

CITY OF AURORA
OHIO
BOARD OF ZONING APPEALS
Meeting Minutes
August 10, 2016

The Aurora Board of Zoning Appeals met in a regularly scheduled meeting Wednesday, August 10, 2016 in the Council Chambers at City Hall. The meeting was called to order at 6:31 p.m. by Chairman Terese Fennell.

ROLL CALL: Present: Tom Carr, Alternate
Terese Fennell, Chairman
Tony Gramm, arrived 6:35 p.m.
Jeff Iammarino
Tim Novotny
Absent: Bernard McCarrell, Vice Chairman
Also Present: Dean DePiero, Law Director
Meredith Davis, Asst. Director Planning, Zoning, Building Division
Scott Wolf, Councilman at Large
George Hrovat, Councilman Ward Four
Marie Lawrie, Clerk

DECLARATION OF OATH:

Mr. DePiero swore in those that planned to speak.

AMENDMENTS TO THE AGENDA:

None

APPROVAL OF MINUTES:

MOTION: To adopt the minutes of the July 13, 2016 meeting

Mr. Novotny moved for approval; Mr. Iammarino seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. Novotny, Mr. Iammarino, Mr. Carr, Ms. Fennell
Nays: None

There was an announcement that the 3 minute timer would be used for public comment.

There was a second announcement that Mr. Novotny would be abstaining from the vote on 760 Deepwoods Drive project. Ms. Fennell would be abstaining from the vote on 55 S Chillicothe Road. Mr. Iammarino will conduct the meeting during Ms. Fennell's abstention.

OLD BUSINESS:

PAUL JOHNSON, 1009 E MENNONITE RD (1606022) – 6TH ACCESSORY STRUCTURE, WHERE 2 ARE PERMITTED

MOTION: To move this item off the table

Mr. Iammarino moved for approval; Mr. Carr seconded, and the motion carried, 4-0, on a roll call vote.

Yeas: Mr. Iammarino, Mr. Carr, Mr. Novotny, Ms. Fennell

Nays: None

Paul and Lauri Johnson, property owners were in attendance to answer questions. Ms. Johnson gave a quick overview of their plans to build an arena to exercise their horses and train year round for competition. They are interested in keeping the historic look of their property and chose the location for the arena behind the 150 year old barn where it will not be seen from the road. It will be constructed as an addition to the existing barn. When asked about the current horses at the property, Ms. Johnson stated that they own 3 horses and 1 horse is being boarded for a friend and was given to them for free. She further stated that she has no intention of boarding horses. When asked if stalls could be erected in the arena in order to have one structure instead of two, Ms. Johnson stated that would require them to tear down the historic barn. That would also require the new arena to be larger to accommodate the stalls. She estimated that it would need to be 200' x 100' to accomplish this. The 60' x 100' barn is the smallest size structure that will allow you the circumference needed to turn a horse in a full circle.

The floor was opened for public comment.

Walter Chapman, 280 Willard Road, Board Member, Moebius Nature Center was not in favor of the variance request. He stated that the Board had concerns pertaining to changes in hydrology and the run off into a tributary of Sunny Lake. They were concerned that a future owner might have different intentions with regards to commercial operation. When asked if any board members live adjacent to the property, the answer was no.

MOTION: To accept a letter from the Moebius Nature Center, 929 E. Mennonite Road for consideration

Mr. Gramm moved for approval; Mr. Iammarino seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. Gramm, Mr. Iammarino, Mr. Carr, Mr. Novotny, Ms. Fennell

Nays: None

Brent Besinger, 1039 E Mennonite Road, was opposed to the variance request. He stated that he submitted a document for review based on the Duncan Factors. He submitted reasons why the factors would weigh against the variance. He further stated that he has lived at his current location for 4 years and purchased that parcel because of the zoning codes. He stated that he spoke with the applicant and told him that he was not opposed to the pool and pool house being erected, but could not support the 6,000 square foot horse arena. The additional structure would change the character of the neighborhood. He stated that this variance request is substantial. He produced letters of neighbors against granting the variance request. When asked, Mr. Besinger stated that his own barn is 3,600 square feet in size.

Letters were presented from the following residents:

Mr. and Mrs. Brent Besinger, 1039 East Mennonite Road

Mr. and Mrs. John Melich, 139 Bissell Road

Mr. John Melich Jr., 139 Bissell Road

Andrea Geier, No Address Given

Morgan and Missy Maxwell, No Address Given

Laura Balint-Slivka, 124 West Mennonite Road

Jeannine Mylott, 1000 Centerville Trail

Krista New and Jeff New, No Address Given

Christine J Wilson, 919 East Mennonite Road

Peter and Debby Sobey, 1145 East Mennonite Road

Gerald Horst, 1190 East Mennonite Road

Mr. and Mrs. Mark Rom, 1060 E Mennonite Road

Beth McMasters, 1220 East Mennonite Road

Mark Swiger, 1230 East Mennonite Road

Illegible Signature, No Address Given

MOTION: To accept the letters for consideration.

Mr. Gramm moved for approval; Mr. Iammarino seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. Gramm, Mr. Iammarino, Mr. Carr, Mr. Novotny, Ms. Fennell

Nays: None

Ed Wilson, 919 E Mennonite Road, was not in favor of granting the variance. He stated that the parcel is non-compliant currently and the variance request will make it worse. He wondered about the affect the additional structure would have on ground water and flow of water into Sunny Lake.

Audrey Besinger, 1039 East Mennonite Road, was not in favor of granting the variance. She reminded the Board members of the importance and responsibility of their job to uphold the zoning code. She stated that by granting this variance, precedence may be set. She stated that this variance request represented a wish and not a hardship. She asked the Board to comply with the zoning codes that Aurora residents voted for. She said that our role is to look at today and tomorrow, stating that the structure may stand for years to come and have another purpose at a later date. She asked that the Board vote down the variance request.

Jeanine Mylott, 1000 Centerville Trail was not in favor of granting the variance. She stated she has known the Besinger family for a long time and that they were in favor of the pool and pool house, but that this additional structure was above and beyond what a resident might expect to be permitted in an R-2 district. She asked the members what they would do when the next similar request is presented. She stated precedence may be set. She asked the Board to uphold the laws on the books.

Mr. DePiero gave an explanation of the Ohio Supreme Court Duncan case, which gives local government factors to assist board members weighing a variance request. Local government has the authority to grant a variance. Parties who are grieved by a decision would then have the right to appeal.

Mr. Novotny asked why there was no one present from the Moebius Center at the last meeting. The Moebius Center is city-owned property and did not receive a letter. The membership was not aware the variance request at that time.

Laurie McMaster, 670 Lake Trail, agrees that certainly there are exceptions to rules; however she stated that exceptions are usually granted for the betterment of all surrounding parties and not for conflict. She stated that this is a substantial variance request. She asked the Board to vote against the request.

Missy Maxwell, 36 Lexington Way, was not in favor of the variance request. She stated that the property is zoned R-2 to protect the rural area. She further stated that granting this variance would diminish the value of our code. She asked the Board to vote against the request.

Scott Wolf, 156 Eldridge Road, Councilman at Large, City of Aurora, spoke to the Board. He was concerned about the size of the variance. He explained that if something is denied at Planning Commission, an appeal could be made to City Council. This is not so with the Board of Zoning Appeals. He stated that if you were grieved by the decision of the Board of Zoning Appeals, that appeal would be filed in court. He asked Board members to consider that and deny the variance request based on the excessive size of the structure.

Mrs. Johnson was given an opportunity to speak again before Ms. Fennell closed public comments. She explained that the existing structures on the parcel have been there for 150 years. There are currently 2 outbuildings and 2 houses on the property. They own a 3 acre parcel and across the street they own a 5 acre parcel. If the arena was constructed on either of those parcels, it would be much more visible. Drainage is in place currently which will support the arena. Ms. Fennell stated that a variance would be needed to build the arena on either of the additional parcels. Code does not allow an accessory structure on a parcel without a primary structure. Mrs. Johnson wishes to build the arena in the least obtrusive place.

Ms. Fennell closed public comment. The Board discussed the variance request among themselves.

Mr. Novotny stated that the concern of the Moebius Center was important to him. He was also sensitive to the opposition of the project. He further stated that he is fully aware of his duties as a board member without being lectured. When asked, he stated that the size of the variance seems excessive, however, as a former horse owner he understands that 6,000 square foot is not excessive for the purpose of exercising horses.

Mr. Iammarino stated that the size of the property is significant, however, the number of structures weighed heavily on his decision.

Ms. Fennell and Mr. Novotny felt a solution may be to tear down the current barn and build one structure to house and exercise the horses.

Mr. Carr read from the staff report which stated that the variance is substantial in size. It also stated that the neighborhood would not be substantially altered by this variance. The staff report recommended additional screening and the condition of non-commercial use if the variance is granted.

There was discussion about adding conditions to the resolution and clarification that such a stipulation would stand with the property regardless of the owner. The Board was in agreement to add the recommended conditions.

There was a motion to allow an additional accessory structure, for a total of 6 accessory structures on the property, where the code permits a total of 2 accessory structures. This additional accessory structure is stated to be a 6,000 square foot horse arena.

MOTION: To grant the variance, provided that the applicant not allow commercial use in any way and that addition screening is provided consistent with the staff report of the Planning, Zoning, and Building Department

Mr. Iammarino moved for approval; Mr. Carr seconded, and the motion carried, 3-2, on a roll call vote.

Yeas: Mr. Carr, Mr. Gramm, Mr. Novotny

Nays: Mr. Iammarino, Ms. Fennell

There was a motion to allow a total of 11,792 square feet of accessory structures, where the code allows a total of 3,000 square feet.

MOTION: To grant the variance as requested

Mr. Gramm moved for approval; Mr. Iammarino seconded, and the motion carried, 3-2, on a roll call vote.

Yeas: Mr. Gramm, Mr. Carr, Mr. Novotny

Nays: Mr. Iammarino, Ms. Fennell

NEW BUSINESS:**JIM MEHALLIS, 760 DEEPWOODS DR (1607028) – ADDITIONAL ACCESSORY STRUCTURE, ADDITIONAL SQUARE FOOTAGE TOTAL FOR ACCESSORY STRUCTURES**

Jim Mehallis was present to represent the project. He was seeking approval to erect an 882 square foot pavilion to accompany his pool. He stated that the project was mislabeled as an outdoor kitchen, but it is actually a fireplace at the end of his pool with a spot for a grill and the possibility of a bar being installed. The project has a pavilion like roof over it. A four foot stone wall would replace existing fence line. Ms. Fennell stated that Mr. Mehallis has been before the Board of Zoning Appeals previously and asked if he was aware of the limit of accessory structures for his property. He stated that he was aware. Two letters were submitted after the packet was delivered to board members in opposition of granting the variance.

MOTION: To accept a letter from Regina Burns, 820 Deepwoods Drive and a letter from David & Janice Braun, 628 Deepwoods Drive as well as a packet of information concerning previous variance request resolutions and minutes for consideration

Mr. Gramm moved for approval; Mr. Iammarino seconded, and the motion carried, 4-0-1, on a roll call vote.

Yeas: Mr. Gramm, Mr. Iammarino, Mr. Carr, Ms. Fennell

Nays: None

Abstentions: Mr. Novotny

He stated that he has 27 acres and no one can see his house or pool. He further stated that the parcel contains 8 acres of wetlands, which creates a buffer between him and 50 percent of his neighbors. When asked, Mr. Mehallis confirmed the existence of a 5,700 square foot barn and a 1,440 square foot pool, and a 400 square foot garage. When asked if he would consider taking down one of the existing structures in order to comply with zoning code, he was not willing. His other structures were stated as having specific functions.

No one was present at the meeting to make public comment. The Board proceeded to discuss the variance request among themselves.

Mr. Carr referred to the staff report which indicated that based on the total square footage of the property, the variance request is not substantial and the structure would not be visible from neighboring properties. The character of the neighborhood would not be substantially altered.

Ms. Fennell stated that the variance is not necessary for the property to yield a reasonable economic return. A pool house is nice but not absolutely a necessity. She believes that a large number of accessory structures leads to clutter. The total of the existing structures is significant.

Mr. Iammarino agreed that the property was large and the request would not have a detrimental effect on neighboring properties, however, the total square footage of the accessory structures was substantial. He drove down Deepwoods Drive trying to see the property and was not able to view any part of it from the street. He would weigh his decision on the Duncan factors and the zoning code.

Mr. Gramm felt that the property was so private that it would not have a detrimental effect on neighboring properties.

Mr. Novotny abstained from discussion.

MOTION: To grant a variance to allow an additional accessory structure, for a total of 4 accessory structures where a maximum of 2 accessory structures is allowed

Mr. Gramm moved for approval; Mr. Carr seconded, and the motion **defeated**, 2-2-1, on a roll call vote.

Yeas: Mr. Gramm, Mr. Carr
Nays: Mr. Iammarino, Ms. Fennell
Abstentions: Mr. Novotny

Mr. Mehallis asked for the reason related to Mr. Novotny's abstention. He was advised to wait to speak until after the vote on the second variance request took place.

MOTION: To grant a variance to allow 882 additional square feet of accessory structures for a total of 9,222 square feet of accessory structures, where the code allows for a maximum of 3,000 square feet total of accessory structures

Mr. Gramm moved for approval; Mr. Carr seconded, and the motion carried, 3-1-1, on a roll call vote.

Yeas: Mr. Gramm, Mr. Carr, Mr. Iammarino
Nays: Ms. Fennell
Abstentions: Mr. Novotny

Mr. Iammarino explained that he took issue with the number of accessory structures, but not the total of the square footage.

A five minute break was announced at this point to allow the legal advisor to discuss the abstention with Mr. Novotny.

Mr. DePiero raised a point of order in the meeting pertaining to the abstention of Mr. Novotny. During the intermission, Mr. Novotny and Mr. DePiero determined that Mr. Novotny does not have a known business or family relationship with the applicant. It was determined that Mr. Novotny could vote on the variance request, should he decide to.

MOTION: To reconsider the variance requests for 760 Deepwoods Drive

Mr. Iammarino moved for approval; Mr. Carr seconded, and the motion carried, 4-1, on a roll call vote.

Yeas: Mr. Iammarino, Mr. Carr, Mr. Gramm, Mr. Novotny

Nays: Ms. Fennell

MOTION: To grant a variance to allow an additional accessory structure, for a total of 4 accessory structures where a maximum of 2 accessory structures is allowed

Mr. Gramm moved for approval; Mr. Carr seconded, and the motion carried, 3-2, on a roll call vote.

Yeas: Mr. Gramm, Mr. Carr, Mr. Novotny

Nays: Mr. Iammarino, Ms. Fennell

The variance request to allow 882 additional square feet of accessory structures for a total of 9,222 square feet of accessory structures, where the code allows for a maximum of 3,000 square feet total of accessory structures was not reconsidered, as it was previously approved.

PHIL LANKFORD, 1011 LLOYD AVE (1607029) – 6' SOLID FENCE, WHERE A 4' FENCE WITH 50% AIR IS PERMITTED

Jennifer Lawther, co-owner of 1011 Lloyd Avenue was on hand to answer questions. She was seeking permission to put up a privacy fence stating that the entire backyard of the property is visible from Michigan Avenue. Her tenant needs a hot tub for medical reasons and wants a privacy fence. The tenant also has 3 dogs. Ms. Lawther stated that other similar fences are currently erected in the neighborhood. Three sides of the proposed fence are permitted to be 6 foot tall. The variance pertains to the one side of the fence abutting the street. That section is permitted to be 4 foot tall. There was a letter of support submitted by Andrea Taygiszer of 1040 Bryce Ave.

Ms. Davis advised the Board not to consider the hot tub for this variance. The hot tub is currently not permitted.

There was no one present to make public comment on this variance request. The Board discussed the application among themselves.

Ms. Fennell stated that the Geauga Lake area properties are unique and that considering the location of this parcel, a fence seems like a good idea. She further stated that the 6 foot fence would not interfere with motorists on the street. Therefore, she did not consider the request substantial. Mr. Carr stated that the fence will be erected 15' away from the road. Mr. Gramm stated that the topography of the parcel is such that the fence will sit lower than the street, possibly making a 6 foot fence appear 4 foot in height. Mr. Novotny agreed with the staff report which he stated was in support of the variance request. Mr. Iammarino stated that he did not feel the variance request was substantial.

MOTION: To grant the variance as requested

Mr. Iammarino moved for approval; Mr. Gramm seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. Iammarino, Mr. Gramm, Mr. Carr, Mr. Novotny, Ms. Fennell

Nays: None

Mr. Iammarino conducted the meeting for this variance request. Ms. Fennell abstained due to a personal and business relationship with the applicant, as well as a personal relationship with a neighbor next to the project.

CHRISTOPHER COURTAD, 55 S CHILLICOTHE RD (1607030) – TO ALLOW A DRIVEWAY 1 FOOT FROM THE PROPERTY LINES, WHERE A MINIMUM OF 3 FOOT IS REQUIRED

A letter was received from Joseph Krivonic opposing the variance request at 55 S Chillicothe Road.

MOTION: To accept the letter for consideration

Mr. Gramm moved for approval; Mr. Carr seconded, and the motion carried, 4-0-1, on a roll call vote.

Yeas: Mr. Gramm, Mr. Carr, Mr. Iammarino, Mr. Novotny

Nays: None

Abstention: Ms. Fennell

Christopher and Melanie Courtad, owners of 55 S Chillicothe Road, were in attendance. The applicants were proposing a new driveway off Eldridge Road with 1 foot setbacks from the property lines. The applicants would be purchasing a strip of land from 66 Eldridge Road to create a new driveway and create legal frontage off Eldridge Road. The property is currently land locked with an existing easement through 59 S Chillicothe Road. It can be difficult to back out of the easement onto the busy street. With the previous owner of 59 S Chillicothe Road, cars were permitted to turn around on a portion of driveway not included in the easement, so they could enter State Route 306 head first. There is now a rock bed installed in that location, preventing cars from turning around. When asked, the applicant explained that the garage doors of the home face S Chillicothe and are located 4 foot from the property line. It is possible to pull a car into the garage, but not possible to then open the car doors. The garage is not being used to house cars. Mr. Courtad stated that they had no intension of trying to connect the new driveway to the garage front. They have potential plans to build a garage at a later date, if possible.

Mr. Iammarino opened the floor for public comment.

Mike Poszgai, 73 S Chillicothe Road, was opposed to the variance. He stated that his property would be affected by the approval of this variance in a negative way. The driveway would come more than half way up his property line. He was concerned about the value of his property and the invasion of his privacy with the installation of this driveway.

Ken Gazdag, 60 Shawnee Trail, was concerned about the effect the driveway would have on the existing flooding situation. He requested that the City Engineer look over the drainage problem in that location. If it was drained properly, he would not oppose it, however; he is not convinced it can drain correctly. Mr. Novotny verified that the rain water flows over Mr. Gazdag's property. It was raining as he visited the site.

Sean Barbina, 59 S Chillicothe Road, agrees that the new driveway would be an improvement for both of their properties, so long as the easement is dissolved. He understood that the easement was a separate legal issue, but asked the Board to consider the approval of the variance contingent on dissolving the easement agreement. Mr. Barbina explained that he is working on alleviating the flooding issues he has on his property and part of that plan includes the rock bed he has installed, which is a swale. When asked, Mr. Barbina stated that he was aware of the easement when he purchased the property, however, if there is another entrance to the property, he is no longer interested in offering the easement access.

Mary Barbina, co-owner of 59 S Chillicothe Road asked for clarification on how granting the variance affects the easement agreement. She asked if this would allow the applicant two entrances to the property. Mr. DePiero advised the Board to concentrate on the variance request at hand and informed the members that the easement is a separate legal issue. Mrs. Barbina stated that if granting the variance allows two points of access to the property, she is opposed. She expressed concern that this might create a lane from State Route 306 to Eldridge Road. She further stated that the tenants at 55 South Chillicothe Road continue to turn around before exiting the driveway.

Joe Krivonic, 72 Eldridge Road, had concerns about flooding in the area, and property values with regards to granting the variance. He stated that he had concern for the character of the neighborhood due to the added driveway. He was also concerned that the added driveway would create a lane from State Route 306 to Eldridge Road. There was a question as to whether the proposed driveway would be located 1 foot away from the house at 66 Eldridge Road or 1 foot away from a new property line. It was verified that it would, in fact, be located 1 foot away from a new property line. It was stated that some trees would need to be removed, an air conditioning unit would need to be relocated, and a fence would need to be moved to make way for this driveway.

Craig Smith, 96 Eldridge Road, had concerns for the quality of the neighborhood and for the water issues that exists at the bottom of the road. He stated that when you purchase a property with an existing easement, you are taking a chance. He asked the Board to consider this variance request carefully.

The applicants were invited to podium for a short rebuttal. Mrs. Courtad stated that the neighbor at 66 Eldridge Road has agreed to sell a portion of their lot in order to create this driveway. She further explained the problems with the easement. The agreement is not working out. She stated that if the variance is approved, her tenants will use the new driveway and the easement will be addressed with the new owners of 59 South Chillicothe Road at a later date. When asked, it was explained that the owner of 66

Eldridge Road has two parcels, which will be combined into one lot and a portion of the property will be sold to the Courtad family to create the driveway.

Mr. Iammarino asked what action would be taken by the City, if any, to address the flood concerns mentioned. Ms. Davis reported that the Engineering Department would make a field visit to the site once the application was officially submitted to ensure there are no drastic impacts to drainage.

Mr. Carr asked if the applicant could install a parking pad in the proposed area and access it through the existing easement. Mr. Courtad stated that there was no way to access the proposed parking pad without encroaching on the Barbina's property.

Mr. Iammarino closed public comment. The Board discussed the variance request among themselves. Mr. Gramm stated that the variance was not substantial. Mr. Carr and Mr. Novotny agreed.

MOTION: To grant the variance as requested

Mr. Gramm moved for approval; Mr. Carr seconded, and the motion carried, 4-0-1, on a roll call vote.

Yeas: Mr. Gramm, Mr. Carr, Mr. Iammarino, Mr. Novotny

Nays: None

Abstentions: Ms. Fennell

CHELSEA MACE, 155 SHAWNEE TRAIL (1607031) – 22 FOOT HIGH DETACHED GARAGE, WHERE CODE ALLOWS FOR A MAXIMUM HEIGHT OF 15 FEET

Evan Mace, homeowner was on hand to answer questions. Mr. Mace were seeking approval to erect a detached garage on their property with a 7 foot height variance to allow a studio-type living space above the parking area. The couple has a new baby and will strictly be used for the grandparents and their 2 dogs visiting from out of town. There is no plan to ever rent the space. The current attached garage holds 1 ½ cars. This new structure would eliminate the need for a shed.

A letter was received from R. W. Altmann, 134 Harmon Road expressing concerns about the project and an email was received from Robert & Janet Morgan, 156 Shawnee Trail in favor of the variance request.

MOTION: To accept the letter and email for consideration

Mr. Gramm moved for approval; Mr. Iammarino seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. Gramm, Mr. Iammarino, Mr. Carr, Mr. Novotny, Ms. Fennell

Nays: None

Ms. Fennell asked if there was a way to add an in-law suite to the existing house without needing an accessory structure height variance. Mr. Mace stated that would be possible, but would be a single purpose project with a much higher cost verses the multipurpose accessory structure.

MOTION: To accept a photograph for consideration

Mr. Gramm moved for approval; Mr. Iammarino seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. Gramm, Mr. Iammarino, Mr. Carr, Mr. Novotny, Ms. Fennell

Nays: None

Ron Altmann, 134 Harmon Road, asked the Board members to uphold the zoning codes. He explained that previous owners of the home put on an addition for the same purpose. He provided a photograph of the rear elevation. He was concerned the space would be used in the future for a rental unit or a home occupation and the additional vehicle traffic that might bring. He was certain the family intends to use it as proposed; however, he asked that if the variance is granted that no commercial use would be permitted at any time for the structure. He finally stated concerns over drainage.

It was announced that a Conditional Zoning Certificate would need to be acquired from Planning Commission before any home business could operate in the building.

Mr. Mace was invited to the podium for a short rebuttal. He stated that they have no plans for a rental unit or home occupation. It would strictly be used for the in-laws. He further stated there would be no additional paving required for the garage. He would check with the engineer for the project to properly drain the structure.

The Chairman closed public comment. The Board discussed the request among themselves.

Mr. Iammarino stated the structure would not have a detrimental effect on the neighborhood. Mr. Gramm stated that the positioning of the unit would not be highly visible and would not change the characteristics of the neighborhood. Mr. Novotny concurred and further stated the neighbor who supported the structure, would be most affected by the project. Mr. Carr agreed with Mr. Novotny. Ms. Fennell stated that the size of the structure is large for the lot. She further stated that the variance request is somewhat substantial. She does understand the need for in-law space, but doesn't know if this is the only way to accomplish that goal.

MOTION: To grant the variance as submitted

Mr. Gramm moved for approval; Mr. Carr seconded, and the motion carried, 4-1, on a roll call vote.

Yeas: Mr. Gramm, Mr. Carr, Mr. Iammarino, Mr. Novotny

Nays: Ms. Fennell

CHRISTOPHER KENNEDY, 585 CIRCLEWOOD DR (1607032) – 27 FOOT SIDE YARD SETBACK, WHERE A 50 FOOT SIDE YARD SETBACK IS REQUIRED

Tom McGinnis, 706 Circlewood Drive was on hand to represent Mr. Kennedy. This project came before the Board of Zoning Appeals on October 14, 2015. It was approved for a height variance, total square footage variance and also for a 37 foot side yard setback. Mr. Kennedy is ready to begin the project and has come to understand that he needs more room to turn his RV into the detached garage. He is asking for an additional

10 feet. Mr. McGinnis stated that he was lived in the neighborhood for 40 years and does not have any objections to granting the variance for his neighbor. No letters in support or opposed of the variance request were received. There was no one present at the meeting to make public comment.

The Board discussed the application among themselves. Ms. Fennell stated the variance was not substantial. He came previously for the minimum variance for side yard setback that he thought was sufficient. She understood that once the building process has begun, it was not sufficient and that is why he was requesting a larger variance. Mr. Carr recalled that Mr. Kennedy was trying to protect as many trees as possible.

MOTION: To grant the variance request as submitted

Mr. Gramm moved for approval; Mr. Carr seconded, and the motion carried, 5-0, on a roll call vote.

Yeas: Mr. Gramm, Mr. Carr, Mr. Iammarino, Mr. Novotny, Ms. Fennell

Nays: None

MISCELLANEOUS:

Findings of Fact, Christina Schwed, 884 Colony Dr (1606027), Chickens on than 3 acres and Chicken Coop less than 100 feet from the property line

This item was not discussed.

ADJOURNMENT:

MOTION: To adjourn the meeting

Mr. Gramm moved to adjourn at 9:03p.m. Mr. Iammarino seconded, and the motion carried on a unanimous voice vote.

Terese Fennell - Chairman

Marie Lawrie - Clerk