



**BOARD OF BUILDING AND ZONING APPEALS
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING
January 25, 2022**

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

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

SELECTED CORRESPONDENCE

Docket 2022-01 - Baseum Droubi

- 1/21/22 email from Susen Chadwick, 2317 Beaver Creek – no objections

Docket 2022-02 – Anthony and Crystel Shaia

- The variance request has been withdrawn as not required based on changes to the plan

DOCKETS

Docket: Baseum Droubi 2022-01

2321 Fox Run, PP#21204052, Ward 1

Requesting to install a porch addition (with grill) 10' 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 **5' side yard setback variance**.

Mr. Schill (contractor), sworn in by Mr. Maloney, explained the applicant would like to cover their existing patio. There is an existing decorative wall, foundation and footers that will be used. The house is 10' from the side yard as that was permitted at the time of construction. This roof cover structure will not be any closer to the side yard than the house. The roof line will tie into the roof on the house.

Members of the board discussed the existing setback, the structure will not be closer than what already exists and the design of the structure. It was asked if the structure could setback 15' so a variance was not necessary. Mr. Schill explained for the roof to tie in with the roof line of the house it should be at the same 10' setback. Plus, the foundation and footers already exist and the design as presented would be more aesthetically pleasing to the surrounding neighbors.

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: Mr. Lamb moved, seconded by Ms. Alfred to approve a 5’ side yard setback variance.

ROLL CALL:

Yeas: Baesel, Alfred, Swisher, Nolde, Lamb

Nays: None, motion carried

Docket: Anthony and Crystel Shaia 2022-02

1842 Bur Oak Dr., PP#21107029, Ward 3

Requesting to install a 682 sf pergola addition to a 3,935 sf home (22,708 sf lot) resulting in a total square footage of 4,617 which will result in 20.3% lot coverage; 1211.09: maximum percent lot coverage by a main building is 20%, a **variance of .3% for lot coverage.**

WITHDRAWN

Docket: Nick Ross 2022-03

892 Richmar Dr., PP# 21204052, Ward 3

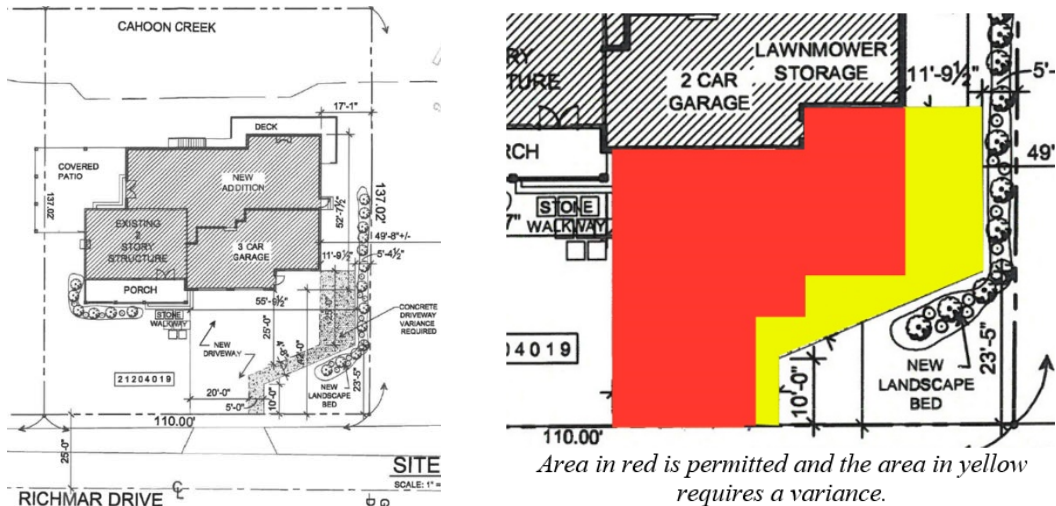
Requesting to install an oversized driveway, at variance with 1221.11(3)(b): the location of parking areas shall typically be in front of and not wider than the garage for the residence with the maximum width of the driveway limited to 20’ when not within 25’ of the garage; Variances are required for the portions of the proposed driveway that are **11’- 9 ½” wider than the garage** and **wider than 20’ when not within 25’ of the garage**

Mr. Ross, sworn in by Mr. Maloney, explained he is constructing an addition to his house. Due to a creek in the rear he looked at options for the garage placement but the garage must be front facing. He reviewed the location and size of the proposed driveway and which portion needs a variance. He stated his house is closer to the street than others homes. He purchased and assembled the vacant parcel to the south, which had a driveway that he removed.

Members of the board discussed the proposed width in front of the three car garage plus an additional parking space (fourth car) on the driveway adjacent to the garage. They questioned the uniqueness of the lot and were understanding of the limited area at the rear of the yard due to the creek. Navigation in and out of the garage and spacing on the driveway was discussed and were the dimensions of the driveway.

At 8:00 p.m. the board adjourned to deliberate and returned at 8:08 p.m.

Members were not in favor of a parking pad adjacent to the garage and felt what was being proposed was oversized and they did not really see a practical difficulty based on the lot. The zoning codes were put in place to avoid large amounts of concrete in the front yard. There were also concerns with the width of the apron. Mr. Ross asked what type of variance could be approved and there was various discussion on how much to reduce, what to reduce and how to reconfigure the driveway. It was determined that revised plans should be submitted showing the proposal so it can be seen what is being approved rather than trying to design something on the floor.



Motion: Mr. Lamb moved, seconded by Ms. Nolde to table the applicant’s request to the 2/22/22 meeting.

ROLL CALL:

Yeas: Baesel, Alfred, Swisher, Nolde, Lamb

Nays: None, motion carried

MISCELLANEOUS

None

APPROVAL OF MINUTES

Motion: Mr. Swisher moved, seconded by Ms. Alfred to approve the minutes of the November 30, 2021 Board of Building and Zoning Appeals meeting.

ROLL CALL:

Yeas: Baesel, Alfred, Swisher, Nolde, Lamb

Nays: None, motion carried

ADJOURNMENT

Mr. Baesel adjourned the meeting at 8:23 P.M.

Bryan Baesel, Chairman

Nicolette Sackman

Clerk of Commissions Nicolette Sackman, MMC

Approved: _____