

The **Board of Zoning Appeals** the City of North Royalton met on **May 23, 2011** to hold a Public Hearing in the Council Chambers at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:30 p.m.

Present: Chairman Neil Price, John Ranucci, Robert Jankovsky, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

Chairman Price: I need a motion to excuse Mrs. Mastronicolas and Mr. Kasaris for cause.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **excuse Diane Mastronicolas and Dan Kasaris for cause.**

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

PUBLIC HEARING

(BZA11-06) Daniel and Karen Watson request a variance to **Chapter 1270 “Residential Districts”, Section 1270.19 “Dwelling Unit Area Requirements”, paragraph (d) “Area of Garage” / Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (a)(1)B entitled “Maximum Area” and Section 1270.04 “Area, Yard and Height Regulations”, paragraph (g) and Section 1270.05 “Schedule of Area, Yard and Height Regulations”,** of the City of North Royalton Zoning Code, for relief from the **maximum square footage** requirement; for relief from the **maximum height** requirement; and relief from the **side yard setback** requirement for a **detached garage / accessory structure** they wish to construct on their property located at **5893 Cady Road, also known as PPN: 486-14-004.**

Public hearing notices were sent to property owners within 500 feet of the property in question and posted for the required period of time.

The Chairman recognized anyone wishing to be heard.

A gentleman approached the microphone.

Mr. Price: Would you please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. McMasters: I do.

Mr. Price: Your name and address please.

Mr. McMasters: My name is Frank McMasters and I live at 5933 Cady Road. I am the next door neighbor to the property that they are wanting to build on. Since they have purchased the property they have made great improvements to it which increases the property values of the surrounding area. I do not doubt that this will be any different. Right now the two structures that they are wanting to raze are really dilapidated. By cleaning that eyesore up it would only help make the neighborhood look better. I have no problem with the structure that they want to construct.

Mr. Price: You are to the west of this property?

Mr. McMasters: Yes.

Mr. Price: Thank you. Are the applicants present? Would you please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. Watson: Yes.

Mr. Price: Please state your name and address.

Mr. Watson: My name is Daniel Watson. I and my wife Karen are the applicants and we live at 5741 Cady Road which is the next house to the east of the property. We are the owners of record of that house as well as 5893 Cady Road. In addition there is a small lot between the two houses that we also own. I wanted to make myself available for questions and to introduce myself and my wife.

Mr. Price: Would you like to tell us why you are here tonight?

Mr. Watson: I am here to apply for a variance to the zoning regulations. There are three matters – size, the distance from the side lot line and the height of the structure.

Mr. Price: Would you care to comment on why you need these variances?

Mr. Watson: Sure. I would first like to refer to the application. In essence, the house is just under 900 square feet. It is a very small ranch house. The garage will assist with storage. It will assist with separate storage from the elements of the garage if there is a second story allowed which would be for dry storage. It can be a useful area to work on equipment – cars, tractors and things like that. It will also provide more area in the back yard. I am asking for relief from the side yard setback requirement because of the location of the house on the lot and the way that the driveway is situated. It will allow just a straight pull in to access the garage. Again, I would just like to draw your attention to the application. It goes into a lot of detail.

Mr. Price: Anything else? Thank you. Would you please raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Ms. Watson: I do.

Mr. Price: Your name and address please.

Ms. Watson: Karen Watson, 5741 Cady Road, North Royalton, Ohio. My husband and I own 5893 Cady Road as well. There was a question about whether the two structures that are in existence right now, the detached garage and the storage shed, were going to be razed before, during or after the construction of the new accessory building. They will be razed before construction. There will not be three accessory structures on the lot. For a period of time there will be no accessory structures whatsoever. The new garage / accessory building that we are asking these variances for will be put into part of the space that the existing detached garage is in. The reason that we are asking for 1,560 square feet for the detached garage is to allow for the square footage of a detached garage plus the square footage of an accessory structure. We are asking that the square footage of two structures be combined into one building. This would allow for better use of the back yard. My mom loves to garden and my parents are the ones who are living there right now. So one reason for the variances is to allow for better use of the back yard. There would also be a decrease in the building cost if we would be able to combine both structures into one. Dan already addressed the side yard question as to why we want to place the structure only 3 feet from the side property line. Just to clarify something - the property right next door to that side yard is not a buildable lot. It is another lot that we own. Right now it is actually kind of a river. That is why it is classified as nonbuildable. There will never be anything built there. We now own that property and before that my parents owned the property since the 1970's. I think that that is it. I hope that we covered everything. Please ask any questions should you have any. Thank you.

Mr. Price: We will probably have some during the second part of the meeting. Anybody else wish to speak? Motion to move this item to the open meeting.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **move BZA11-06 to the open meeting.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

Mr. Price: May I have a motion to adjourn the public hearing.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **adjourn the Public Hearing.**

Mr. Price: Call the roll.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

Public Hearing adjourned at 7:39 p.m.

The **Board of Zoning Appeals** of the City of North Royalton met on **May 23, 2011** to hold an Open Meeting in the Council Chambers at City Hall at 13834 Ridge Road. The meeting was called to order by Chairman Neil Price at 7:40 p.m.

Present: Chairman Neil Price, John Ranucci, Robert Jankovsky, Prosecutor Donna Vozar, Building Commissioner Rito Alvarez, Secretary Lynn Brinkman.

Mr. Price: May I have a motion to excuse Diane Mastronicolas and Dan Kasaris for cause.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **excuse Ms. Mastronicolas and Mr. Kasaris for cause.**

Mr. Price: Call the roll.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

Motion carried (3-0).

Mr. Price: May I have a motion to approve the Minutes for the April 18, 2011 meeting.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **approve the Minutes for April 18, 2011.**

Mr. Price: Call the roll.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

Motion carried (3-0). Minutes approved.

OPEN MEETING

New Business:

(BZA11-06) Daniel and Karen Watson request a variance to Chapter 1270 “Residential Districts”, Section 1270.19 “Dwelling Unit Area Requirements”, paragraph (d) “Area of Garage” / Section 1270.12 “Yards for Accessory Buildings and Uses”, paragraph (a)(1)B entitled “Maximum Area” and Section 1270.04 “Area, Yard and Height Regulations”, paragraph (g) and Section 1270.05 “Schedule of Area, Yard and Height Regulations”, for relief from the maximum square footage requirement; for relief from the maximum height requirement; and relief from the side yard setback requirement for a detached garage / accessory structure they wish to construct on their property located at 5893 Cady Road, also known as PPN: 486-14-004.

Variance #1:

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **grant a variance of 760 square feet more than the maximum square footage allowed as prescribed in Section 1270.19 (d) of the Zoning Code with regard to the size of this proposed detached garage / accessory building.**

Mr. Price: Discussion.

Mr. Ranucci: When I looked at the property I understood the need for a new garage. The house is small. My only objection is that this request is very substantial. If you take the square footage of the base garage we are looking at roughly a 5 car garage plus the second floor which is roughly another 800 square feet, looking at a total of about 1,500 square feet over the variance, though the second floor is not included as part of the total square footage. Keeping consistent with some of the rulings that we have made recently, my only comment is that it is a bit excessive. It is a substantial variance being requested.

Mr. Price: I have a question for the Building Commissioner. Am I correct in stating that the allowable size for a detached garage would be 800 square feet and then an accessory building with another 800 square feet. You could have two buildings on that lot.

Mr. Alvarez: Right. You would be allowed two buildings on this lot – a detached garage as well as an accessory structure.

Mr. Price: I think that it is a practical idea to combine the square footage allowed for an accessory building and a detached garage and make it one building. The square footage would be a little bit less than if you would construct two separate buildings on this lot. My problem is the size of the garage / accessory building. It is bigger than the house – almost twice as big as the house. When you then consider the height being requested it is going to look like a 2-story apartment building in back of this house, which is not conducive to the neighborhood. I do not think that it goes along aesthetically with the neighborhood even though there are some larger barns or accessory buildings in this neighborhood. Has there been any thought to re-arranging the position of this accessory building and putting it length-wise with the property. Could you possibly make it a few more square feet longer, reducing the upstairs requirement and lowering the ceiling.

Mr. Watson: I understand your objections and I can appreciate that. I did want to consider those separately – the square footage area as well as the height requirement. I do not agree with combining those into a total area consideration; however, it is reasonable, and I do understand your concern about the appearance and the character of the neighborhood, so we would be willing to forego the second story and strike that from the variance application if it would make this more agreeable. Are you proposing to keep the buildings separate?

Mr. Price: No.

Mr. Watson: I would like to keep them under one roof and keep the combined area less than the maximum allowed for the 2 buildings. Just to reiterate, I would be willing to forego the second story if that is more agreeable. I do think that the square footage request is reasonable. Thank you.

Mrs. Watson: As far as the request for the second story and the additional area there, we requested it because it was our understanding, when talking to the Building Department, that the footprint was what would be considered. We thought about putting in a second story. We would still like to have it on record that we would like to have that second story. The reason for that being the house is so small. The only closets in the house are two small bedroom closets. There is no other storage space in there. The attic is not very big. The basement has water in it so that cannot be used for storage. So when considering to build this garage our thought was that it would be wonderful to have a second story to allow for additional storage space because the house is so small. We were asked to think about hardships and the reasons for requesting these variances. We put a lot of thought into why we would want to have these things and why we would want to combine the square footage of two buildings into one larger structure. We also considered the necessity of a second story. It is for the quality of living on the property. We were asked by Lynn to bring in additional paperwork. There are several diagrams that show the layout of the property and one of them that was added was a view from the front and what it would look like with the house. One thing that is not included in there is that the structure would be sided and shingled. We would be doing it in a neutral tone, probably the same as our house which is a tan vinyl siding with neutral shingles. The house will have new siding and shingles and they will be the exact same thing that the garage will have. The whole thing, as far as aesthetics, will look the same. Hopefully from the front it would then look more appealing. We are not going to have one blue and one purple or something like that.

Mr. Price: Thank you.

Mr. Jankovsky: When I see a structure this size there is only one thing that concerns me. Perhaps, Mr. Watson, you could come back up to the microphone. In your application you talk about using the size of this garage for repairing lawn equipment and that type of thing. I am sure that you understand that this building cannot be used for a commercial enterprise. You do understand that – would that be correct?

Mr. Watson: I understand that. I am speaking of hobbies.

Mr. Jankovsky: I get concerned when I see a proposed building of this size.

Mr. Watson: There is no intent of operating a commercial enterprise or to solicit business. My father-in-law, who lives in that house right now, enjoys working on cars. There will be a lift installed in one of the bays. To address one of Mr. Ranucci's concerns, this will not be a 5-bay garage. We are planning on having only 3.

Mr. Ranucci: I was just going by the square footage.

Mr. Watson: I understand. I just wanted to clarify that.

Mr. Jankovsky: You are going to install a vehicle lift in the garage?

Mr. Watson: Yes. He enjoys working on vehicles. He has done it for 20 – 30 years. He tinkers all of the time.

Mrs. Watson: My father is 65 years old. He has had two hip replacements. This is what he has always done. He loves to work on stuff. He works on our lawnmowers, changes the oil in our cars and things like that. He will not be operating a business. I can swear to that. The reason for the lift is because it is easier on his body.

Mr. Price: With a lift being added to the garage, what does that do as far as the height requirement? Let's talk in terms of the standard height of a garage versus what appears to be a 2-story garage.

Mr. Watson: With regard to the additional story, that is not necessary for the lift. To add to that, when he lived in the house where we live now, he had installed a lift. When he moved he installed a lift. He brought it back with him. He would like to have it installed again. To answer your question though, the 10 foot indication here with the roof line is an accommodation for the lift. I am referring to the single bay that is located off to the side here.

Mr. Price: The single bay would accommodate the lift?

Mr. Watson: Yes.

Mr. Price: So the storage for the longer part of the garage is a traditional second story arrangement for storage.

Mr. Watson: That is the intent. We could reduce it somewhat.

Mr. Price: Does it have to be a floor space that you can walk around in or can a gable roof line work.

Mr. Watson: The gable would be sufficient. We could probably drop this height down from 23 feet if we include the gable. Considering that we do not have complete plans drawn up as of yet I believe that we can reduce that request. I would like to have the ability to stand up and walk around up there. Part of the intent is for it to be sort of a hobby workshop area. We would like to have the ability to walk around up there.

Mr. Ranucci: Right now if the floor is roughly 10 feet and you are requesting 23 feet you almost have 13 foot clear in the center there now so you would have room.

Mr. Watson: That is fine. This is a preliminary sketch.

Mr. Price: They are here based on their drawings and their presentation to you of these drawings. If they change the drawings would we have to go through this again?

Mr. Alvarez: If I may answer your question. They are requesting a variance for the height of this structure. If you are concerned that the height is too high, then the Board decides that they do not want it that high and you need to tell the applicant what you would approve and they would have to submit plans accordingly. I would need to look at revised plans.

Mr. Price: That could be discussed tonight and then they would have to abide by whatever the decision is.

Mr. Alvarez: That is correct. The applicants would then have to submit revised plans for review.

Mrs. Vozar: Assuming that the applicants amend their application.

Mr. Price: Right.

Mrs. Watson: If things are approved tonight we would not be changing it from this drawing. If what is there is acceptable we would not be changing things.

Mr. Price: What you need to understand is that if this is not acceptable to only one of us tonight your request is then denied. You would then have to come back and re-apply with new and additional information. If you should decide to change things tonight and revise it a little bit and we approve it, then it is approved and you can move forward.

Mr. Watson: I would be willing to consider amending the application so that it could be agreed upon here and we could move forward. I also wanted to point out that I did provide an elevation view from the street. You are right, it does make it look huge. One thing to take into consideration is that I did not draw the actual topography of the land. It falls away from the house. Being set back at least 20 feet from the house it will not look quite as imposing. I just wanted to mention that.

Mr. Price: As I recall it does not fall that much.

Mr. Watson: It is at least a couple feet but you are right, it is not a cliff.

Mr. Ranucci: As far as the first variance regarding the square footage, would there be any thought to reducing that variance request of 760 square feet. Is there any other number that you have in mind that you could live with?

Mr. Watson: I had not considered any other number aside from the one that I applied for. If you have something to suggest I would listen to it but that was not my intent.

A brief discussion ensued amongst the members of the Board.

Mr. Price: You are not going to be placing any heavy equipment on the second floor.

Mr. Watson: No. It will be a normal reinforced floor.

Mr. Price: If you needed a little bit more storage space for lawn furniture, outdoor equipment and things like that, then I could see maybe making it a little longer and turning it vertically to run back with the lot.

Mr. Watson: That would be possible but that would take away some usage of the yard. How would you consider the bays to be laid out then? I was intending the bays to have straight access instead of having to walk behind the cars to get to it. I believe that it would allow for a much more efficient use of the building.

Mr. Price: I was thinking that the cars would be next to the house side and the garden stuff would be located toward the back.

Mr. Watson: Maybe I am not understanding you. I have it drawn up so that the driveway is here and cars could drive in by this area.

Mr. Price: What I am suggesting is that the driveway continue back so that you would make a right turn into the garage. The building would be turned and positioned so that the length of the garage would go from the back of the house toward the back of the yard. It would be turned sideways. The doors would face your house.

Mrs. Watson: You are suggesting that because ...

Mr. Price: It would not be as visible to the street and with the lower roof line it would not be so outstanding.

Mr. Watson: With the lower roof line, if we do leave it the way that it is, much of it is behind the house.

Mr. Price: It is a matter of choice and whether the neighbor would rather look at it long ways or short ways. It seems to me, the way that you have it drawn on the sketch, that it would be rather tight going in and out of the drive.

Mr. Watson: The way that the driveway is now there is a short little section here that would allow for a turnaround for vehicles. That was the plan – to maintain that and allow that basically for a turnaround.

Mrs. Watson: To turn it sideways would mean bringing in more of a driveway and more asphalt onto the property. That was one thing that we were avoiding.

Mr. Price: That was just a suggestion.

Mrs. Watson: If you would be okay with the square footage but would want it turned – we could do that. It would just mean more asphalt. We would consider that but it would increase the cost of this project.

Mr. Price: With the square footage that you have submitted and the height being requested, and I think that all three of these variances have to be talked about a little together, if you reduced the height of the total structure, taking away the second story walk-around arrangement with a typical peaked roof with access to the second story ... Mr. Alvarez, how tall is a standard garage?

Mr. Alvarez: Mr. Chairman, I do not think that there is a standard garage anymore. Say a standard garage would be 20' x 20', then it would be possibly 10 feet to the eave height, and if you are talking about a 4:12 pitch to the roof, then it would have to be about 13 – 14 foot high for a standard garage. If that would be what you would consider a “standard” garage.

Mr. Price: For a garage this size, what would be the required pitch? Would 15 feet be more than adequate for the height of this structure?

Mr. Alvarez: The height is depending on the pitch of the roof. Are you using a 4:12 pitch on the roof?

Mr. Watson: I drew it at a 5:12 pitch.

Mr. Alvarez: A 4:12 pitch is standard but it would then be a height of under 16 feet.

Mr. Watson: Right. With a 5:12 pitch it is just a hair over 16 feet.

Mr. Price: So if you would propose a height for this structure at 16 feet ...

Mrs. Vozar: Mr. Chairman, I believe he said that it would be slightly above 16 feet so it would have to be at least 17 feet at the pitch that they proposed, that is if I understood the applicant correctly.

Mrs. Watson: On the drawing, the part of the building that has only one story is at 16'-3".

Mr. Price: So we would not want any more than 16'-6".

Mr. Watson: We could accept that if it would ease the other restrictions. I did not include the thickness of shingles. I do not mean to be difficult but if I am 2 inches over I would really hate to have a problem.

Mr. Price: Would there be any more discussion on Variance #1? Please call the roll.

Mrs. Vozar: Mr. Chairman, we have not done the consensus or the findings of fact and conclusions of law. You have not, as of yet, called for a consensus of the members.

Mr. Price: I am not opposed to the variance. I think that it is a good use of the requirement for an accessory building and a garage – to merge them together and come up with a smaller square footage than would be taken up should there be two structures constructed. The square footage, because it is behind the house, should have no affect on the neighborhood. It will not adversely affect the delivery of governmental services. No neighbors have complained. I would vote in favor of Variance #1.

Mr. Ranucci: Mr. Chairman, based on your comments and the combining of the square footage for a detached garage and an accessory building, I would also be approving this request for a variance.

Mr. Jankovsky: Mr. Chairman, I do not have any objection to this. It is a large structure but I think that it falls within the criteria that we look at before we approve of a variance. I will be voting for it.

Mrs. Vozar: Mr. Chairman, the proposed findings of fact and conclusions of law are as follows for Variance #1. The applicants are requesting a variance of 760 square feet more than the maximum square footage allowed as prescribed in Section 1270.19 (d) of the Zoning Code with regard to the size of the proposed detached garage / accessory building. The Board finds as follows. The applicants were here tonight and testified and offered furthermore as evidence their proposed application. They testified that the need for the structure exists to meet their need for storage and yard equipment due to the fact that the current home on the property is small. In addition, they discussed the fact that as a condition of this the two structures that are currently on the property will be razed. The Board found that as one of the reasons of finding in favor of practical difficulty as established under North Royalton Ordinance 1264.08, that while the variance appears to be substantial the fact that the applicants were combining both a detached garage and accessory building into one structure met the criteria of practical difficulty. The Board also found that there would be no detrimental affect to the essential character of the neighborhood. Furthermore, the conditions that existed were peculiar to the land for the location and size for Variance #1. Practical difficulty has been established according to the criteria. Mr. Chairman, is there anything else that the Board would like to add?

Mr. Price: Any additions? Call the roll.

Variance #1:

Mr. Price: Yes.

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Ayes – all. Nays – none.

Variance granted (3-0).

Variance #2:

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **grant a variance of 8 feet more than the maximum height allowed for a detached garage / accessory structure per Section 1270.04 (g) of the Zoning Code.**

Mr. Price: Any discussion? If it is alright with the applicants I would like to amend this variance from 8 feet down to 1 ½ feet. That would make the roof height 16 feet-6 inches.

Mrs. Watson: We could do that if that is the only way that this can be approved. The reason that we had asked for a second story has to do with quality of life and the size of the house. I wanted to put that into the record. We were asking for that additional space for a hobby shop and additional space for storage.

Mr. Watson: But to reiterate, we would accept this proposed amended height.

Mr. Price: We have to come to some compromise because if that variance is defeated, the whole thing is defeated. So as an alternative proposal – or would you have some other suggestion?

Mrs. Watson: So the height of the structure would be dropped so as to be all one story.

Mrs. Vozar: Mr. Chairman, I do not mean to interrupt the applicants but I just want to make sure that they understand that each variance stands on its own. I just wanted to make sure that you are clear that each individual variance will be viewed and voted on specifically.

Mr. Watson: I need to understand what the Chairman said then.

Mr. Price: If the variance request for the height is not approved, then what does that do to the request for the size of the building?

Mrs. Vozar: The size of the building is permitted based on the way that it was approved; however, the height of the building would actually be 15 feet which is what the requirement is. The Board is proposing that they would find it favorable to give you this additional footage.

Mrs. Watson: So putting it all on the table, a second story is not acceptable.

Mrs. Vozar: If I may Mr. Chairman, the Board does not give advisory opinions. Part of the discussion that occurs is so that you, the applicant, understands the issues that the Board has. You obviously get the final decision as to whether or not you want to amend your application. If you do not want to amend it you are obviously free to move forward and ask the Board to vote based on the initial 8 feet that you had requested. You are otherwise free to amend your application if that is what you choose to do.

Mrs. Watson: Could we have a few minutes to consider this.

Mrs. Vozar: You can absolutely take a few minutes to consider all of this.

Mr. Jankovsky: Is there any ground in between these numbers being proposed. My concern is that the applicants have sufficiently laid out their needs and what they would like. Is there any happy ground between the 1 ½ foot variance proposed and the 8 foot variance which had initially been requested by the applicants which might better accommodate their needs for storage?

Mr. Ranucci: That was what I was going to ask. Is there something that can be done via the pitch of the roof or something that we could still allow you the walking space and storage that you are requesting.

Mr. Watson: That is a good point. At that pitch, right above, it would basically be a crawl space.

Mr. Ranucci: So if we raised the sides and the pitch ...

Mr. Watson: A higher pitch – I do not know what that would do to the actual height. Going from a 4:12 to a 5:12 pitch – I do not have those numbers at the top of my head.

Mr. Alvarez: Again, it is what you want based on how you want to use this structure. It is entirely up to you.

Mr. Watson: It would be a nice thing to have an additional foot to 2 feet under the eaves in order to have a little relief from stooping over so much. It is not necessary. The 16 ½ feet proposed would work for our needs but it would reduce the ease of access to that storage. That is my only problem with that suggestion.

Mr. Ranucci: If we would give you 10 feet plus 8 feet or 18 feet, which would give you 8 feet in the center, that would give you a reasonable height right down the center for storage.

Mr. Watson: I agree with that because it is basically 2 feet over what we have shown with the pitch.

Mr. Price: What about a hip-roof style?

Mr. Watson: There is a gambrel-style roof which is like a barn roof. We have considered that but it is not really within our aesthetic taste. That is part of it. It is also slightly more expensive to do that. This will be a wood truss building. There are different truss styles which can accommodate more head room on the inside. That is what we were planning on doing. I would appreciate 16 ½ feet but the additional 1 ½ feet which would allow a height of 18 feet would be better. We would abide by whatever you suggest.

Mr. Price: How high is the house?

Mr. Watson: I estimate that it is about 15 feet high.

Mr. Ranucci: From the street it would be basically the same height as the house.

Mr. Price: We will need to have a motion to amend the variance request.

Mrs. Vozar: If the applicants should want to amend it for the record.

Mr. Price: Would you be willing to consider a maximum height of 18 feet?

Mr. Watson: That would be great.

Mrs. Vozar: For the record you are requesting that Variance #2, which you had initially requested to have a maximum height of 23 feet, now be reduced to a maximum height of 18 feet, resulting in a variance request of 3 feet. Is that correct?

Mr. Watson: That is correct.

Mrs. Vozar: Mrs. Watson, are you also agreeable to that?

Mrs. Watson: Yes, that is correct.

Amended Motion – Variance #2:

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **grant a variance of 3 feet more than the maximum height allowed for a detached garage / accessory structure per Section 1270.04 (g) of the Zoning Code.** (Therefore: height of structure not to exceed 18 feet.)

Mr. Price: I will go along with this variance request. With the drop in elevation in the back yard and the reduction in the height initially requested, it will put the height of this structure about even with the house. The same comments go as before. No governmental services will be affected. It will not create a nonconforming lot. I think that the spirit and intent of the Code will be upheld.

Mr. Ranucci: Mr. Chairman, I agree with your comments with regard to the reduction in the height as it relates to the elevation difference. You will not really see the total structure from the road. It will not change the character of the neighborhood. It is much more reasonable and not as substantial as was originally requested. It is the minimal necessary to make the change so I will also be voting in favor of this request.

Mr. Jankovsky: My comments are pretty much the same as I gave for Variance #1. I did not have a serious problem with the way that it was proposed initially but I do think that this is a better alternative and will keep us from setting an unsatisfactory preference in the neighborhood. I will be voting for it.

Mrs. Vozar: Mr. Chairman, the findings of fact and conclusions of law submitted for the Board's consideration are as follows. The applicants were here and requested that Variance #2 be amended from what was submitted. The amended variance is a variance of 3 feet more than the maximum height allowed for a detached garage / accessory structure pursuant to Section 1270.04 (g) of the Zoning Code. The Board found that practical difficulty has been established pursuant to Section 1264.08 of the Zoning Code. Due to the topography and the height of the existing home the variance will not have an adverse affect on the essential character of the neighborhood. It is not a substantial variance but is the minimal necessary to make use of the proposed structure. The spirit and intent of the Code will be observed by the granting of this variance. Again, a neighbor was present and had no objection to the granting of the three variances. That is all I have for the Board's consideration. Is there anything else?

Mr. Price: Any additions? Call the roll.

Amended Variance #2:

Mr. Ranucci: Yes.

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Ayes – all. Nays – none.

A variance of 3 feet is granted (3-0).

Variance #3:

Moved by Mr. Ranucci, seconded by Mr. Jankovsky to **approve a variance of 7 feet less than required per Section 1270.05 of the Zoning Code with regard to the side yard setback for this proposed detached garage / accessory structure.**

Mr. Price: Based on the fact that the applicants own the lot to the east and it has been stated that it is unbuildable, I do not have a problem with this variance request.

Mr. Ranucci: Mr. Chairman, since the neighboring lot to the east is owned by the applicants and has been deemed unbuildable and since the layout of the land and the driveway access to the new structure is available, I see that practical difficulty has been met and I will also be approving this variance request.

Mr. Jankovsky: I concur with my colleagues on all comments regarding the side yard setback and I will be voting for this variance.

Mrs. Vozar: The proposed findings of fact and conclusions of law as to Variance #3 are as follows. The applicants are requesting a variance of 7 feet less than required per Section 1270.05 of the Zoning Code with regard to the side yard setback for this proposed detached garage / accessory structure. The Board finds that all of the factors and decisions that were issued on Variances #1 and #2 apply as well as the fact that the applicants are the property owners who would be most affected by this side yard setback variance. The nature and topography of the adjoining property are also factors that the Board considered in finding that practical difficulty has been established as far as Variance #3. Is there anything else?

Mr. Price: Any additions? Call the roll.

Variance #3:

Mr. Jankovsky: Yes.

Mr. Price: Yes.

Mr. Ranucci: Yes.

Ayes – all. Nays – none.

Variance granted (3-0).

Mr. Price: Anything else? May I have a motion to adjourn.

Moved by Mr. Jankovsky, seconded by Mr. Ranucci to **adjourn the B.Z.A. meeting of May 23, 2011.**

Ayes – all. Nays – none.

Motion carried.

The Board of Zoning Appeals Meeting adjourned at 8:21 p.m.

Approved: Neil E. Price
Chairman

Date: June 27, 2011

Attest: Lynn M. Brickman
B.Z.A. Secretary