



PLANNING DEPARTMENT

27700 Hilliard Blvd.
Westlake, OH 44145

Phone 440.871.3300
Fax 440.617.4324

**BOARD OF ZONING APPEALS
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING
FEBRUARY 26, 2019**

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

PRESENT: Board Members Matthew Jones, Robert Swisher, Brad Lamb, Karen Alfred, Bryan Baesel

ALSO PRESENT: Clerk of Commissions Nicolette Sackman and Assistant Law Director Greg Sponseller

ELECTION OF OFFICERS

Motion: Mr. Swisher moved, seconded by Mr. Basel to elect Matt Jones Chairman, Robert Swisher Vice Chairman, and Bryan Basel secretary.

ROLL CALL:

Yeas: Swisher, Lamb, Jones, Alfred, Basel

Nays: None, motion carried

SELECTED CORRESPONDENCE - None

DOCKETS

Docket 2019-04

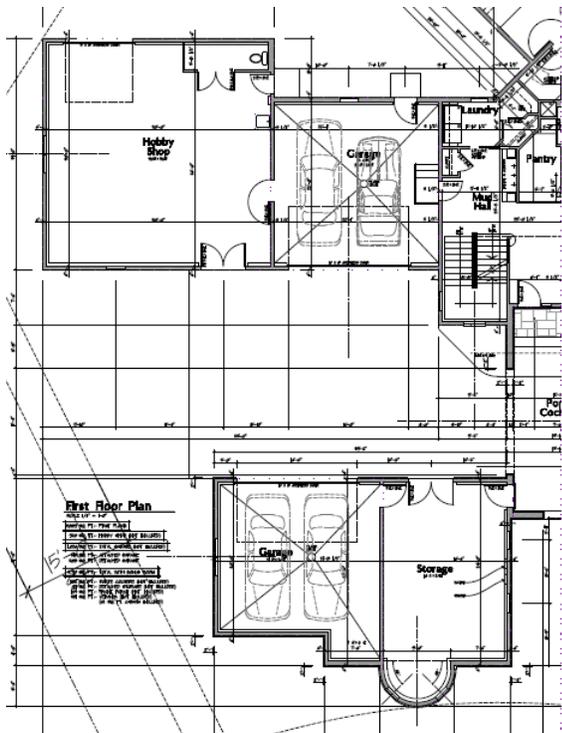
Applicant: Dr. Scott and Joye Ciaccia

Premises: 23302 Fox Run, PP#214-29-046, Ward 1

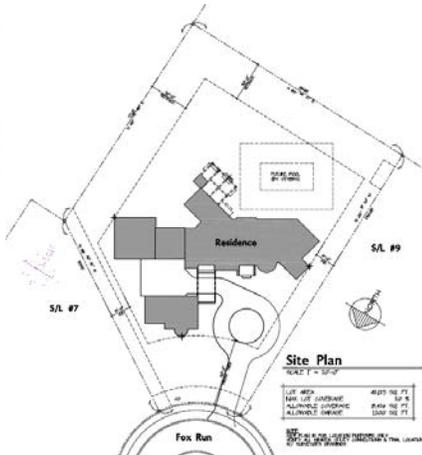
Requesting to construct a single family dwelling with two garage areas (sum total is 1,026 sf) at variance with 1211.04(a)(2) which states private garages shall be limited to one garage area (1,200 sf), requesting **a variance for two garage areas.**

Mr. Orley (applicant's developer), sworn in by Mr. Sponseller, advised he is constructing a new home with porte-cochère connecting two garage areas. Each garage area will store four vehicles and the total area for the two garage spaces is under what is permitted. Because the garage areas are not together in one space they are considered two garage areas, which is not permitted per code. The applicant is also constructing a hobby shop which will generate some noise when in use, which is why the hobby shop is placed where it is, so the noise will not bound off the house and be directed to the neighbor's house due.

Discussion ensued that the board has reviewed these type of variances before where two garage spaces are connected by a porte-cochère. Overall this is a better design as four garage doors are not seen from the street due to the design of the porte-cochère. It was noted that Assistant



Planning Director William Krause reviewed the legal ad and made a recommendation that a condition is added prohibiting a kitchen facility (2nd) being added to either the storage area or hobby shop, making them an accessory dwelling unit. It was noted the house is not under construction yet and is located on a cul-du-sac. It was questioned if



another location was considered for the garage so it was all in one area and didn't need a variance. Mr. Orley stated they have looked at options but felt this was the best as the two garage spaces would face inward towards each other

and not be visible from the street. One drives under the porte-cochère and there in an internal courtyard effect in the area of the garage spaces. After speaking to the neighbor, the hobby shop was put in the location as presented to minimize noise impacts on the neighbors. It was questioned if all four garage spaces could be located in the area that is shown as garage and storage so a variance would not be necessary. It was noted that would be inconvenient to have a detached garage. There were concerns with either the storage space or hobby shop being converted to garage area in the future, which Mr. Orley stated would have to be approved by the building department, most likely BZA as a variance would be necessary, and the homeowners association. He added that there are walls dividing those spaces to keep them separate.



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 purchase the property with the knowledge of the zoning restriction – yes
6. Whether the property owner’s predicament feasibly can be obviated through some other method other than a variance – yes, although this may be the best option
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance – yes

Motion: Based upon the findings of fact, testimony and evidence presented, Mr. Basel moved, seconded by Ms. Alfred to grant a variance for two garage areas connected by a porte-cochère with the condition that the hobby shop and storage area as submitted cannot now or in the future have kitchen facilities in neither location (making them an accessory dwelling unit – as noted in the BZA legal advertisement review dated 2/4/19); and vehicle storage can only be provided as shown.

ROLL CALL:

Yeas: Swisher, Lamb, Jones, Alfred, Basel

Nays: None, motion carried

The applicant as well as all applicants were advised: The Board shall notify the Building Department within forty-eight hours of the granting of any appeal or application with any special conditions thereon and there is also a 30-day appeals period for any decisions made by the Board.

Docket 2019-05

Applicant: Joe and Karolyn Campagna

Premises: 24855 Framingham Dr., PP#215-30-099, Ward 2

Requesting to construct an addition 10’ off the side property line, and 22’6” off the adjacent dwelling to the south, at variance with 1211.08(e) which states the width of either side yard of a lot shall be not less than the respective dimensions as set forth in 1211.09 (15’). 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’); this requires **a 5’ side yard setback variance** and **a 7’6” variance for the adjacent side yards between dwellings.** When added together, the sum total of the two side yards on this lot will equal 23’6”, which requires **a 6’6” variance for the sum total of side yards.**

Mr. Campagna, sworn in by Mr. Sponseller, reviewed the existing footprint and they propose to put an addition on their house off the first floor den. The addition will extend 4’ past the garage (side load garage) so it will be barely visible from the street. The purpose of the addition is to construct a first floor master bedroom, bath and entry off the garage.

Motion: Based upon the findings of fact, testimony and evidence presented, Ms. Alfred moved, seconded by Mr. Basel to grant a 7'6" variance for the adjacent side yards between dwellings.

ROLL CALL:

Yeas: Swisher, Lamb, Jones, Alfred, Basel

Nays: None, motion carried

Motion: Based upon the findings of fact, testimony and evidence presented, Ms. Alfred moved, seconded by Mr. Basel to grant a 6'6" variance for the sum total of side yards.

ROLL CALL:

Yeas: Swisher, Lamb, Jones, Alfred, Basel

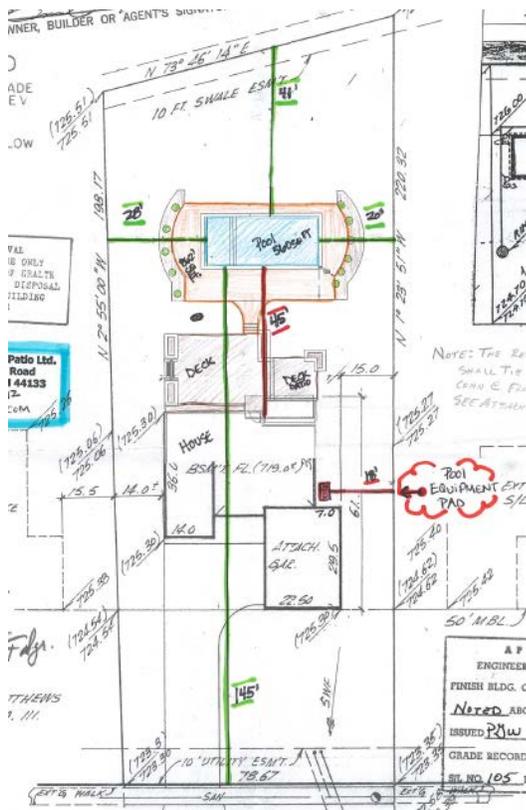
Nays: None, motion carried

Docket 2019-06

Applicant: Bob and Brenda Carpenter

Premises: 26489 Birchdale Dr., PP#215-12-056, Ward 2

Requesting to construct a swimming pool and equipment in the side yard of the property, at variance with 1211.04(g)(2)B which states the pool and all mechanical equipment used in conjunction therewith is to be located in the rear yard; **a location variance for the pool/equipment from the rear to the side yard.**



Mr. Bob Carpenter, Mrs. Brenda Carpenter and Mr. Kennedy (pool contractor) were sworn in by Mr. Sponseller. Mr. Kennedy advised they are seeking a variance to locate pool equipment in the side yard. This location appears to be more of a rear yard location as it is behind the house and not visible from the street. It is on the side of the house but behind the side loading garage and will be on a 4' x 6' pad. This is the location of the house utilities that are also needed for the pool equipment. At the rear of the house is a paver patio and deck. Mr. Carpenter added that he will also screen the unit with a solid fence.

Discussion ensued where the air conditioning unit was located. Mr. Carpenter stated that currently the unit was removed as it is being replaced with a new unit and will be located in an area behind the house. It was questioned why the pool equipment cannot also be placed behind the house in the same location. Mr. Carpenter advised there is a small herb garden in this location and the location is not wide enough for both units. He also reviewed locations of windows on the

house, which also limits where units can be placed. The pool equipment runs possibly six to 12 times a day during pool season and is very quiet. The neighbor's generator is louder than the

pool unit will be. It was discussed while this is technically in the side yard, it is more of a rear yard due to the location of the garage and may be the ideal location for the unit.

Ward 2 Councilman Nick Nunnari explained his used to live in this neighborhood and the Carpenters take excellent care of their yard and have a beautiful yard. He has spoken to various neighbors who do not have any issues with the proposal. He noted the new style pool equipment units are much quieter than the old units he grew up with.

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, considering the unit will be screened
4. Whether the variance would adversely affect the delivery of governmental services – no
5. Whether the property owner purchase 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: Based upon the findings of fact, testimony and evidence presented, Mr. Lanb moved, seconded by Mr. Basel to grant a location variance for the pool/equipment from the rear to the side yard with the condition that there be proper screening around the pool equipment pad

ROLL CALL:

Yeas: Swisher, Lamb, Jones, Alfred, Basel

Nays: None, motion carried

MISCELLANEOUS - None

APPROVAL OF MINUTES

Motion: Mr. Swisher moved, seconded by Mr. Basel to approve the minutes of January 29, 2019

ROLL CALL:

Yeas: Swisher, Jones, Lamb, Alfred, Basel

Nays: None, motion carried

ADJOURNMENT

Chairman Jones adjourned the meeting at 8:15 P.M.

Matt Jones, Chairman

Nicolette Sackman, Clerk of Commissions

Approved: _____