially for today's standards. The proposed shed will be aesthetically pleasing and will match his existing home. The shed will be 16 x 12 with a 5' overhang for a porch to match the style of the house. He noted that he works with the cub scouts and stores the equipment they use for community clean up projects. He also has two 15' ladders that he currently must store outside due to lack of room in his garage. He would like to keep all the equipment inside so to remove clutter from his yard. He explained that he has a wooded lot with Eveready Co. adjacent to the rear of the lot. His neighbors are not opposed to his proposal. With the Eveready Co. located behind his property there will not be residential neighbors that will see the shed (other than his next door neighbors) and Eveready must maintain a 200' buffer, which is heavily wooded.

The shed will also help to alleviate a drainage problem in his rear yard. His neighbor filled in an in-ground pool, changing the slope of the yard, which sends water into his backyard.

Members questioned how a shed will alleviate drainage problems. Mr. Preteroti explained that he will pour a concrete pad for the shed which will have downspouts and tie into a drainage system. The slope can also be addressed at the time the concrete pad is being installed. Members questioned the size of the lot and if a height variance is necessary. Mr. Preteroti noted there was some confusion at the time he applied for a permit. Since that time he spoke to a neighbor that has a oversized shed that is taller than his proposal (who was granted a variance) who informed him the lot is 200' deep, making the lot 20,000 sq. ft. not under 20,000 sq. ft. The lot size was verified and with the lot being 20,000 sq. ft. a height variance is not necessary. The permitted square footage for a shed is 150 sq. ft. not 120 sq. ft. so the variance request is 130 sq. ft. not 160 sq. ft. The shed will be located 40' from the rear property line so no other variances are necessary. *(Requesting to construct a 280 sq. ft. utility building with a 12' high roof at variance with 1211.04(k) which limits the building area to ~~120~~ 150 sq. ft. and a maximum of ~~11~~ 12' high; a ~~160~~ 130 sq. ft. variance ~~and a 1' height variance~~).*

The Board made the following Findings of Facts:

- 1) applicant's property is located on Westhill Blvd.
- 2) applicant wishes to construct a 280 sq. ft. utility building with a 12' height;
- 3) applicant's lot is 100' x 200' being a 20,000 sq. ft. lot;
- 4) code permits 150 sq. ft. max with a 12' max height;
- 5) applicant requests a 130 sq. ft. variance;
- 6) applicant states that his hardship is that he needs the extra storage and that he has limited space;
- 7) applicant states that his house is 50 years old;
- 8) applicant's proposed shed is 12' x 16' with a 5' porch;
- 9) the building under cover would be 192 sq. ft.;
- 10) applicant's back yard abuts the Eveready property;
- 11) there is no apparent objections from neighbors;
- 12) Board finds that the applicant presented a practical difficulty or unnecessary hardship and that applicant has an older home with limited storage facilities, the variance is not substantial, the granting of the variance would not be detrimental to the neighborhood and would be in keeping with the spirit, letter and intent of the codes of the city of Westlake.

**Motion:** Mr. DesForges moved, seconded by Mr. Fatzinger to approve a 130 sq. ft. variance for a shed.

ROLL CALL:

Yeas: Neverman, Fatzinger, DesForges

Nays: None, motion passed

## **Calendar 2006-02**

**Applicant: George Sent**

**Premises: 3180 Dover Center Rd. PP# 215-08-004**

Requesting to construct additional 304 sq. ft. onto an existing detached garage, 6' from the property line, at variance with 1211.04(a)(2) which requires that detached garages be a minimum of 10' from the property line; a 4' side yard variance.

Mrs. Sent, duly sworn in by Acting Chairman Neverman, explained she is proposing an addition to the existing garage that will follow the setback line of the existing garage. When the existing garage was built there was not a 10' setback from the side yard. She would like to keep the same setback line so the addition is more aesthetically pleasing. The addition will be the same color as the existing garage and same material. Mrs. Sent noted that in the location of the addition her neighbors will not look out a window and into the garage. The house all have the same front setback and are in alignment and not staggered.

Members questioned if the addition setback is grandfathered. Mr. Huffman explained that the existing garage is grandfathered but any new structure must comply with the code unless a variance is granted. It was noted that many garage setback variances have been granted on older lots where the existing setback is smaller than the current code. The Sent's lot is 69' x 789'. It was questioned how far from the rear of the lot the addition will be, which is approximately 400'. Discussion ensued why the addition couldn't be at the 10' setback required by the code. Mrs. Sent advised if the addition were shifted in towards the center an existing stone BBQ would have to be destroyed, plus the addition would look odd along the lot line. The maximum square footage was questioned, which is permitted to be 1,200 sq. ft. and as proposed the total square footage will be 1,194 sq. ft.

The Board made the following Findings of Facts:

- 1) the applicant's property is located on Dover Center Road;
- 2) applicant wishes to construct an addition to the garage 6' from the property line;
- 3) code requires a 10' setback;
- 4) applicant requests a 4' variance;
- 5) addition to the garage would be no closer to the property line than the existing garage;
- 6) proposed addition is behind the current garage;
- 7) the width of the property is 69' while the depth is 789';
- 8) garage will be approximately 400' from the rear property line;
- 9) applicant states that hardship would be the need to remove a stone BBQ. If the garage is moved it will be more in the center of the lot since the lot is narrow in width;
- 10) Board finds that the applicant presented a practical difficulty or unnecessary hardship due to the narrowness of the lot, that the granting of the variance would not be detrimental to the neighborhood since the new structure will be no closer to the lot than the existing garage, and would be in keeping with the spirit, letter and intent of the codes of the city of Westlake

**Motion:** Mr. Fatzinger moved, seconded by Mr. DesForges to approve the variance as requested.

**ROLL CALL:**

Yeas: Neverman, Fatzinger, DesForges

Nays: None, motion passed

**MISCELLANEOUS**

None

**APPROVAL OF MINUTES**

There not being a quorum of the members present this evening that attended the November 29, 2005 meeting, the minutes will be addressed at the next meeting.

**FINDINGS OF FACTS**

Calendars: 2005-27 Wiechec, 2005-28 Vandayburg, 2005-29 Gabre

There not being a quorum of the members present this evening that attended the November 29, 2005 meeting, the findings will be addressed at the next meeting.

**ADJOURNMENT**

Acting Chairman Neverman adjourned the meeting at 8:00 P.M. The next regular meeting is scheduled for March 28, 2006.

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Jeff Neverman, Acting Chairman

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Nicolette A. Sackman, CMC  
Clerk of Commissions

Approved: \_\_\_\_\_