

Ms. Merlone moved to untable Case 23-25, Mr. Updegraff seconded.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

CASE 23-25

REQUEST FOR A VARIANCE AT 130 BEACHWOOD AVENUE GRANTED

The applicant proposes to retain a 6 foot high section of fence in the northern side yard erroneously installed by the contractor. Per 1226.03 (d)(2) *Fences and Walls in Residential Districts* the maximum permitted height of a fence in a side yard is 4 feet.

Leanne Cereceres, property owner, explained that she has a 19-month old child. She stated that she needed more fenced-in area for the safety of the child, privacy, and for items that do not fit in the already full garage. Ms. Cereceres added that she asked the contractor to install the side yard, 6 foot high fence not knowing it was not per Code.

Ms. Slivinski moved to grant the variance. Mr. Updegraff seconded the motion.

Ms. Slivinski stated that practical difficulty was established by the contractor failing the applicant. She noted that the character of the neighborhood will not be changed with the placement of the fence. Mr. Shook considered the safety of a child as contributing to a practical difficulty. Mr. Renacci voiced concern with an after-the-fact granting of a variance.

AYES: Slivinski, Shook, Merlone, Updegraff

NAYES: Renacci

CASE 24-1

REQUEST FOR A VARIANCE AT 32918 TITUS HILL LANE GRANTED

The applicant proposes to construct a 10 by 14 foot three-season room on the rear of the dwelling creating a 26 foot rear yard setback. Per 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations* the minimum rear setback is 35 feet.

Steven Fuchs, property owner, explained that the sunroom will be where there is presently a raised patio and the footprint of the room will actually be smaller than the patio. He added that there would be no encroachment into, or negative impact on, neighboring properties; emergency services would not be impeded; and, to the rear of his property is a green space owned by the HOA. Mr. Fuchs noted that the Code would prevent any addition to his home which constitutes a practical difficulty in and of itself.

Ms. Slivinski moved to grant the variance. Mr. Updegraff seconded the motion.

Ms. Slivinski stated that there is already a structure and now it is just adding walls. She confirmed with Mr. Page that the only reason a variance is needed is because the new structure will be screened in.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

CASE 24-2

REQUEST FOR A VARIANCE AT 87 GRA GULL DRIVE GRANTED

The applicant proposes to construct a dwelling of approximately 1,965 square feet with front and rear setbacks of 16 feet 6 inches. Per 1226.01 (e)(11)(B) *General Development Standards – Lot and Principal Building Regulations* a 20 foot minimum setback is required for each.

Jeff Kidwell, property owner, explained that this lot is shallow with only a 45 foot depth. He stated that the house will suit the neighborhood; the variances are minimal, only 3.5 feet; and, many other similar variances have been granted in the area.

Mr. Renacci moved to grant the variance. Ms. Merlone seconded the motion.

Mr. Renacci stated the proposed house is not an extravagant size and will not be overwhelming for the area. He noted that variances are needed for the property to be useable.

Ms. Merlone concurred, noting that other variances have been granted in that area.

Ms. Slivinski added that the 3.5 foot variances are minimal and the proposed setbacks are greater than many others in the area.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

CASE 24-3 & CASE 24-4

Regarding Cases 24-3 and 24-4, Chairperson Shook suggested that the applicants present their cases together because they are closely related and then have the Board vote on each case independently.

Ms. Merlone moved to do so, Mr. Updegraff seconded.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci

NAYES: None

Scott Fell, owner of the 72 Rice Park property, is asking for a variance to reduce the western side yard setback from three feet to zero feet as required by 1224.01 (B)(11)(C) *Accessory and Temporary Use Regulations – Accessory Uses and Structures Regulations* to construct a 16 x 24 foot boathouse.

Nick Zbasnik, owner of the 32576 Lake Road property, is asking for a variance to reduce the eastern side yard setback from three feet to zero feet as required by 1224.01 (B)(11)(C) *Accessory and Temporary Use Regulations – Accessory Uses and Structures Regulations* to construct a 24 x 24 foot boathouse.

Mr. Fell and Mr. Zbasnik want to construct nearly adjoining boathouses. The two structures will only have an air gap between them.

Mr. Fell explained why the west side of his property is the best location for his boathouse. If it is on the east side, it might invite trespassers from the Woodhaven Beach Association park at the end of Rice Park. It is also impractical to locate the boathouse there because it is an extremely steep slope. In the center of the yard is a very old shrub/tree that he would like to preserve. The location on the west side of the yard allows for the shrub/tree preservation. He added that the east side

location for Mr. Zbasnik's boathouse is best because he has a boat launch on the west side of his property. Mr. Zbasnik stated that the boathouses will not be seen from any roads and conform to the neighborhood. Mr. Fell stated that abutting boathouses will strengthen the structural integrity of the structures.

Robert Beverage, Mr. Zbasnik's immediate westerly neighbor who has the same type of boathouse, explained that these types of structures prevent soil erosion.

REQUEST FOR A VARIANCE AT 72 RICE PARK DRIVE GRANTED (Case 24-3)

Mr. Shook moved to grant the variance with the condition that an actual survey be done to determine the precise location of the property line to ensure there are no encroachment issues in the future. Mr. Updegraff seconded the motion.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci NAYES: None

REQUEST FOR A VARIANCE AT 32576 LAKE ROAD GRANTED (Case 24-4)

Ms. Slivinski moved to grant the variance with the condition that an actual survey be done to determine the precise location of the property line to ensure there are no encroachment issues in the future. Mr. Updegraff seconded the motion.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci NAYES: None

COMMENTS FROM THE AUDIENCE

None

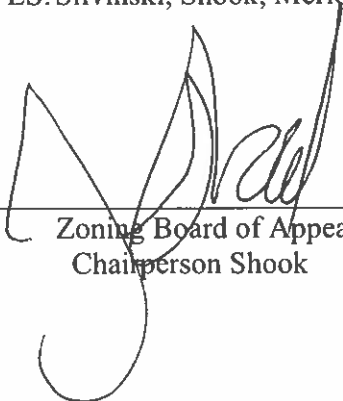
COMMENTS FROM BOARD MEMBERS

All expect to attend the February meeting.

ADJOURN

Mr. Shook moved to adjourn the meeting at 8:16 P.M. Mr. Updegraff seconded the motion.

AYES: Slivinski, Shook, Merlone, Updegraff, Renacci NAYES: None



Zoning Board of Appeals
Chairperson Shook



Recording Secretary
Diane Reynolds