

**VILLAGE OF CHAGRIN FALLS  
BOARD OF ZONING APPEALS  
September 26, 2017**

Members present: Fricke, Freshman-Johnson, Holdren, Maersch  
Also present: Himes, Rogoff, Markowitz, Jamieson, Edwards

The meeting was called to order at 8:00 p.m. by Chairman Wade Fricke.

**APPROVAL OF MINUTES**

Moved by Mr. Maersch, seconded by Mrs. Freshman-Johnson that the minutes of the meeting held July 25, 2017 be approved. Carried. Ayes: Freshman-Johnson, Holdren, Maersch. Abstain: Fricke. Nays: None.

Moved by Mr. Maersch, seconded by Mr. Holdren that the minutes of the meeting held August 9, 2017 be approved. Carried. Ayes: Freshman-Johnson, Holdren, Maersch. Abstain: Fricke. Nays: None.

Mr. Fricke said this board normally has five people. If you want to take your chances to get three out of four affirmative votes versus three out of five you are welcome to stay. If you would like to come back next month at our next meeting, with no assurance that all five will be here for that one either, you are welcome to do that.

**SWEARING IN OF WITNESSES**

All were sworn in.

**RICHARD AND SUZETTE FIREHAMMER, 44 WEST WASHINGTON STREET -  
REQUEST FOR A VARIANCE TO SECTION 1125.03(g), AREA, YARD, AND HEIGHT  
REGULATIONS: MAIN BUILDINGS, PERMANENT PARCEL NO. 932-06-041.**

Mr. Himes said this is the house that is located on the north side of West Washington Street directly to the west of the Hergenroeder Clinic. It is in the R1-60 zone and they are proposing an addition to the garage. Section 1125.03(g) of the zoning code requires a minimum side yard setback of 5' and the proposed side yard setback is 1.7'. There is also a section in the building code that states that no structure may be built closer than 3' to any property line. I think that is largely for fire prevention. They are seeking a side yard setback variance. Because it is an attached garage it is a part of the main building so the setback is 5' minimum.

Mr. Fricke said so why is the 3' relevant if this is an attached garage? Mr. Himes said it is two different code sections, one is in the zoning code that says that they need the 5' setback and then in

the building there is a limit of 3' from any property line. Mr. Fricke said do they need 5' or 3'? Mr. Himes said they need 5'.

Dave Jansen, RSA Architects, said what we have currently is an existing garage. The existing garage kind of straddles the side property line and for the owners it is slightly too narrow to negotiate easily. We have gone through the ARB and designed this addition to the house. We would also like to, if possible, bump out the garage 2.5'. Mrs. Freshman-Johnson said can you clarify negotiate? Do you mean to fit two normal sized cars in? Mr. Jansen said right. Mrs. Freshman-Johnson said what is the standard garage width today? Mr. Jansen said the standard is like 24'. The outside of the existing garage is 20.8' and we want to bump it up to another 2.5' so we are not quite to the 24' but it gives them more room and we can get a slightly wider garage door in. We are hoping that, given the proximity to a commercial site with the concrete drive immediately adjacent to it, moving it will have little to no impact on that property or the property value. Aside from getting the variance there is really nothing else we can do.

Mr. Fricke said there is a garage that is way in the back? Mr. Jansen said it is a little shed that will be removed. Mr. Fricke said are you planning on keeping the large trees that are in the front as well as the tree to the east of the garage? Mr. Jansen said the first one you pointed to is already gone. Along the garage there is just a bunch weed trees that really needs to come out regardless of anything. There are some trees towards the back of the property that right now we have no intention of taking them down. The bushes you are pointing to are the neighbor's.

Mrs. Freshman-Johnson said will you be expanding the width of the driveway at all? It is almost the width of the garage now? Mr. Jansen right. I think if we have to widen it it is going to be just enough to get to the garage door; we are not going to go all the way. Looking at the site plan I think we are about there anyway. Were you planning on replacing the driveway to a concrete driveway? Mr. Jansen said we haven't talked about that. Rick Firehammer said it certainly needs to be refreshed either with a fresh set of asphalt and grind it down and then new asphalt or concrete. We are not sure what we will do.

Mr. Holdren said does the driveway have to be 3' away also? Mr. Himes said the minimum setback for driveways is 2'. Mr. Fricke said it looks like they are right on it now. Mr. Jansen said on the site plan it does start about 2' and then kind of curves in towards the property slightly.

Mr. Fricke said Mr. Firehammer, are you living there now? Mr. Firehammer said no, we are not yet. Mr. Fricke said have you tried to get cars in and out of here yet? Mr. Firehammer said it is a very tight fit. We've pushed two cars in there and it is hard to get out of the one car once you are in.

Mr. Holdren said David, as far as besides picking up the whole house and moving it over have you looked at other designs? Mr. Jansen said we are kind of stuck where it is. We have some space on this side but we are way too close for a garage and who would do that anyway? Really there is no where else to put a garage. To the west is part of the finished house. We would have to take up the basement there and some old foundations there.

Mr. Fricke said and the ARB has approved your entire plan including the garage as proposed? Mr. Jansen said yes, this garage. They approved everything but expanding the garage so we did show them this elevation as a preliminary and they said it is fine. Mr. Fricke said how did you choose the ultimate dimension? You are here asking for 1.7'. Mr. Jansen said 2.25' to 1.7'. What determined it was to keep everything off of the neighbor's property.

Mr. Maersch said Mr. Jansen in the form you filled out you say under is the variance substantial you say the following: "The area of property included in the setback is 1,208 square feet and the area encroaching is only 88 square feet which does not seem substantial." What are you talking about there? Mr. Jansen said along the side of the property between these two lines that is your area setback so if I take that total area that is 1,208 square feet and our impact affects 88 square feet of that so we are basically interrupting 7% of the setback.

Moved by Mr. Maersch, seconded by Mrs. Freshman-Johnson that we approve the variance requests for 44 West Washington Street. The applicant is requesting a variance of 3.7' under Section 1125.03(g). The applicant is also requesting a variance of 1.3' to Section 1339.01. In terms of the Duncan Factors the property will yield a reasonable return and their beneficial use of the property without the variance. The variance is substantial. I understand the applicant's position that the entire side lot constitutes 1,208 square feet and the encroaching area, the affected area if we grant this variance is only 88 square feet and under that theory it would be insubstantial but my view of the world is that the number that we are dealing with is the 5' number that we find in 1125.03 and I do find that a variance of 3.3' is substantial. I find the essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer substantial detriment. My basis for that conclusion is the fact that we had no neighbor speak against the proposed plan and my second conclusion is that it is commercial property and it is a driveway that sits directly next to the proposed garage. The variance, if granted, would not adversely affect the delivery of government services. The owner did purchase the property with knowledge of the zoning restriction but did not realize that the garage was already 4' from the property line and not 5' per our code. We heard testimony tonight from the applicant's representative that the owner's predicament can not be feasibly obviated through some other means other than a variance. It is a two-car garage existing. It is not built to modern standards and the applicant can not expand the garage towards the west, which would be towards the house, because it would require reconstruction of the foundation of the house and some other measures that are not feasible. The spirit and intent behind the zoning requirement I find would be observed by granting the variance and the variance is not based on circumstances that are self created. For those reasons I move that we approve the variance request for 44 West Washington Street.

Maersch: I am going to vote aye. The reason I am going to vote aye is because there is a commercial property next door. If this were in a residential neighborhood I think all the factors that I stated would have really cut the other way. If it was a property next door and were impinging on someone else's use of their property we have these boundaries for a reason in the code and for me that would tip the balance the other direction. The fact that the Hergenroeder

Clinic did not show up and oppose the variance for me is another fact that goes to that there wouldn't be a substantial detriment because if somebody was going to build that next to me and I objected to it I most certainly would show up and voice my displeasure. For those reasons I vote aye.

Fricke: I too will vote aye primarily for the reasons set forth in the motion. However, I also find the variance to be substantial. However, I am mostly moved by the fact I believe the essential character of the neighborhood will not be substantially altered and in fact will be improved by what it looks like the homeowner is trying to do so I would vote aye.

Freshman-Johnson: I vote aye for all the reasons stated in the motion and, in addition, the ARB approved the plan proposed here within as well. Most important in why we do this on record the variance is extremely substantial but the uniqueness of this property being next to the commercial property is the most influential deciding factor for the board tonight and we want to make sure that is on record and clear for other applicants in the future that may try to use this as a precedence.

Holdren: I will vote aye also.

Mr. Himes said the motion carries. The action will be final within fifteen days (October 11, 2017) unless appealed to Council by a petition of three or more Council members.

**CHAGRIN FALLS EXEMPTED VILLAGE SCHOOL DISTRICT, 77 EAST WASHINGTON STREET - REQUEST FOR A VARIANCE TO SECTION 1123.03(b)(c), AREA AND HEIGHT REGULATIONS, AND SECTION 1123.04(a)(b), YARD AND BUFFER REGULATIONS, PERMANENT PARCEL NOS. 932-07-014A, 932-07-014B, AND 932-08-013.**

Mr. Himes said the school is going to partially rebuild and partially rehabilitate the Intermediate School on Philomethian Street. For purposes of zoning the front yard is the Philomethian Street side so we have several variances that they need to proceed with their project. The first is lot coverage, Section 1123.03(b), limits lot coverage to 25% and the proposed building is 26.9%. Section 1123.03 (c) is the height limit which 40' and the proposed height of the new structure is 44', 4". They have a couple of encroachments on side yards to residential districts. Section 1123 is the Parks and Institutional district. In Section 1123.04(a) there is a 40' setback to residential districts, however it can not be less than 20% of lot width at the actual building line so therefore the 20% limit is what controls here and the side yard setback is 66' where it abuts residential properties. They are proposing 40' on the south side at the closest point and 60' on the north side. Where the existing parking lot is they are doing some reconfiguring and the code prohibits parking in the required front yard so Section 1123.04(b) is the section that prohibits that parking in the front yard. Section 1123.04(b) also requires a 15' buffer between a residential zone and the parking area. On the south side 6' is proposed. Section 1123.04(b) also requires a 40' buffer between the playground and

residential property. On the south side they are proposing 33' between the buffer and the side lot line. They meet the parking requirement which requires 120 spaces and 123 are proposed. The Planning and Zoning Commission at their last meeting approved the parking plan and the fire department has reviewed the site plan and approved it. They still do have to go back to the Planning and Zoning Commission for their landscape plan final approval.

Chris Woofter 272 South Franklin Street, Operations Director of the school district, said we passed a bond issue in the Spring and we are excited to move ahead.

Mike Carter, Stantec Architecture, said this project has been ongoing for several years. We've been working very closely with the school district and the village to come up with a solution to keep the intermediate school in the village and to make it into a modern educational facility. The existing building, which was declared a historic building by the Architectural Review Board, is essentially a three story building with eleven different levels in it. It was a nightmare in terms of the ADA and making the building accessible. The school has two elevators in it already and it was nowhere near accessible. In addition, the classroom size was too small; the orientation of them was not good. We wanted to come up with a solution that could work to keep the building in the village and to make it into a contemporary educational facility. The ARB granted permission to demolish part of the building. This plan illustrates what was granted by the ARB for demolition. We are going to retain the original 1914 high school and we are going to retain the gymnasium and the auditorium from the 1940 construction but then the classroom wing which wraps around the gymnasium and auditorium will be demolished and replaced and that process has already started in terms of bidding it and getting it permitted by the state. We've been looking at the project for quite a while now. The intent is to make this, as far as being a good neighbor, as much like the building that was there as possible. This parking area that is in the rear of the building is going to go away and that will all be green space. The new parking lot will go along the north property line and then again where it exists now on the east side of the building. This plan shows the proposed site improvements and there is green space here wrapping around the building. Right now the playground stretches across the south property line and is essentially right on the property line. What we are proposing to do on the new plan is pull that playground back against the building so that it gives a buffer to the residential properties on the south. The new parking lot, like the old one, will stretch across the north property line. We are holding that 15' barrier here, 15' setback. We are also holding the setback that currently exists on the south side. So the 6' setback is the extent of the parking lot now. We are pushing it a little bit more towards the Philomethian Street side to allow us to put an addition on the front of the building, which is going to be the cafeteria for the school day but it will also be a community use facility in the evening and be kind of pre-function space for the auditorium and the gymnasium so they can hold separate functions there or if there is a play in here or a performance at intermission they can come out into the cafeteria and there will be some use of the kitchen facility so they can have concessions there. That pushed the parking out a little bit. One thing that came out of the Planning and Zoning Commission meeting, Ben talked about 123 parking spaces, there was a request to create a driveway through here and also to retain the existing walkway that comes from Philomethian into the building. In doing that we are going to lose 3 parking spaces which keeps us still at the 120 which is required by code. The parent drop-off traffic will come in this drive, come

down here, loop through the parking lot and back out. The bus traffic will come in the south entrance and use this area for parking. There will be gates that will go across these islands much like it is now. This part of the parking lot is used during the school day for a hard surface play area and the bus loop so it will continue to function that way and then on evenings and weekends this becomes parking.

Mrs. Freshman-Johnson said how many parking spaces are there today? Mr. Carter said there are 120 and we are retaining those 120 spaces. Mrs. Freshman-Johnson said so there will be enough parking for staff in the spots there just like there is today? Mr. Carter said much like there is today, yes. Mrs. Freshman-Johnson said without using that whole side? Mr. Carter said yes. Mr. Woofter said we have 15-20 visitor spots on any given day. Mrs. Freshman-Johnson said is there a reason why you didn't want to move the playground to the back grassy area? Mr. Carter said we discussed that. One of the reasons is that this will remain as a hard surface play area and then if we put the soft surface play area in the back that increases the amount of supervision that is needed and it creates some havoc with kids going in both directions. Now they can come right out of the cafeteria right to the playground and basically one or two people can supervise what is going on in this whole area during recess. Mrs. Freshman-Johnson said so is there a reason why you didn't try to utilize the grassy area for more building? Mr. Carter said the new building actually does stretch this way more than the existing building because the existing building had rectangular classrooms that oriented north/south and then a single corridor where we are orienting them the other way. This is what is called the learning commons so it will be a breakout space and will have the media center in it. We are actually going this way a little more than we did and we are getting a little more ground coverage but not significantly. The building on the north side actually moves away from the property line.

Mr. Maersch said so at the bottom of the page you are showing where the playground is now going to tuck up against the building. So what is the distance from the residential property line to the edge? Mr. Carter said 33'. Mr. Maersch said so you are actually decreasing the nonconformity because I know that playground well and as it exists today I think the wood chips go right up to the fence. Mr. Carter said correct. Mr. Maersch said so you are pulling that back. Mr. Carter said we are pulling that back so now there will be a buffer between the residential properties and the playground.

Mr. Fricke said are you planning any landscaping then to take up that space? Mr. Carter said yes, this will be landscaped all around the edge and that was the discussion we had with the Planning and Zoning Commission that we are going to come back to them with the species and height of that. Mr. Fricke said that will be new planting that will go in this freed up space. Are you thinking Evergreen? Mr. Carter said yes, we just haven't selected the species.

Mrs. Freshman-Johnson said back to the parking on Philomethian, that row there is the new row that doesn't exist today and that is where we kind of expand towards that property line? Mr. Carter said correct. Mr. Maersch said is that the variance they need for buffers then? Mr. Himes said for the parking buffer it is on the residential side, the south side. According to our code, the entire parking lot is not supposed to be in the front yard.

Mr. Carter said these two drawings show the current status of the code. This is the setback line using the numeric setbacks and the percentages where it abuts residential so yes, parts of the building already encroach on the setback on the south side and more on the north side. This also shows the buffers for the parking and in the new plan you can see that this represents the addition right here so on either side we are still obviously within that setback. There is a small section which represents the entry to the building that projects further towards the property line than the existing building but then on the north side we have actually pulled it back and we are okay. We are projecting closer to the west line but we are still well within the setback. Mr. Fricke said can you explain why that wasn't reversed since you've got residential over here and you have a church and asphalt behind you on the north side. Mr. Carter said because really the only reasonable place to get grade level access into the building was here and the front door wanted to be here. We are trying to work to this stair that runs through. There is a center corridor in the 1914 and the tie-in between the 1914 and the current building and our building is the intermediate stair landing and that sits right here so that was kind of driving how the plan would work. We are also trying to get into here in the front door what we call a passive entry so when you come in the front doors the outer doors are open, the inner doors of the vestibule lock when school starts, at least on the outside, and there is a side door that pushes you into the front office so that any visitors can not get into the building without going through the front office. Those geometries was kind of what was driving this projection.

Mr. Maersch said so in certain areas it is a 40' side setback and in certain areas it is a 66' setback is that because our code requires under 1123.04(a) to be a 40' minimum unless 40' is going to be less than 20% of the lot width at that line then it is going to be the 20%. Mr. Carter said only where it abuts residential. On this side where it is not residential it is 40' but as soon as we get over here where the residential starts then it is 20% of the width.

Mrs. Freshman-Johnson said is the Historical Society building residential or no? Mr. Maersch said yes. Mr. Carter said it is all zoned residential. Mrs. Freshman-Johnson said just for record, I want to note that that property that is the closest to where that front door is is essentially a commercial property. It is an institutional use though and there is a parking lot. It is not really somebody's home; it is the Historical Society so I think it is important to note that, that the closest space between the two setbacks in that area is that building. Mr. Carter said if you considered it as such then it would be inside the 40' setback.

Mr. Carter said the height variance that we are seeking is for this new center section. We need to do this because the 1940 addition had pretty low floor to floor heights because there was no duct work in it and having air conditioning in the school we need duct work to distribute it so we need more floor to floor height and that is what is driving this height. We are trying to hold it as low as we can. The parapet here, which is the deciding factor, is at 45', 4" and that is actually two inches lower than this mansard which surrounds the cupola on the roof so it is sticking within that. It is actually significantly lower than the cupola itself but we do know that this is where you measure your height at the curb. Mr. Maersch said is proposed 45', 4" or 44', 4"? Mr. Himes said the measurement standards across the front average elevation. Mr. Fricke said the application says 44', 4". Mr. Carter said this isn't taking the average in. We are setting our finished floor elevation inside at zero and

measuring from there but the average, because it drops, is 44'. Mr. Maersch said our papers say that the proposed is 44', 4" and the top of the existing mansard is 44', 6". Mr. Carter said yes.

Mrs. Freshman-Johnson said is this approved by the ARB? Mr. Carter said this has all been presented to the ARB but we do not have final approval. They have approved the concept.

Mr. Carter said the lot coverage went up slightly mostly because of the projection off the front of the cafeteria was really what drove it over. The wraparound was pretty much a wash. We didn't come all the way to the front of the building here but this piece sticking out pushed it over just a little. Mr. Fricke said the existing lot coverage was 22.9% and we are at 26.9%. Did you arrive at what you did because of scaling to the project? We always have to wrestle with well why not if it is 22.9% now why not 24.1%? How do you come up with 26.9%? Mr. Carter said we weren't working towards a percent. We are working on programming the building for the spaces that are needed and putting them onto the plan and then seeing where it came out really. We worked very closely with the school district and the faculty to make sure that this educationally provides what is needed. Mr. Fricke said and you believe what you've presented is the minimal? Mr. Carter said we have actually squeezed about 4,000 square feet out of it in the last go around. We have been trying to make sure we are not over.

Omar Delacruz, 83 East Washington Street, said he is a little bit concerned about the playground, the noise, and the privacy. Mr. Fricke said they are looking at Evergreens so you will have a year-round buffer. Mr. Carter said this gentleman was at the Planning and Zoning Commission meeting and expressed those concerns and we are going to address them. Mr. Woofter said we have a number of different fences that go on that property and a number of different types of education on our property on the rest of the neighboring properties as well. As we address that through the landscaping design we would like to have something that is more consistent along the whole part of that property and address the neighbors as well as what makes sense for the property to provide an adequate separation. Mr. Fricke said there will be a new fence put up or what bounds that property? What will bound the south end? Mr. Woofter said I would say to Mike if I was designing it right now I would probably tell him what I would want but we haven't gotten that far in the design. We've had some discussions about maybe a 5' privacy fence. Mr. Carter said there is a 5' fence along there and it varies depending on how far down you are. Currently the playground equipment extends actually all the way down to this corner and the new playground equipment some of it will be located on the west/east side and the remainder just across the face of the gym on the south side so we are actually moving the playground further away from their parcel. Mr. Carter said they will be going back to the Planning and Zoning Commission for the landscape plan in November or December.

Moved by Mrs. Freshman-Johnson, seconded by Mr. Holdren to approve for 77 East Washington Street the Chagrin Falls Exempted Village School District. For 1123.03(b), which limits the lot coverage to 25%, the new proposed coverage is 26.9 requesting a 7.6 increase for the variance of lot coverage. This percentage was a result of the appropriate programming plan for the right educational space and then the calculation was done after to concede to this amount. They have actually

decreased the space since their first plan by 4,000 square feet to try to minimize and obviate the lot coverage request. Mr. Maersch said I thought that the coverage is 25% and the proposed is 26.9 so they need a 1.9 variance. Mr. Markowitz said it is a percentage increase over the maximum. Mr. Maersch said oh, my mistake sorry. Mrs. Freshman-Johnson said from a substantiality perspective it is only a 7.6% increase and again the obviation was done as an after effect of the planning the proper architecture for an educational solution. 1123.03(c), the height not to exceed 40, 44.6 is existing and the new proposed height is only 44.4, therefore a decrease to the existing nonconformity. The height had to increase past the 40' in order to allow for spacing between floors. Currently there is no duct work in the building to allow the floor to floor space to insert duct work and other modern utilities and mechanicals. The heights of the different floors, the height of the top of the structure to be 44.4. 1123.04(a), the side yard setback of 40' in a residential district when it is less than 20% of the lot width at the actual building line it has to be 60' when the 20% of lot width comes into play. There are certain places in the north and south side of this building in which the 40' and 60' setback are not met, however, all of those setbacks exist in the nonconforming building today. The largest variance on the south side is required for the new entrance will be 40 at a place where it does require a 60' setback, is that correct? Mr. Himes said 66. Mrs. Freshman-Johnson said so unfortunately the largest variance is required at the entrance of the building. Mr. Holdren said it is about 50' away I would guess judging by your 40' line to the left there so it is a 16' variance. Mrs. Freshman-Johnson said so it is a 16' variance at the largest point. All of the other variances are actually decreased from the existing nonconformity. The reason why this entrance way has been requested is it is the only practical way to tie in the two buildings from the old remaining building to the new building and the hallway and the flow of the structures at the ground level entrance way. 1123.04(b) requires a 15' buffer between the residential zone on the south side of the parking lot. Only 6' is proposed, however, that exact variance exists today so it is not changing or increasing in any way. 1123.04(b) prohibits to allow parking in the front yard as it exists today the front yard contains all the parking for this building today except for some in the rear but that will remain and it is the only natural flow in parking availability to remain at the site. 1123.04(b) requires a 40' buffer between the playground and any residential property line. They need a 7' variance because 33' only will exist, which exists, actually the variance today exists in greater variance. They are going to be moving the playground by approximately 15'-20' putting it against the building rather against the residential property lines making a greater variance with plans for screening and privacy through fences and landscaping. 1141.05 requires 120 parking spaces and 120 parking spaces are indeed proposed. I will also note that the Planning and Zoning Commission has approved the parking plan as is and the fire department has reviewed and approved the site plan. So, as far as the Duncan Factors are related in total, we talked about the substantiality of the variances that most of them are actually decreasing the existing nonconformity variances that exist today except the one on the entrance was discussed on how to tie that into the building. It is definitely upholding the essential character of the neighborhood and will increase the beautification of our town and the school system that the entire community voted to approve and commit to this project. Governmental services, the fire department has reviewed and approves this plan so it will abide by their needs. Obviously since this is a school district the property owner of course knew about the variances and has worked within the zoning code and with the Planning and Zoning Commission in a capacity of teaming to make the best possible solution for the community. The obviated solutions have been

discussed in each of the variances requested as noted before and the spirit of the zoning variances would be supported to allow for all of these variances to go through and continue the project for the rehabilitation of the Intermediate School. The results of the school district have been in the best interest of this community and for all these reasons I move to approve these variances.

Maersch: I vote aye for all the reasons stated in the motion.

Fricke: I vote aye and would just note for the record the concerns of some neighbors about buffering and I am sure that this work with the neighbors and make sure that is taken care of but I vote aye and I applaud the parties for doing a wonderful job of making a great looking facility in a pretty tight area.

Freshman-Johnson: Aye, for all the reasons in the motion.

Holdren: I vote aye for all the reasons stated.

Mr. Fricke said those become final in fifteen days unless brought before Council.

**PAMELA AND DAVID SPREMULLI, 140 HIGH STREET - REQUEST FOR A VARIANCE TO SECTION 1125.04(a)(6)(c) AND SECTION 1125.04(a)(6)(d), AREA, YARD, AND HEIGHT REGULATIONS: ACCESSORY STRUCTURES, PERMANENT PARCEL NO. 931-15-001.**

Mr. Himes said this is in the R1-60 zone and they are proposing to build a garage. Section 1125.04(a)(6) states that the maximum height of an accessory building shall not exceed 18'. Structures may go up to 22' if they receive Architectural Review Board approval. They are proposing a height of 22'. Section 1125.04(a)(6)(c) requires that regardless of the height of the building the maximum height of the sidewalls of the garage shall not exceed 10' and the proposed garage has sidewalls of 13.5'. Section 1125.04(a)(6)(d) requires that the side and rear setbacks increased by 1' for every foot over 18' in height. So starting with 3' we have to add 4' on to that for the 22' height and that results in a 7' setback where they are proposing 4'.

Dave Spremulli said basically what we are proposing to do is build this garage in the southwest corner of our lot keeping it as tight to the west line as possible to maintain our view of the river and to allow us to be able to turn into the driveway when you come down the driveway into the apron. The further it comes into the yard the more difficult that is going to be with the existing landscaping. Since we are on a small lot and we have a relatively small house we are trying to maximize space and get some storage for my wife's artwork up on the second floor so that is the reason driving the sidewall height and the overall height of the building. The lot does fall off by probably about 6' from the back of the house down to the back of the lot line. What we need to determine once we start to build the garage is if we are going to keep this height here or are we going to reduce the grade so it is not as extreme so we start at the back of the house and start to reduce the grade from there.

Mrs. Freshman-Johnson said I think an important part is if you pulled it forward you wouldn't be able to have the driveway wide enough to have a two car. Mr. Spremulli said correct. Mrs. Freshman-Johnson said but keeping it back allows you to widen the driveway after that grade change in order to get into the two car.

Mr. Maersch said what is the discussion of pulling it forward? Are they asking for a variance on pulling it forward? Mr. Fricke said no, it would be to move it this way to get it off the side. Mr. Maersch said so they would but for the height of the structure, Mr. Himes am I right, but for the height of the structure they wouldn't need that variance? Mr. Himes said correct. Mr. Maersch said but because the structure is tall then you start getting a proportionality. Mr. Himes said right.

Mr. Fricke said did you already receive ARB approval of the 22'? Mr. Spremulli said yes. The neighbor's existing barn or garage is about 2' off the road and is 23' high. I would be putting my garage about 20' back in my back yard. Mr. Maersch said the lot does drop from the front of this garage to the street is probably a good 8' I would say so the lot is sloping down and then you show on the plan on the side view that it drops off significantly as you get towards Mill Street. From High Street it is not going to look like a 22' structure from the street because it has already gone down 10' before you get the garage itself.

Moved by Mr. Holdren, seconded by Mrs. Freshman-Johnson to approve a variance for the Spremullis at 140 High Street. 1125.04(a)(6)(c) requires that regardless of the height of the building the maximum height of the sidewalls of the garage shall not exceed 10' and they are asking for a sidewall height of 13.5' so they need a variance of 3.5' and also they are asking for a variance to Section 1125.04(a)(6)(d) which requires a distance of the garage from the side and rear lot lines shall increase by 1' for each 1' over 18' in building height. The garage is 22' so it is 4' above 18' so it should be setback 7' from the side lot line and they are requesting a 4' setback, which is a 3' variance. Without the variance the owners will be unable to optimize storage space at their house. They are trying to build a garage that they already talked about if they were to set it back 7' from the side lot line it will encroach on the steps that go to their house. This will increase the use of the house by granting this variance. The variance is not substantial. As we mentioned earlier that from the road it will actually not appear above 18' in height because the garage starting level is 4' below the elevation at the driveway and the garage next to that house is actually 23' so this will be less than that. Will the essential character of the neighborhood be substantially altered? No. Would the variance adversely affect the delivery of governmental services? No. Did the property owner purchase the property with knowledge of the zoning restrictions? Yes, they did. Can the property owner's predicament feasibly be obviated through some other method? As we already talked about it he were to move it away from the side yard line it will encroach on the house and therefore it can not be obviated through some other method. Will the spirit and intent behind the zoning requirement be observed? I believe yes, it would. Is the variance based on circumstances that are self-created or exist as a result of actions by the property owner? No.

Maersch: I vote aye. I think this is a reasonable approach to putting a garage in a historic neighborhood and I find that the essential character of the

neighborhood would be improved if we approve this variance.

Fricke: I vote aye and I would note or add that the ARB did approve the height up to 22' so we don't need a variance for that. And I would also add that the applicant has presented a case for the need for climate control storage space, which is also an additional reason for the size of the garage and I find aye for the reasons of the variance in addition to those points.

Freshman-Johnson: I vote aye and also make sure we mention that there is no concerns from neighbors written or at the public hearing today.

Holdren: I vote aye.

Mr. Fricke said this becomes final in fifteen days unless brought before Council.

The meeting adjourned at 9:20 p.m.

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Wade Fricke, Chairman  
lgb