

**BOARD OF ZONING APPEALS
MINUTES OF THE REGULAR MEETING
April 24, 2007**

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

PRESENT: Board Members Jeff Neverman, Scott Fatzinger, Jim Mayer,
Richard Edmister

ABSENT: John DesForges

ALSO PRESENT: Assistant Law Director William Huffman, Clerk of Commissions
Nicolette Sackman

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

SELECTED CORRESPONDENCE

None

CALENDARS

Calendar 2007-01

Applicant: Dave Lusardo

Premises: 29242 Fall River Dr., PP# 216 20 009

Requesting to construct a new 600 sq. ft. addition to his present 660 sq. ft. attached garage located 24.5' from the rear lot line; at variance with §1211.04(a)(2) which limits residential lots of this size to a single garage area with a maximum of 1000 sq. ft.; and §1211.09 which requires that structures be located a minimum of 30' from the rear lot line; **a 260 sq. ft. variance and 5'6" rear lot line variance** – *tabled 1-30-07 applicant not present, tabled 2-27-07*

Mr. Lusardo, sworn in by Chairman Edmister, explained he revised his proposal for a detached garage that was denied in September. He is now requesting an attached garage with a separate work room area. The new addition will be attached to the house at one corner and at the end of his existing driveway. At the meeting he presented a second option where he could eliminate the work room which would reduce the square foot variance being requested by 140 sq. ft. Mr. Lusardo explained that he has a shallow lot, being only 132' deep, so a rear yard setback variance of 5'6" is needed. He wishes to construct this addition so he has room for yard equipment, toys and other personal effects as well as his cars (he owns four). Mr. Lusardo showed photos of his home (not submitted for the record), his existing fence and noted a residential rear yard is behind his home and then commercial property. His lot used to be a portion of the rear yard of the house located on the corner of Porter Road and Fall River Drive but was split off when the subdivision was developed, which is why it is so shallow.

Discussion ensued that if the work room were eliminated the same rear yard setback would be necessary but the square footage would be reduced. Members expressed the applicant's lot is a shallow lot but the addition would improve the property. It was questioned what the definition of "garage space" is. Mr. Huffman advised §1203.05 AUTOMOTIVE USES subsection (a) states: "*Private garage*" means an accessory building or part of the main building used primarily for the parking or temporary storage of passenger automobiles of occupants of single or two-family dwellings, and in which no occupation, business or service shall be conducted for remuneration. A "garage" is used synonymously with "enclosed parking area." It was his opinion that a work room that is separated by walls does not count as garage space and therefore the square footage should not be included in the calculation. Based on that opinion Mr. Huffman stated that only a 60 sq. ft. variance is necessary. Members questioned Mr. Lusardo as to which garage option he desired – with the work room or without. Mr. Lusardo preferred the plan with the work room.

The Board made the following Findings of Facts:

1. applicant's property is located on Fall River Drive;
2. applicant wishes to erect an addition to his home being an attached garage totaling 400 sq. ft.;
3. current garage area is 660 sq. ft.;
4. code permits a garage space to be no more than 1,000 sq. ft.;
5. applicant requests a variance of 60 sq. ft.; placement of garage would require a 5'6" variance to the back lot line and also a variance permitting two separate garage areas;
6. applicant states that the plans call for a separated work area between to two garages;
7. his hardship is that he needs additional space to store items and automobiles;
8. applicant states that his hardship is due to the dept of his lot, being that his lot is only 132';
9. applicant states that his neighbor to the rear is the porter plaza and the very back yard lot of an adjoining neighbor;
10. Board finds that applicant has presented a practical difficulty or unnecessary hardship due to the fact that the applicant's property is very narrow and the granting of the variance is not substantial and 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. Neverman moved, seconded by Mr. Fatzinger to approve the following:

1. that the proposed new garage area is 20' x 20', being 400 sq. ft., in combination with the existing garage area of 660 sq. ft. for a total of 1,060 sq. ft.; a modification to the requested variance for a total of 60 sq. ft. variance;
2. the additional space that Mr. Lusardo is planning to build is a shop area, because it is partitioned from the proposed garage area;
3. a variance for 5'6" from the rear lot line; and
4. a variance to permit two separated garage areas

ROLL CALL:

Yeas: Neverman, Fatzinger, Mayer, Edmister
Nays: None, motion passed

MISCELLANEOUS

None

APPROVAL OF MINUTES

Motion: Mr. Fatzinger moved, seconded by Mr. Neverman to approve the minutes of February 27, 2007

ROLL CALL:

Yeas: Neverman, Fatzinger, Mayer

Abstain: Edmister

Nays: None, motion passed

FINDINGS OF FACTS

Motion: Mr. Fatzinger moved, seconded by Mr. Neverman to approve the findings of fact for Calendar 2007-03 Mary Calabrese

ROLL CALL:

Yeas: Neverman, Fatzinger, Mayer

Abstain: Edmister

Nays: None, motion passed

Motion: Mr. Neverman moved, seconded by Mr. Fatzinger to approve the findings of fact for Calendar 2006-18 Thomas Skliros

ROLL CALL:

Yeas: Neverman, Fatzinger, Mayer

Abstain: Edmister

Nays: None, motion passed

ADJOURNMENT

Chairman Edmister adjourned the meeting at 7:50 P.M. The next regular meeting is scheduled for May 29, 2007.

Richard Edmister, Chairman

Nicolette A. Sackman, CMC
Clerk of Commissions