

Note: These minutes were compiled by extracting certain facts the essence of testimony from an audiotape made of this meeting. Complete detail and verbatim statements can be heard and transcribed from the tape. The tape is available in the office of the Department of Planning and Zoning for a nominal fee.

STREETSBORO BOARD OF BUILDING AND ZONING APPEALS

Hearing January 21, 2020 Immediately following BZBA Organizational Meeting

Call to Order – Chairperson Bross called the hearing to order at 7:13 pm.

Pledge of Allegiance

Roll Call: Anthony Madden, Doug Liebler, Scott McDole, Ron Stenglein, Bill Uehlinger, Marvin Woods and Matt Bross were present.

Also present: John H. Cieszkowski, Jr. AICP Planning and Zoning Director; Sara J. Fagnilli, Assistant Law Director and Andrea Parma, Clerk.

Disposition of Minutes: October 15, 2019 Hearing, November 19, 2019 Hearing and December 17, 2019 Hearing.

Mr. Bross informed the board that only the October minutes were ready for approval.

Motion: Mr. Madden

To approve the October 15, 2019 hearing minutes. Seconded by Mr. Woods. Upon voice vote motion carried (Mr. McDole abstained since he was not present at that hearing).

Mr. Bross mentioned the minutes were not on the website.

Ms. Parma stated they would be posted as soon as they have the last three for the year.

Mr. Bross stated other boards and Council had a lot more recent minutes on the site than the BZBA did and wanted to make sure they were posted for public view.

Old Business:

Mr. Bross read aloud the rules for the formal proceedings in this hearing.

New Business:

2330 Oakleaf Court - Evans

Request a variance from Section 1127.04(b) to allow a rear yard setback of 39 ft. Code requires 50 ft. Variance is for 11 ft.

Gary Evans, 156 West Barlow Road, Hudson, was sworn in and stated he was the applicant and the owner, David Makar, was out of state at present. He wanted to purchase the property from Mr. Makar but wanted to build a 16' x 30' addition to the existing attached garage. He pointed out there was already a zoning violation from a previously constructed deck. Both Mr. Makar and the previous owner deny building the deck. The house was built in 2003 by Mark Meyer of DH Meyers so he was probably the person that should have filed the original variance. Apparently the deck is a greater violation of the setback than the garage addition he wants to build because there is a 50 ft setback and the deck is 39" from the rear property line and his proposed addition to the garage would be a lesser amount. The unique thing about the property was that it is on a cul-de-sac at the rear of the cul-de-sac therefore there is a narrow frontage and wider back yard which was different from many of the homes in Waterford Estates. Many of the homes there have 3 car garages but not many have this unique lot; they have more conventional lots, more squared off. He has no commercial use interest in the addition just wanted to put a boat on a trailer in it. The boat with a trailer is 25 ft long and he would like to have it out of the weather. This would not present a safety hazard. He thought the only party to be able to discern a difference to this property would be the one to the north side and the garage on that side would only be 9 ft longer than the existing.

Mr. Bross clarified this variance would kill two birds with one stone by taking care of the existing violation as well as allowing the addition.

Mr. Evans wondered if there was a variance applied for and lost.

Mr. Cieszkowski stated staff always checks to see if there was an existing variance granted so in this case if there was one to accommodate the deck there would not have been a need for a variance for the garage expansion. In this case staff did not find a variance approval which is why they were there this evening. He said the applicant spoke on every relevant point he was going to make; the unique shape of the lot, the minimal buildable area created by that shape. He like the idea of putting a boat inside a building instead of at the side of the house. He felt there was logical reasoning for the variance and supported obscuring the view of the boat from the rights-of-way and adjacent properties.

Ms. Fagnilli had no comment.

Jonathan Reed, 2315 Oakleaf Court, was sworn in and asked for clarification of the variance.

Mr. Cieszkowski explained to Mr. Reed the layout of the lot, the location of the proposed garage expansion relative to property lines and existing setbacks, and the location of the existing deck, pointing out the rear property line.

Mr. Reed asked if the garage expansion would encroach on his lot line.

Mr. Cieszkowski showed him where the property line was, where the 12 ft side yard setback was and that the addition was going to the rear.

Mr. Reed said he was good and had no questions.

Mr. Uehlinger asked for clarification as to if the variance was for the deck and not necessarily the garage.

Mr. Cieszkowski affirmed they were granting a variance to accommodate the deck, in turn they would also accommodate the rear yard setback necessary for the proposed expansion of the garage.

Mr. Uehlinger asked Mr. Evans if he would be replacing the deck with a larger footprint.

Mr. Evans did not intend to make the deck bigger just possibly cover it.

Mr. Woods stated all his questions were answered.

Mr. Madden asked if he was currently in contract to purchase the home.

Mr. Evans stated they were in negotiations of a contract but a lot of it depends on whether or not he could have this addition.

Mr. Liebler clarified how all this came about; he was going to put in this garage expansion, in so doing he realized he needed a variance for the rear yard setback and that the deck needed a greater variance for the setback.

Mr. Cieszkowski affirmed.

Mr. Liebler clarified they were not asking for a variance for the side yard only the rear.

Mr. Cieszkowski affirmed.

Mr. McDole and Mr. Stenglein had no questions.

Mr. Bross asked at what point in time the applicant can request a variance.

Mr. Cieszkowski said in terms of timing of the variance relative to purchase of the home they could do so before hand or after purchase but the City requires the current property owner signed the application so that they are aware that the applicant is seeking a variance of the property not owned by the applicant.

Motion: Mr. Madden

I hereby move on this 21st day of January, 2020, the Streetsboro Board of Zoning and Building Appeals grant a variance for 2330 Oakleaf Court – Evans request a variance from Section 1127.04(b) to allow a rear yard setback of 39 ft. Code

requires 50 ft. Variance is for 11 ft. per drawings received 12-30-19. Subject to all Planning and Zoning ordinances and site plan review of the City of Streetsboro where applicable. Seconded by Mr. Woods.

Mr. Madden voted yes but wished the property owner had given them a letter endorsing this. He did not see a reason not to grant the variance for the existing deck as written.

Mr. Liebler voted yes. He could see the unique situation with the lot and thought the request was minimal. His own variance for a similar situation in that neighborhood made it hard for him to argue against it.

Mr. McDole agreed with the previous comments and voted yes.

Mr. Stenglein voted yes because if he had a 25 ft boat he would want it out of the weather too.

Mr. Uehlinger voted yes because the variance would provide a beneficial use for storage of the boat, the soon to be property owner was aware of the code restrictions hence the request and it seems to be the best manner to resolve the problem of the deck which hasn't been an issue. As well as it serves the spirit and intent of the zoning requirements and substantially would be served in granting the variance.

Mr. Bross agreed with all the aforementioned reasons and any opportunity to get a boat or RV into a covered space within reasonable accommodation is a good thing. It also took care of a past violation so he voted yes.

Mr. Woods voted yes since the variance is the minimum required to support the issue and the fact that the boat would be under shelter and not in the open for the neighbors to have to look at would be nicer for the neighbors.

Roll Call: Yes – 7, No – 0. Motion carried.

Citizens' Comments - none

Board Member Comments

Mr. Liebler pointed out it was interesting how the deck variance affects future building plans; had that deck been granted the variance there would be no problem building the garage. He asked that they all think about how the variance stays with the property. He asked if they could put a clause into the variance to stop future structures from being put in the space later on.

Mr. Madden said they could add language as they see fit to keep to the true intent.

Mr. Cieszkowski said the situation Mr. Liebler laid out was a unique one that he had not seen yet. Yes, variances run with the land and in this case they did try to link the variance

to the plans that are submitted with the application. With that being said they are granting a rear yard setback variance so it doesn't just apply to one section of the rear yard setback, it applies to the entire rear yard. He said that was an interesting point but asked they not over think it or let that be the primary reason to decide against something by speculating that there could be something addition proposed down the line.

Announcements: The next Board of Zoning and Building Appeals Hearing will be held at 7:00 P.M. on Tuesday, February 18, 2020 at the **Streetsboro Municipal Building at 555 Frost Road.**

Adjournment

There being no further business before this Commission a motion to adjourn was made by Mr. McDole and seconded by Mr. Woods and the meeting was adjourned at 7:38 pm.

Attest:

Stacey Vadaj, Zoning Inspector

Matt Bross, Chairperson