



**BOARD OF BUILDING AND ZONING APPEALS  
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING  
April 27, 2021**

The hearing was called to order at 7:30 P.M. by Mr. Swisher

**PRESENT:** Board Members Karen Alfred, Bryan Baesel, Cynthia Nolde, Robert Swisher, Brad Lamb

**ALSO PRESENT:** Clerk of Commissions Nicolette Sackman and Law Director Michael Maloney

**ELECTION OF OFFICERS**

Motion: Mr. Swisher moved, seconded by Ms. Alfred to nominate Bryan Baesel to chairman.

**ROLL CALL:**

Yeas: Baesel, Alfred, Nolde, Swisher, Lamb

Nays: none, motion carried

Motion: Mr. Baesel moved, seconded by Ms. Alfred to nominate Robert Swisher to vice chairman.

**ROLL CALL:**

Yeas: Baesel, Alfred, Nolde, Swisher, Lamb

Nays: none, motion carried

Motion: Mr. Swisher moved, seconded by Ms. Nolde to nominate Karen Alfred to secretary.

**ROLL CALL:**

Yeas: Baesel, Alfred, Nolde, Swisher, Lamb

Nays: none, motion carried

**SELECTED CORRESPONDENCE**

**Docket 2021-09 Sockman**

- Bernie & Lori Garrah, 2968 Waterfall Way – support
- Bill & Kathy Osborne, 2980 Waterfall Way – support
- Jim & Andrea Kontak, 2951 Waterfall Way – support
- Doug Gray & Rebecca Johnson, 3011 Waterfall Way – support

**Docket 2021-10 Patil**

- Ali Austin, 24536 Annie Lane – concerns
- Bonnie & David Blank, 24543 Fortune Trail - support

**DOCKETS**

Docket 2021-08

Applicant: Dominic and Andrea Vullo

Premises: 851 Bradley Road, PP#21113003, Ward 3

Requesting to install a 3250 sf detached garage at a residence located in an Exclusive Industrial District. 1218.02(e) and 1211.04(a)(2): on lots of single family uses private garages shall be limited to one garage area of 1,200 sf on lots sized 40,000 sf or more. A **variance of 2,050 sf for the area.**

Mr. Vullo, sworn in by Mr. Maloney, advised since January he reduced the size of the garage and is now seeking a variance of 2,050 sf to construct a 3,250 sf garage. He explained the board previously approved a variance for the garage in the front yard. His property is unique as it is a flag shape and located behind Camp Bow Wow on industrial zoned property and is wooded so the garage will not be seen. He will use the garage for personal use for the storage of a boat(s), yard equipment, home office and man cave.

Members of the board discussed that the property is unique and what is being requested is smaller than the request in January (4,500). The area is still substantial but due to the unique property and being zoned industrial it will not change the character of the neighborhood.

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 - yes
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. Swisher moved, seconded by Ms. Nolde to grant a variance of 2,050 sf for the garage area.

ROLL CALL:

Yeas: Baesel, Alfred, Nolde, Swisher, Lamb

Nays: none, motion carried

Docket 2021-09

Applicant: Doug and Deanna Sockman

Premises: 2967 Waterfall Way, PP#21604039, Ward 6

Requesting to install a second attached garage area of 1,010 sf (for a porte-cochère) while having an existing attached garage of 639 sf, resulting in two attached garage areas whose sum total is 1,649. 1211.04(a)(2): on single family lots private garages may be attached and shall be limited to one garage area of 1,200 sf on lots 40,000 sf or more. A **variance for a second attached garage** and a **variance for 449 sf of garage area.**

Mr. Liggett, sworn in by Mr. Maloney, explained the parcel used to be two lots and was assembled into one lot that is over an acre. The applicant is looking to construct an addition to the home resulting in two garage areas. He stated if the lot was not assembled there would be two garage areas from two houses so the request will not change the character of the neighborhood. The addition will be connected to the existing house via a porte-cochère. The parcel is a corner lot which has a bend in the road making the lot shape unique. He reviewed the floor plans, the garage areas and the site plan. He stated due to the layout of the house the garage will not be visible and fits with the character of the house. Mr. Liggett advised the surrounding neighbors signed a letter that they support the request.

Members of the board discussed the screening and visual views of the garages, which will not be very visible and did not have any issues with the request.

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 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 Mr. Swisher to grant a variance for a second attached garage.

ROLL CALL:

Yeas: Baesel, Alfred, Nolde, Swisher, Lamb

Nays: none, motion carried

Motion: Ms. Alfred moved, seconded by Mr. Swisher to grant a variance for 449 sf of garage area.

ROLL CALL:

Yeas: Baesel, Alfred, Nolde, Swisher, Lamb

Nays: none, motion carried

Docket 2021-10

Applicant: Sidd and Monica Patil

Premises: 24528 Annie Lane, PP#21527085, Ward 2

Requesting to construct a new 5,408 sf single-family home which will result in 21.9 % lot coverage. 1211.09: maximum percent lot coverage is 20 %”; a **1.9% variance for lot coverage.**

Also requesting to install a swimming pool and equipment in the side yard of this property. 1211.04(g)(2)(B): the pool and all mechanical equipment is to be located in the rear yard; a **location variance for the pool and equipment from the rear to the side yard.**

Mr. Neola and Mr. Gotlieb, were sworn in by Mr. Maloney. They explained the size of the house was reduced so they are no longer requesting a variance for lot coverage. The layout of the house was reviewed showing the pool in the side yard 10' from the side property line. The parcel is a corner lot and the design and layout of the house will screen a portion of the view of the pool from the streets. The pool is enclosed and will have a retractable roof system so it can be used year round. They reviewed the site plan, layout of the house, roof system, pool location, photos of the pool style and virtual site tour of the pool from different points of view. They did receive a copy of the letter from the adjacent neighbor who had concerns and have reached out to her to discuss her concerns with noise from the pool equipment. He explained there will not be noise from the pool equipment because it will be located in the basement not outside since the pool will be used year round. The pool will be screened with a fence and landscape. The proposed location was selected because of limited visibility from the street and that there are no windows on that side of the neighbor's house.

Members of the board reviewed the proposal and noted the lot and pool design are unique. They discussed the roof system and sliding side panels, the location of the pool equipment in the basement and questioned if the pool structure was part of the house would it require a 15' setback rather than a 10' setback. Mr. Maloney advised the pool and pool structure can be 10' from the property line so a setback variance is not needed.

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 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 grant a variance for the pool and equipment in the side yard with the condition that the pool equipment is located inside the basement as described to the board at the public hearing.

ROLL CALL:

Yeas: Baesel, Alfred, Nolde, Swisher, Lamb

Nays: none, motion carried

Docket 2021-11

Applicant: Harley and Femia Ross

Premises: 29102 Detroit Rd., PP #21211014, Ward 3

Requesting to construct a detached garage 7' from the rear property line and at a height of 19'-1 1/2". 1211.04(2): a detached garage shall be located to provide a minimum 10' rear line setback and shall not exceed 15' in height from the average grade line to the peak of the gable; a **3' rear yard setback variance** and a **4'-1 1/2" height variance**.

Mr. Ross, sworn in by Mr. Maloney, explained he is seeking a setback variance for his garage. The existing structure will be demolished and a new larger structure will be constructed in the same location. The existing garage is 7' from the side property line. His property is surrounded on three side by multi-family apartments with multiple stories. The structure will be taller to help provide screening and privacy from the apartment buildings. It is located next to the neighboring garage structure for the apartment building and it will not be visible from the street.

Members of the board reviewed the proposal and it was noted the home is a historic home. There is an existing historic carriage house on the property as well. It was noted the requested variance amount already exists for the existing dilapidated garage.

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 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 grant a 3' rear yard setback variance.

ROLL CALL:

Yeas: Baesel, Alfred, Nolde, Swisher, Lamb

Nays: none, motion carried

Motion: Ms. Alfred moved, seconded by Mr. Swisher to grant a 4'-1 1/2" height variance.

ROLL CALL:

Yeas: Baesel, Alfred, Nolde, Swisher, Lamb

Nays: none, motion carried

## **MISCELLANEOUS**

None

**APPROVAL OF MINUTES**

**Motion:** Ms. Alfred moved, seconded by Ms. Nolde to approve the minutes of the March 30, 2021 Board of Building and Zoning Appeals meeting.

ROLL CALL:

Yeas: Baesel, Alfred, Nolde

Abstain: Lamb, Swisher

Nays: None, motion carried

**ADJOURNMENT**

Mr. Baesel adjourned the meeting at 8:45 P.M.

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Bryan Baesel, Chairman

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Nicolette Sackman, Clerk of Commissions

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