



**BOARD OF ZONING APPEALS
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING
JUNE 30, 2015**

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

PRESENT: Board Members Matthew Jones, Brad Lamb, Robert Swisher, Bryan Baesel,
ABSENT: Jeff Neverman
ALSO PRESENT: Assistant Law Director Sean Kelleher and Clerk of Commissions Nicolette Sackman

SELECTED CORRESPONDENCE

None

DOCKETS

Docket 2015-12

Applicant: Joe and Marie Miclat

Premises: 28987 Weybridge, PP#216-13-023

Requesting to install an addition 12'8" off the side property line with the total width of both side yards at 27'9", at variance with §1211.08(e) which states the width of either side yard of a lot shall not be less than 15', and the total width of both side yards of a lot shall not be less than 30' as set forth in §1211.09, except as modified in §1211.17 and 1211.18; **a 2'4" side yard setback variance** and **a variance of 2'3" for the total width of both side yards.**

Mr. Mark Reinhold (architect), sworn in by Mr. Kelleher, explained the applicant wishes to construct an addition to their home. Based upon the existing layout of their home and the adjacent neighbor's house the proposed location is the best location. The neighbor on this side of the house is a corner lot with the house being placed at a 45° angle so only a corner of the house will be within 12'8" of the Miclat's addition. The remaining portion of the house will be setback more than code requires. The applicant did look at other options for the addition but they would negatively impact the house. The applicant is doing several interior renovations to the house as well as the proposed addition. Members of the board discussed the proposed and felt it was not substantial.

After a careful review of the plans and testimony of the Applicant, the Board finds that:

1. The Applicants property is located at 28987 Weybridge Drive.
2. The Applicants sought a total of two variances, both were side yard variances for an addition to their home that would put the addition less than 15' from the side property line as well as less than 30' in total, from the neighboring home.
3. As to the first requested variance, seeking to place the addition 12'8" off the side

property line wherein 15' is required, the Board determined that:

4. The nearest property is a corner lot and the home located thereon is canted making the two structures adjacent at one point only;
5. The variance was not substantial;
6. The adjoining property would not suffer a substantial detriment and;
7. The spirit of the zoning code would not be violated by the granting of the variance.
8. As to the second requested variance seeking to place the addition 27'9" from the existing neighboring home wherein 30' is required, the Board found that:
9. The adjoining property would not suffer a substantial detriment and;
10. The spirit of the zoning code would not be violated by the granting of the variance.

Motion: Mr. Swisher moved, seconded by Mr. Baesel to approve a 2'4" side yard setback variance for Docket 2015-12

ROLL CALL:

Yeas: Lamb, Baesel, Swisher, Jones

Nays: None, motion carried

Motion: Mr. Swisher moved, seconded by Mr. Baesel to approve a variance of 2'3" for the total width of both side yards for Docket 2015-12

ROLL CALL:

Yeas: Lamb, Baesel, Swisher, Jones

Nays: None, motion carried

Docket 2015-13

Applicant: Robert Myers

Premises: 24819 Westwood Rd., PP#215-29-057

Requesting to install a garage addition 13' off the side property line and 41' off the front property line, at variance with 1211.16 which states the average setback of conforming buildings located within 300' on either side of a lot proposed for development shall be the minimum front yard setback (the average front yard setback is 50.5') and 1211.12(a) which states side yard setbacks shall be 15'; **a 9' front yard variance**, and **a 2' side yard setback variance**.

Mr. Robert Myers, sworn in by Mr. Kelleher, explained he has lived in Westlake since 1953 and constructed his home in 1975, when surrounding properties were corn fields. He recently had to sell his mother's home around the corner and needs to store a lot of her items. He has a two car garage but there is not enough storage room. He did speak to surrounding neighbors to explain his proposal and they were in favor of his request. He is proposing a 9' addition to his existing garage expanding it into the front yard and needing a variance for a front yard setback. He reviewed photos of his property and the proposed addition. Mr. Myers explained he could construct a shed to store items but does not like the cluttered look of sheds and has a lot of flooding problems in his rear yard that would be unfavorable for a shed. He would also have to remove numerous trees and mature landscape in order to install a shed in his back yard, which is very limited in size. He felt the proposed addition to the house is a better option. While the houses within 300' of his house have an average setback of 50.5' the setbacks of the houses across the street and further down the street on his side do have varying setbacks.

Members of the commission reviewed the proposal and expressed concerns with the setback for

the applicant's house being significant to the surrounding houses. They questioned if the driveway would be expanded and Mr. Myers explained he would like to retain the wash gravel that currently exists but would install cement if required by code. The addition will have a small garage door so he is able to access equipment in the garage. They discussed visibility and the architectural design of the addition, existing evergreen trees on the property and concerns with uniformity.

Mr. Stephen Novak, 24875 Westwood, sworn in by Mr. Kelleher, explained he is Mr. Myers next door neighbor and supports the variance request, it will not impact visibility in and out of his driveway and Mr. Myers supports the city and stores a historic vehicle in his garage that is used by the city for the July 4th parade. He noted there are other houses on the street with varying setback and the proposal would not negatively impact the neighborhood.

Councilman Nick Nunnari, 2890 Margaretta Dr., sworn in by Mr. Kelleher, expressed that he did not see any issues with the proposal and the proposal is better than the alternative. He has not received any complaints.

After a careful review of the plans and testimony of the Applicant, the Board finds that:

1. The Applicant's property is located at 24819 Westwood Road.
2. The Applicants sought two variances to build an addition to his existing garage to use as additional storage space alleging that the alternative of a storage shed in the rear of his property is not viable.
3. The Applicant sought a 2' variance allowing the addition to 13' off of his side lot line and;
4. A 9' variance allowing the forward building line of his garage addition to be 41' from the front property line.
5. As to the first variance seeking a 2' side yard variance, the Board determined that:
6. The variance was not substantial, indeed the addition would be 1' farther from the neighboring property than the existing garage wall;
7. The spirit of the zoning code would not be violated by the granting of the variance.
8. As to the second variance seeking a 9' variance the Board determined that:
9. The neighbor's existing sightlines would not be impeded (there are existing mature trees) and adjoining properties would not suffer a substantial detriment and;
10. Several times a year the applicant's rear yard experiences significant standing water and the problem cannot be practically solved in another manner.
11. There will be no detrimental effect to the character of the neighborhood,
12. The spirit of the zoning code would not be violated by the granting of the variance.

Motion: Mr. Swisher moved, seconded by Mr. Lamb to approve a 9' front yard setback variance for Docket 2015-13

ROLL CALL:

Yeas: Lamb, Baesel, Jones

Nays: Swisher, motion carried

Motion: Mr. Swisher moved, seconded by Mr. Lamb to approve a 2' side yard setback variance for Docket 2015-13

ROLL CALL:

Yeas: Lamb, Baesel, Jones, Swisher
Nays: None, motion carried

MISCELLANEOUS

None

APPROVAL OF MINUTES

Motion: Mr. Swisher moved, seconded by Mr. Lamb to approve the minutes of May 26, 2015

ROLL CALL:

Yeas: Lamb, Swisher, Jones, Baesel

Nays: None, motion carried

FINDINGS OF FACTS

Motion: Mr. Swisher moved, seconded by Mr. Lamb to approve the findings of fact for Docket 2015-09 Miller

ROLL CALL:

Yeas: Lamb, Swisher, Jones, Baesel

Nays: None, motion carried

Motion: Mr. Swisher moved, seconded by Mr. Lamb to approve the findings of fact for Docket 2015-10 Winter

ROLL CALL:

Yeas: Lamb, Swisher, Jones, Baesel

Nays: None, motion carried

Motion: Mr. Swisher moved, seconded by Mr. Lamb to approve the findings of fact for Docket 2015-11 Buckingham Homes

ROLL CALL:

Yeas: Lamb, Swisher, Jones, Baesel

Nays: None, motion carried

ADJOURNMENT

Chairman Jones adjourned the meeting at 8:10 P.M.

Matt Jones, Chairman

Nicolette Sackman, Clerk of Commissions

Approved: _____