

MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 5-6-2020

The meeting was called to order at 7:00 P.M. by Chairman Chauncey Miller.

Present: Michael Bulger; Bruce Klingshirn; Mark Ladegaard; Chauncey Miller; Kurt Schatschneider; Pam Fechter, Planning Coordinator; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer and Jill Clements, Secretary.

MINUTES OF THE REGULAR MEETING – MARCH 4, 2020

A motion was made by Mr. Klingshirn, seconded by Mr. Ladegaard to dispense with the reading of the regular minutes of Wednesday, March 4, 2020 and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

April meeting cancelled due to Covid-19 no minutes to approve

ADDITIONS/DELETIONS

BENJAMIN HATCH APPEAL 7:00P.M

Benjamin Hatch is requesting a 9’ front yard variance from C.O. 1262.08(c)(2) Minimum Yard Requirements for Accessory Structures to allow the construction of a driveway extension located at 2880 Fairview Drive.

Benjamin Hatch is sworn in by Mr. Gasior. Mr. Hatch explains he wants to add an extension to their driveway, 8 feet to the right if you’re facing the house from the sidewalk up to the garage. Mr. Hatch says they will do some landscaping around it as well. Mr. Miller says he noticed it’s in the utility easement. Mr. Gasior says that is a utility issue and if they must run new lines and tear it up, it would be the homeowner’s responsibility to fix. Mr. Gasior says its still Mr. Hatch’s property. Mr. Schneider says every street has that easement and even houses that have a third car garage start within that area and it’s not uncommon. Mr. Ladegaard says the driveway is over that easement so there should be no issue with keeping it where it is proposed.

A motion was made by Mr. Bulger, seconded by Mr. Klingshirn to approve a 9’ front yard variance from C.O. 1262.08(c)(2) Minimum Yard Requirements for Accessory Structures to allow the construction of a driveway extension located at 2880 Fairview Drive. The vote was: “AYES” All. The Chair declared the motion passed.

CRAIG GRAHAM APPEAL 7:00P.M

Michael Rosenlieb of MK Rosenlieb Co., Inc representing Craig Graham is requesting a 3’ rear yard setback from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a 12’x16’ three season sunroom located at 1443 Ledgewood.

Michael Rosenlieb of MK Rosenlieb is sworn in by Mr. Gasior. Mr. Rosenlieb explains they would like to put a 12’x16’ glass sunroom on the back of the house. Mr. Rosenlieb says they would need a 3’ variance to accommodate the 12’ bump out.

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A motion was made by Mr. Schatschneider, seconded by Mr. Ladegaard to approve a 3' rear yard setback from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a 12'x16' three season sunroom located at 1443 Ledgewood. The vote was: "AYES" All. The Chair declared the motion passed.

LON GERSTEN APPEAL 7:00P.M

Lon Gersten is requesting a 6' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a covered patio to be located at 3635 Split Rail Lane.

Lon Gersten is sworn in by Mr. Gasior. Mr. Gersten says he wants to put a screened, covered patio on the back of his house and needs a 6' variance for the setback. Mr. Schatschneider asks about the two lots behind him if they are buildable lots. Mr. Gersten says no they are not, they are owned by the HOA.

A motion was made by Mr. Schatschneider, seconded by Mr. Klingshirn to approve a 6' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a covered patio to be located at 3635 Split Rail Lane. The vote was: "AYES" All. The Chair declared the motion passed.

MICHAEL MALLOY APPEAL 7:15P.M

Michael Malloy is requesting a 20' front yard setback variance from C.O. 1262.08(c)(2) Minimum Yard Requirements for Accessory Structures to allow the construction of a driveway extension located at 2519 Fairfield Drive.

Michael Malloy is sworn in by Mr. Gasior. Mr. Malloy explains he would like to add an extension to his driveway for a basketball hoop on the right side. Mr. Malloy says they did not want to go all the way down to the street for a couple reasons. First it doubles the cost of the project but most importantly, two, the personal preference of the look. If you go all the way down, it looks too big and a lot of concrete. Mr. Malloy says they decided to do this to maximize the space and have an area to park cars as well. He didn't realize the rules for how far up it must be and limits the area where they can put the hoop in.

A motion was made by Mr. Klingshirn, seconded by Mr. Bulger to approve a 20' front yard setback variance from C.O. 1262.08(c)(2) Minimum Yard Requirements for Accessory Structures to allow the construction of a driveway extension located at 2519 Fairfield Drive. The vote was: "AYES" All. The Chair declared the motion passed.

FRANK KENNEDY APPEAL 7:25P.M

Frank Kennedy is requesting a 168 sq. ft. variance from C.O. 1262.08(a)(2) Maximum Area and Number of Accessory Buildings and a 16' rear yard setback variance from C.O.1262.04(d)(4) Lot and Yard Requirements to allow the construction of a pergola attached to the house to the existing patio located at 4294 St Theresa Blvd.

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Frank Kennedy is sworn in by Mr. Gasior. Mr. Kennedy says he wants to add a pergola, attached to his home over the existing patio. Mr. Kennedy says he provided photos and drawings and designs. Mr. Kennedy says he did have to go to the Red Tail Architectural Review Board, and they did approve everything and issues the permit for the fireplace. Mr. Kennedy says they sent an approval letter but would not get final approval on the pergola until he goes to the City. Mr. Kennedy says one thing they are being careful on is his property goes up to the 8th green and Red Tail maintains a 10' easement. Mr. Kennedy says the pergola will not encroach in the easement. Mr. Kennedy says he thinks the contractor did a good job on how they want to attach the variance to the home. Mr. Kennedy says since the patio is existing, they felt the easiest way was to attach it to the home. Mr. Schneider says since the pergola is attached to the house, they will not need the square footage variance as it becomes part of the footprint of the home. Mr. Schatschneider says it looks very nice. Mr. Kennedy says the patio and fireplace are done.

A motion was made by Mr. Ladegaard, seconded by Mr. Schatschneider to approve a 16' rear yard setback variance from C.O.1262.04(d)(4) Lot and Yard Requirements to allow the construction of a pergola attached to the house to the existing patio located at 4294 St Theresa Blvd. The vote was: "AYES" All. The Chair declared the motion passed.

Mr. Kennedy says the wanted to Thank everyone for running such a great City.

HAROLD YAGGIE APPEAL 7:35P.M.

George Douzos of 5D Construction, LLC representing Harold Yaggie is requesting a 652 sq. ft. variance from C.O. 1262.08(a)(1) Maximum Area and Number of Accessory Buildings to allow the construction of a 32'x36' garage to be located at 33425 Willo.

Mr. Schneider says the garage was built back in 1985 the exact same size and they are replacing the same size. Mr. Douzos says tearing down the existing to build new.

George Douzos is sworn in by Mr. Gasior. Mr. Douzos explains they want to remove the existing building that has been there and would like to build a new structure but in order to do that with the current ordinances he is requesting a 652 sq. ft. variance for the new structure. Mr. Schatschneider says/asks there are footers under the whole building? Mr. Douzos says he doesn't know. They will be demoing the existing one and the new one will sit back behind where the existing one is. Mr. Schatschneider says it's a very excessive size building for that lot but since they already had it there to begin with, it's hard to make them make it smaller. Mr. Douzos says the reason they want to move it back about 20' as it's so close to the corner of the house it allows more access around house and garage. Mr. Schatschneider asks if any of the neighbors have issues and Mr. Douzos says Mr. Yaggie spoke to the neighbors and no one expressed concerns.

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to approve a 652 sq. ft. variance from C.O. 1262.08(a)(1) Maximum Area and Number of Accessory Buildings to allow the construction of a 32'x36' garage to be located at 33425 Willo. The vote was: "AYES" All. The Chair declared the motion passed.

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MARIA DOBOS APPEAL 7:45P.M

Maria Dobos is requesting a 10' front yard setback from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a new single-family home to have a front yard setback of 40' instead of 50' to be located on French Creek Road.

Maria Dobos, property owner and Les Miller, builder of 89 Homes is sworn in by Mr. Gasior. Ms. Dobos says she has proposed to have a 40' front setback from French Creek Road for a new build. Ms. Dobos says it would allow them to have a larger back yard and possible future pool. Ms. Dobos says the neighborhood has multiple homes that have closer than 50' frontage so they don't think it would ruin the integrity of the neighborhood or the street. Ms. Dobos hands out a photo of the measurements that she took of surrounding homes with their approximate frontage. Mr. Gasior asks if there is sewer there and Ms. Dobos confirms yes. Mr. Schatschneider says both houses next door is at 50' even though the ones across the street are 30' we still want to keep them in line with the neighbors somewhat. Mr. Schatschneider asks if they could take the covered porch off the back and move it to the corner of the house. Mr. Schatschneider says if you move that covered porch you can push the house back without a variance. Mr. C. Miller says if they move it back to the 50' they would need a 2' variance for the porch. Mr. L. Miller says the covered porch is off the rear of the home and it was determined that area was going to be a concrete pad. Mr. Gasior confirms that French Creek is a collector street. Mr. Schatschneider says that could be widened and is worried the house would be that much closer to the right of way. Mr. C. Miller says better to know now than later. Mr. Schatschneider says he would like to see the house pushed back and work with a 4-2-foot variance. Mr. Ladegaard asks about the address and its mentioned that is where she lives. The drawing is shown for exact location of the property. Mr. Klingshirn suggests moving is back about a little bit and puts them more in line with the others. Mr. Schatschneider says you can move it back 8 feet and keep the porch and the variance is now 2 feet. Mr. L. Miller says they are trying to keep some of those trees for a buffer. Mr. Klingshirn would be more comfortable at moving it back a little bit. Mr. Bulger agrees he thinks moving it back is the better decision for the long run and down the road if they want the covered porch, they could get the variance instead of having the house 10' closer to the road. Ms. Dobos says if she moves it back the 10' she would need a variance for the porch and asks if they could meet in the middle, so she doesn't need that. Mr. C. Miller says if you push is back to 48' it would be closer in line with the neighbors and the porch would not need a variance. Ms. Dobos accepts the amended 2' front yard setback.

A motion was made by Mr. Ladegaard, seconded by Mr. Schatschneider to approve an amended 2' front yard setback from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a new single family home to have a front yard setback of 48' instead of 50' to be located on French Creek Road. The vote was: "AYES" All. The Chair declared the motion passed.

GEORGE WILBURN APPEAL 8:00P.M.

George Wilburn is requesting a 525.82 sq. ft. variance from C.O. 1262.08(a)(1) Maximum Area and Number of Accessory Buildings to allow the construction of a 30'x40' garage to be located at 39364 Lorreto Ct.

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George Wilburn is sworn in by Mr. Gasior. Mr. Wilburn explains that he would like to build a 1200 sq. ft. pole barn. Mr. Schneider asks if he is going to take down the existing shed that is on the property. Mr. Wilburn says yes, he is as that 120 sq. ft. against him. It was asked if Mr. Wilburn had exact dimensions off the property lines. Mr. Wilburn says about 30-35 feet from both the side and rear property line. Mr. Schatschneider says the request is excessive and suggests maybe a 30'x30' barn giving him 900 sq. ft. which drops the variance down a bit. Mr. Schatschneider asks if he would consider 900 sq. ft. Mr. Wilburn says there's never enough square footage and says his plan b would be 38'x28' which is 1064 sq. ft. Mr. Schatschneider says it's too big for that area and would like to see 900 sq. ft with a 30x30 barn. Mr. Wilburn says he would like to get a little more depth if he could and I-90 is behind him. Mr. Ladegaard agrees this is a large building at the 1200 sq. ft. Mr. Ladegaard says he has figured 3 different sizes that he is comfortable approving. Mr. Ladegaard says if they want to keep the width a 30'x34' deep gives 1020 sq. ft. Also came up with 28'x36' which is 1008 sq. ft. but if he wanted the length a 25'x40' is 1000 sq. ft. Mr. Ladegaard says he wants to keep it around the 1000 sq. foot. Mr. Klingshirn says he would agree with Mr. Ladegaard's range about 1000 sq. ft. Mr. Wilburn asks if they would accept 1064- 28'x38'? Mr. Ladegaard gives his numbers again and Mr. Wilburn would like to keep it narrower and Mr. Ladegaard suggests 28'x36' giving it 1008 square foot. Mr. Bulger says he is good with Mr. Ladegaard suggest of the proposed 28'x36' barn. Mr. Klingshirn says having 90 is a good thing. Mr. Gasior asks about water problems and he says he has a little but there's a creek in the back by 90 and everything goes that way. Mr. Ladegaard says its shame you must give up the existing shed, it's nice. Mr. Wilburn says he must as it goes against the variance.

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to approve an amended 334 sq. ft. variance from C.O. 1262.08(a)(1) Maximum Area and Number of Accessory Buildings to allow the construction of a 28'x36' garage to be located approximately 30-35 feet off both side and rear property lines at 39364 Lorreto Ct. The vote was: "AYES" All. The Chair declared the motion passed.

COMMENTS

Mr. Gasior says we will work on the next meeting to space it out better. Ms. Fechter says the Board did a great job with having a new format of the meeting.

ADJOURN

A motion was made by Mr. Bulger, seconded by Mr. Klingshirn to adjourn. The vote was: "AYES" All. The Chair declared the motion passed.