

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

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

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

ABSENT: Jim Mayer

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

Chairman Edmister explained the Sunshine Law and the procedures of the Board of Zoning Appeals.

SELECTED CORRESPONDENCE

None

CALENDARS

Calendar 2006-03

Applicant: Paige Dickey

Premises: 3561 Downing Street, PP# 216-02-053

Requesting to construct a new home with two garage areas (a porte-cochère) at variance with 1211.04(a)(2) private garages may be attached or detached, but not both, and shall be limited to one garage area; variance for a second garage area.

Mr. Greg Miller, duly sworn in by Chairman Edmister, explained the owner wishes to construct an English Country Manor style home with a porte-cochère. One garage space will be for three cars and the other garage space will be for one car. The two spaces will be connected by the roof and will match the character of the house. Mr. Miller reviewed the drawings explaining the garage doors will not be visible from the street since they are located to face one another under the roof. Above the garage will be a recreation room and there will not be any external stairs as all amenities are part of the internal home floor plans. He explained the lot is a larger lot within the subdivision and will easily accommodate the proposed house with porte-cochère. The requested variance will improve the character of the neighborhood.

Members discussed the request and expressed the porte-cochère would be a welcome addition to the home and hardly visible. The continuing roof line also enhanced the porte-cochère feature. It was questioned if the code should be reviewed to address porte-cochères and it was determined that they should be addressed on a case by case basis.

The Board made the following Findings of Facts:

- 1) applicant's property is located on Downing Street;
- 2) property is a large lot, approximately 65,000 sq. ft.;
- 3) applicant wishes to build a new home with two garage areas;
- 4) code permits only one garage area;
- 5) applicant states that the hardship is that the code does not accommodate large scale homes on large properties;
- 6) applicant wishes to have the house spread across the lot and present an architectural feature so that the garage doors do not face the street;
- 7) residents will not see both garage doors and applicant states that there is no impact on the neighborhood;
- 8) Board finds that applicant has presented a practical difficulty or unnecessary hardship and that applicant wishes to build a house that is appropriate for the lot and neighborhood, that the design would keep the doors from being seen from the street, that the granting of the variance is in keeping with the spirit, letter and intent of the codes of the city of Westlake and will not be detrimental to the neighborhood.

Motion: Mr. Neverman moved, seconded by Mr. Fatzinger to approve a variance for a second garage area.

ROLL CALL:

Yeas: Neverman, Fatzinger, DesForges, Edmister

Nays: None, motion passed

Calendar 2006-04

Applicant: Gary Siegmund

Premises: 2118 Marshfield Blvd., PP # 211-08-030

Requesting to construct a deck 5' from the side lot line at variance with 1211.09 which requires a minimum of 10' side yard for accessory buildings and uses; a 5' side yard variance.

Mr. Gary Siegmund, duly sworn in by Chairman Edmister, explained that at the rear of his property is Greeley Lake and he wishes to construct a deck along the shoreline. The lake is to the east of his property and Marshfield Blvd. is to the west. The deck will be approximately 400' from any of the surrounding homes. The grade of the property at the shoreline has a deep slope so the deck will not be visible from his neighbors' home. The deck will have a bridge that connects the deck to the higher grade of the yard. This will enable one to walk out onto the deck from his back yard with out using stairs. Mr. Siegmund explained that his lot is unique due to the lake, slope of the shore, and location of trees. If he were to construct the deck with the 10' setback required by code he would have to remove several substantial size trees and create difficulty with access to the deck due to the grade of the property. Mr. Siegmund showed photos of the lot and proposed location of the deck.

Members of the board discussed the proposal and were in favor of the request as granted. There is an existing shed on the property but it is located half way between the house and proposed deck location, so there is no conflict with the shed. It was noted that Mr.

Siegmund has a beautiful property.

The Board made the following Findings of Facts:

- 1) applicant's property is located on Marshfield Blvd.;
- 2) applicant request to build a deck adjacent to Marshfield Lake approximately 5' from the property line;
- 3) code requires a 10' setback from property lines;
- 4) deck is by the lake and detached from the house;
- 5) applicant states that the area to the south of the deck is very swampy due to the lake;
- 6) applicant states that the hardship is the slope of the land and uniqueness of the area; they would have to move more trees if the deck were to be moved more to the south away from the property line;
- 7) deck will be hidden from the neighbors due to the slope of the property line; applicant states that the deck will be approximately 16' below neighboring property;
- 8) the proposed location of the deck will be greater than 400' from the neighboring house;
- 9) applicant states the deck needs to be 5' from the property line because the walkway access from above the deck, and it would be more visible if it had been moved;
- 10) Board finds that applicant has presented a practical difficulty or unnecessary hardship due to the contour of the land; that the granting of the variance will not be detrimental to the neighborhood; granting the variance will have a minimal impact on the neighborhood; and the granting of the variance will 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 variance.

ROLL CALL:

Yeas: Neverman, Fatzinger, DesForges, Edmister

Nays: None, motion passed

MISCELLANEOUS

Ms. Sackman reported that the fees collected for 2005 did not cover the expenses paid for mailing and advertising. She did send the report to the Director of Planning and Economic Development for review.

APPROVAL OF MINUTES

Motion: Mr. Neverman moved, seconded by Mr. Fatzinger to approve the minutes of November 29, 2005

ROLL CALL:

Yeas: Neverman, Fatzinger, Edmister

Abstain: DesForges

Nays: None, motion passed

Motion: Mr. DesForges moved, seconded by Mr. Neverman to approve the minutes of

February 28, 2006

ROLL CALL:

Yeas: Neverman, Fatzinger, DesForges

Abstain: Edmister

Nays: None, motion passed

FINDINGS OF FACTS

Motion: Mr. Neverman moved, seconded by Mr. Fatzinger to approve the findings of fact for Calendar 2005-27 Wiechec

ROLL CALL:

Yeas: Neverman, Fatzinger, Edmister

Abstain: DesForges

Nays: None, motion passed

Motion: Mr. Neverman moved, seconded by Mr. Fatzinger to approve the findings of fact for Calendar 2005-28 Vandayburg

ROLL CALL:

Yeas: Neverman, Fatzinger, Edmister

Abstain: DesForges

Nays: None, motion passed

Motion: Mr. Neverman moved, seconded by Mr. Fatzinger to approve the findings of fact for Calendar 2005-29 Gabre

ROLL CALL:

Yeas: Neverman, Fatzinger, Edmister

Abstain: DesForges

Nays: None, motion passed

Motion: Mr. DesForges moved, seconded by Mr. Fatzinger to approve the findings of fact for Calendar 2006-01 Preteroti

ROLL CALL:

Yeas: Neverman, Fatzinger, DesForges

Abstain: Edmister

Nays: None, motion passed

Motion: Mr. DesForges moved, seconded by Mr. Fatzinger to approve the findings of fact for Calendar 2006-02 Sent

ROLL CALL:

Yeas: Neverman, Fatzinger, DesForges

Abstain: Edmister

Nays: None, motion passed

ADJOURNMENT

Chairman Edmister adjourned the meeting at 8:04 P.M. The next regular meeting is scheduled for April 25, 2006.

Richard Edmister, Chairman

Nicolette A. Sackman, CMC
Clerk of Commissions

Approved: _____