

**VILLAGE OF CHAGRIN FALLS
BOARD OF ZONING APPEALS
February 27, 2018**

Members present: Fricke, Holdren, Freshman-Johnson, Kraemer, Maersch
Also present: Matheney, Jamieson, Edwards

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

ORGANIZATION

Moved by Ms. Kraemer, seconded by Mrs. Freshman-Johnson that Mr. Fricke serve as Chairman of the Board of Zoning Appeals for the year 2018. Carried. Ayes: Holdren, Freshman-Johnson, Kraemer, Maersch. Abstain: Fricke. Nays: None.

Moved by Mr. Maersch, seconded by Ms. Kraemer that Mrs. Freshman-Johnson serve as Secretary of the Board of Zoning Appeals for the year 2018. Carried. Ayes: Fricke, Holdren, Kraemer, Maersch. Abstain: Freshman-Johnson. Nays: None.

APPROVAL OF MINUTES

Moved by Mr. Maersch, seconded by Ms. Kraemer that the minutes of the meeting held October 24, 2017 be approved. Carried. Ayes: Fricke, Holdren, Freshman-Johnson, Kraemer, Maersch. Nays: None.

Moved by Mr. Maersch, seconded by Mr. Holdren that the minutes of the meeting held November 28, 2017 be approved. Carried. Ayes: Fricke, Holdren, Freshman-Johnson, Kraemer, Maersch. Nays: None.

SWEARING OF WITNESSES

All were sworn in.

STUART READER, 271 HIGH STREET - REQUEST FOR A VARIANCE TO SECTION 1125.04(a)(3), AREA, YARD, AND HEIGHT REGULATIONS: ACCESSORY STRUCTURES, PERMANENT PARCEL NO. 931-22-004.

Mr. Jamieson said this is a proposed addition and the construction of a detached garage accessory structure. It is located in the R1-100 zoning district. The zoning review showed one variance requested to Section 1125.04(a)(3) which states that proposed accessory structures shall be located only in rear yards. This particular property has no existing garage. The topography of the property does not allow for a rear yard garage placement. The applicant is desiring a garage and the only

place to place it on the property is where they have it proposed. The ARB discussed the issue and their comments, according to their minutes, is that the massing is fine and preliminary approval was granted given based on the variance being granted by the BZA. They still have to go back for final approval. The garage meets all size and setbacks for an accessory building except that it is 10' forward of the front building line so the proposed garage structure is located within the required front yard.

Mr. Holdren said Rob, why is this not considered an attached garage? There is a walkway there that shares the roof. Mr. Maersch said so I know that a patio that is covered does not count as part of the building square footage so it didn't surprise me that this wasn't an attached garage because if you apply the same principal it wouldn't be.

Stuart Reader said we are kind of changing the plans and will be resubmitting another application. Mr. Fricke said you would like us to table you and consider you when you are ready. Mr. Reader said yes.

Moved by Mrs. Freshman-Johnson, seconded by Ms. Kraemer to table the application for 271 High Street to a future meeting. Carried. Ayes: Holdren, Freshman-Johnson, Kraemer, Maersch. Abstain: Fricke. Nays: None.

PCHE RP2, LLC, 87 WEST STREET - REQUEST FOR A VARIANCE TO SECTION 1137.04(a), YARD AND BUFFER REGULATIONS, SECTION 1138.05(a), DETAILED REGULATIONS BY TYPE OF ESTABLISHMENT, AND SECTION 1145.02(b), NONCONFORMING BUILDINGS, PERMANENT PARCEL NO. 932-06-052.

Mr. Jamieson said this is the old Gamekeeper's property. They are proposing a canopy covered dining patio in the front of the structure right along the sidewalk. This property is located in the central shopping zoning district. The zoning review showed two sections of variance needed. The first is 1138.05(a), full service restaurants saying that outdoor service is limited to areas not in required yards. The proposed canopy covered dining patio is in the required yard. A second variance would be Section 1145.02(b), nonconforming buildings additions, stating that nonconforming buildings can not be added to or altered unless the additions and original building are made to conform to the regulations of the zoning district. The current building is considered a nonconforming building as far as setback. The ARB approved the final phase for the porch and vestibule addition. The Planning and Zoning Commission approved a front yard setback modification to Section 1137.04(a) requiring a 20' front setback. A zero setback was proposed. P&Z heard the case because of the modification. They can modify that in similar districts with buildings and uses. They are also within the front setback of that district so they did vote to accept that.

Mr. Fricke said the initial letter that you sent had three variances and one entailed a minimum front yard depth, which was where the proposed canopy came in and P&Z has decided that and that is not on the table? Mrs. Matheney said that is correct, that is not before you guys tonight. That was taken care of at Planning and Zoning. Mr. Fricke said before us then is the outdoor service issue as well

as nonconforming building being altered.

Rick Siegfried, RSA Architects, said we have added an accessible pathway to get people into the Inn which will then allow you to get into the restaurant. We have taken what used to be the breakfast room and one of the dining rooms for the Inn and made that into accessible restrooms. Mr. Maersch said so is that the Inn room? Mr. Siegfried said this is part of the restaurant; it was part of the Inn. We added a ramp to get accessibility up to this dining room. The loft area is gone and we lost about 40 seats in the process but we are proposing this dining patio porch out front which helps to offset that so it is relatively speaking a net zero in the seating change.

Mr. Maersch said what is happening to the dumpster? Mr. Siegfried said the dumpster is going to be removed and they are going to use the dumpster for the Coach House Square that Jekyll's currently uses; they are going to share it.

Mr. Siegfried said we are putting this patio out here. It has roughly 40 seats and a fireplace. It is elevated and the existing stone wall stays in place. It is going to have a canvas awning over it. It will have some drop down curtains in place when the restaurant is not open. The Planning Commission approved or gave the ability to setback right on the sidewalk. You guys have to tell us that it is okay to have the tables and chairs out there and have the canvas awning over it. It kind of happens everywhere else in town. We don't think we are different. It is a very nice structure and these things aren't cheap.

Mr. Fricke said is the second floor just being eliminated? Mr. Siegfried said it is gone.

Mr. Holdren said the neighbors, 79 West and the wine bar over there, have outdoor seating within this setback. Did they get a variance? Mr. Maersch said they would have had to, yes. Mr. Siegfried said if you go up and down North Main Street people are dining on the sidewalk. We think this is going to help activate the street and get the energy going back there again, which has been lacking a little bit. We are anxious to get it rolling and be open this summer.

Mrs. Freshman-Johnson said are there any more renovations being done to those other two portions or is it just the main building? I know the patio is just on the old Gamekeeper's portion so the other two buildings on the corner here and on the corner there are being untouched at this time? Mr. Siegfried right now we are here just to talk about what was Gamekeeper's.

Ms. Kraemer said is there going to be a relationship between the proposed patio in the front and the one that was on the side? Mr. Siegfried said it will obviously be all part of the same restaurant. The one in the back is still going to be there; there are no plans at this time to cover that or do anything with it. It is going to change a little bit. Mrs. Freshman-Johnson said so the walkway between those two buildings will still exist? Nothing is attaching or combining? Mr. Siegfried said correct.

Mr. Siegfried said when we put those vinyl drop downs on they are not going to be full height. They only come down to like 24" above floor so they will be less prominent than they are in some of the

other places in town.

Mrs. Freshman-Johnson said how do you gain access to this patio from the inside of the restaurant you have to go in and then come back out? You can't walk right into this patio? Mr. Siegfried said correct. Mrs. Freshman-Johnson said it is fairly well closed off and you won't have that problem of people kind of coming in the wrong way because it is a little higher. Mr. Siegfried said they can't; they would have to climb over the stone wall then the railing.

Mr. Fricke said will this be outdoor seating only? Will there be an indoor/outdoor bar? Mr. Siegfried said just a dining room. The bar stays where the bar is. Ms. Kraemer said is this anticipated to be year round? Mr. Siegfried said yes, as weather permits.

Mr. Maersch said so is there any difference between the look and feel of what you are proposing here and what M Italian to your north has and what Jekyll's to your south has? Mr. Siegfried said we have a little different system where we have more clear vinyl and less opaque vinyl but essentially it is the same kind of a feeling. We are just right on the sidewalk.

Joe Saccone, Hyde Park, spoke in favor of the variances.

Michael Fratus, Visconsi Company, spoke in favor of the variances.

Moved by Mrs. Freshman-Johnson, seconded by Ms. Kraemer to approve the variances requested to 87 West Street. For Section 1138.05(a) of the code for full-service restaurants stating that outdoor service shall be limited to the seating areas which are not located in the required yard and in addition 1145.02(b) because the current building is nonconforming in order to make these changes we have to re-approve the nonconforming building structure. Reasonings for this variance should be they are requesting this outdoor patio adding about 40 plus seats to the seating of the restaurant to be covered with a canvas canopy. The beneficial use of this is to re-add seating that was taken away on the inside of the restaurant in order to do needed maintenance and updates to the building. The variance is not substantial in comparison to other equivalent properties in this location the central business district all receiving variances for similar patio seating arrangements. The essential character of the neighborhood would actually be upgraded to allow use of these buildings and primary real estate as well as allowing for patio usage as almost all other restaurants in the central business district are used. It would not affect the delivery of governmental services. In fact, the patio is designed safely to allow traffic in the correct directions. The property owner may or may not have purchased with knowing these restrictions but again as we said in the other items that are required. The property can not feasibly obviate this variance unless they didn't want a patio, which would eliminate more seating and not allow them to take advantage of the central business district attraction to patio restaurant goers. The spirit and intent in the zoning is observed by approving this and these circumstances were not created. I'd like to also add to the motion that the Planning and Zoning Commission has already approved the variance needed for the setback so that is not in play and the ARB has final approval on this patio planning as well. For all those reasons I move to approve the variance.

Freshman-Johnson: Aye.

Fricke: I vote aye for all the reasons in the motion. I would note that I guess that we don't have to decide whether the variance is substantial, because I think it is, but the Planning and Zoning Commission took that out of our purview.

Holdren: I vote aye.

Kraemer: I vote aye. I think this is in keeping with what's been happening generally in the central business and I think to the good. I remember when we first started talking about sidewalk dining many, many years ago and I think what's happened is with technology and the ability to have covered patios and that sort of thing it's made for more attractive uses and more accessible outdoor dining for a greater portion of the year. I think that the Duncan Factors have been articulated in terms of what the basis for the variance request and I think probably the most substantial one was taken out of our hands by having P&Z rule on the initial variance. For those reasons I would vote to approve the variance request.

Maersch: I do echo that the variance is substantial but all the other factors outweigh for me. The only two that were not mentioned that I credit for my vote is the essential character of the neighborhood would be improved because we are removing the dumpster from 2' away from the sidewalk and the spirit and intent and substantial justice would be done by granting the variance because there are, as we mentioned, other neighboring properties that have the same type of structure with the same type of variance. For those reasons I vote aye.

Mr. Fricke said this action will be final within fifteen days unless appealed to Council by a petition of three or more Council members.

BETSY SEEGOTT, LLC, 17 RIVER STREET - REQUEST FOR A VARIANCE TO SECTION 1137.04(a)&(c), YARD AND BUFFER REGULATIONS, PERMANENT PARCEL NOS. 932-06-047 AND 932-06-048.

Mr. Jamieson said this is a proposed patio canopy structure covering the existing outdoor dining patio. It is an extension of an existing covered dining patio as it goes east from the existing building. The building is in a retail business zoning district. The canopy construction will be solid form on the top with drop down sides and will result in a slight reduction in the outdoor seating of the current patio. The variance requested will be to Section 1137.04, which is a side yard setback distance requirement of 5' to an other lot line. The proposal shows a side yard setback of 6.25' past the property line so therefore a variance would be needed for a 11.5' for the side yard setback on the east side of the property. This is a unique property in that there are several parcels there that are all owned by the same property owner. When the patio was originally created appropriate permission

was granted to extend the patio over the property line between the two parcels. This structure to enclose that patio will go right over the property line of the two parcels even though when you look at it you can't tell where the property line is. That is why there is some difficulty in describing the footage requirement needed for the variance. The ARB considered this case and the project passed with their approval and they noted that the setbacks needed BZA approval. The Planning and Zoning Commission heard the case and they addressed, as the same as they did with the 87 West Street project, the front yard setback issue. Mrs. Freshman-Johnson said so they can only do the front yard, they can't do the side? Mr. Jamieson said right, that is all that the code states that they are to review. Ten and a quarter foot front setback distance is what is being proposed with the requirement in that section is 20'.

Mr. Fricke said so the request before us is for a side yard variance in the amount of 11.5'. Ms. Kraemer said on the east side only.

Mr. Siegfried, RSA Architects, said here we have the existing restaurant and then there was a covered patio and then there is this uncovered part that is adjacent to the fireplace along the sidewalk there. We are extending that covered part. This patio isn't as big; they don't have the dual patio situation like at 87 West Street. It lines up with what is there so that is already pretty well established. It is about 17', 18' by 30'. It is about 10' away from Dave's Cosmic Subs. Mr. Fricke said will it be one contiguous canopy or will it be two separate? Mr. Siegfried said here is what's there now. I just have that one roof coming across and we just added a reverse gable that kind of goes along with the original architecture all the way back to when it was a lumber mill. We think it is going to be useful and it is going to help people be comfortable both in the hot sun and in the rain. It will extend their business season with some more seating down there so they will get to use this a little longer into the season. All the same things we talked about with the last one.

Mrs. Freshman-Johnson said so those few tables that are on the north side are going to be open aired still? Mr. Siegfried said correct. Mrs. Freshman-Johnson said it is really in line with the main structure of the building.

Mr. Fricke said how does the rain water come off of the new piece that is extending out towards the road? Mr. Siegfried said it goes into a gutter and the storm drain system. Mr. Fricke said which does not go on the sidewalk? Mr. Siegfried said right.

Joe Saccone spoke in favor of the variance.

Moved by Mr. Maersch, seconded by Ms. Kraemer to approve the variance request for 17 River Street. 17 River Street sits in a retail business district. Under Section 1137.04 the required setback distance to the side lot line is 5'. As proposed the canopy structure and dining structure would exceed the 5' distance required to a lot line and actually go over the existing lot line by 11.5' so the applicant is seeking a variance for 11.5'. With respect to the Duncan Factors the property would yield a reasonable return and there would be a beneficial use of the property if we didn't grant the variance. The variance is unquestionable substantial even though the parcels are commonly owned.

We are actually allowing somebody to build a structure over a lot line eviscerating the requirement for any side lot on that side. The essential character of the neighborhood would not be substantially altered and the adjoining properties would not suffer a substantial detriment as a result of granting the variance. The variance will not adversely affect the delivery of governmental services. The property owner's affidavit said he did not purchase the property with knowledge of the zoning restriction. The property owner's predicament can not be feasibly obviated through some other method other than a variance given the fact that the two adjoining properties make up part of the patio for the existing restaurant. I find the spirit and intent behind the zoning requirement will be observed and substantial justice done by us granting this variance. Given the fact that, as we have discussed with the earlier applicant, that this situation with covered patios and vinyl or some sort of siding to make then usable in all seasons has become somewhat common nationally and also in our retail business district. The variance is not based on circumstances that are self created or exist as a result of the actions of the property owner. For those reasons I move that we approve the variance request for 17 River Street.

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

Holdren: Aye, for all the reasons stated.

Kraemer: I vote aye. I think it is similar to our previous applicant. The issue is simply allowing extended use of a patio. I think the Duncan Factors have been articulated very well by Mr. Maersch and I think the spirit and intent of the code I think is a sort of overriding factor for me in terms of allowing the patio to be covered and the variances to be granted.

Maersch: Aye.

Freshman-Johnson: Aye.

Mr. Fricke said this action will be final within fifteen days unless appealed to Council by a petition of three or more Council members.

WEY CAPITAL, LLC, 95 SOUTH FRANKLIN STREET - REQUEST FOR A VARIANCE TO SECTION 1125.04(b)(3), AREA, YARD, AND HEIGHT REGULATIONS; ACCESSORY STRUCTURES, SECTION 1141.05, SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES, SECTION 1145.02(b), NONCONFORMING BUILDINGS, AND SECTION 1145.03(b)(e), NONCONFORMING USE OF BUILDINGS; NONCONFORMING ACCESSORY USES, PERMANENT PARCEL NO. 932-16-004.

Mr. Jamieson said this is an addition to an existing funeral home structure and expansion of the parking lot. This is a preexisting nonconforming structure in the R1-50 residential zoning district. Three sections of variances would be required for this. Section 1145.03(b) is nonconforming use of buildings. The nonconforming use shall not be extended so as to occupy any land outside of the

original building is the passage from the code section. This project is clearly an extension of use and extension of the building and we require a variance to that section. Section 114502(b), nonconforming buildings states any additions must conform to the zoning district regulations. They are in place in the current zoning district. Requirement 1125.04(b)(3) driveways, requires a driveway and parking in a required yard shall not exceed 30% of the rear yard coverage. The proposed parking and driveway calculates to 36.72% of the required rear yard. Section 1145.03(e), nonconforming parking facilities, section 1141.05 funeral home is the subsection for parking calculations. The proposed structure and use would require 129 parking spaces with the proposed expansion of the parking lot and a total of 55 parking spaces is being proposed requiring a variance for 74 parking spaces for that facility. The ARB's comments were to revise and resubmit for the addition and then they did grant final approval on the signage with a 10% reduction in lettering size. The Planning and Zoning Commission took no action and deferred to the BZA for a decision on the use variance and then said they can resubmit for consideration of parking.

Mr. Fricke said there are two kinds of variances that come before us. One is what is called an area variance, which is what we always hear and that is I want to build a bigger house, and that is what we have heard even though they are kind of different they are still called area variances. Our code has always spoken to the Duncan Factors that we always cite as to what is required for an area variance. The second kind of variance is a use variance, which is a different animal. You have a funeral home in the middle of a residential area and now you are seeking to add on or modify that existing funeral home. The reason I raise this is because part of what you need is a use variance and those are very rare. As a matter of fact I don't know how long I have been doing this but I am not sure I've had a use variance here. I will also add that within the last year our code has been amended. Our code lists a number of factors that are different than the Duncan Factors that are required of an applicant to show in order to get a use variance. I mention this because I want to make sure that you know what you are getting into here. I want you to feel prepared; I don't want to ambush you. The traditional Duncan Factors that are listed A-H that are on the application are different. A use variance is much harder to get, the standard is different, and our code lists out five factors. What you have to show is what is called an unnecessary hardship. What we look at are practical difficulties and again I don't want to sound too legal here but practical difficulty is easier to show than undue hardship, which is a harder thing and you are really damaged if you don't get a variance. Our code has been amended in the last year to reflect that the factors for unnecessary hardship are one, that what you are seeking that the hardship was not self created, two is due to unique conditions existing on the property, three a property can not be used for purposes for which it was originally zoned, four will not violate the spirit of the zoning code to grant the variance, and five the request is resulting from special conditions unique to the property being reviewed. Those factors might be touched in some way, shape, or form on the application you initially filled out. Our form has not been amended to reflect that a use variance needs those factors. I want you to be prepared and I want you to give all your evidence. If you want to talk amongst yourselves, if you feel that you are prepared to go forth on those factors then we welcome the presentation. If that is catching you as something unusual, whatever you present to use whether it is tonight or at a future meeting I want you to be fully prepared with what you need.

Mr. Fricke said you have parking on here and you've got this use issue. I assume if you were not given the use variance you don't need additional parking. That is just an assumption. My thought was if you are prepared to go tonight, does it make sense to approach the use issue variance first if you are granted then we can explore the parking. If you are denied a use variance do you still need more parking.

Mr. Maersch said the letter that we sent you denying your application listed the code section that shows the factors that we consider for a use variance but this is literally the first use variance we have ever considered so we didn't have a form attached like we do for the Duncan Factors for area variances. I think Wade is doing a good job of making sure that you guys aren't misled as to what factors we are applying here.

Mr. Fricke said if you would like to talk amongst yourselves and look at the factors. If you need to table you can table and we will move to table and we will vote on it.

At 8:50 p.m. everyone was talking amongst themselves.

At 9:01 p.m. the meeting reconvened.

Mr. Fricke said what we are going to do is the applicant would like to do a couple of things. Since you are all here and we thank everyone for being here tonight. What we thought makes sense is we are going to formally continue our hearing from tonight to another time at which time the applicant is fully prepared to meet each of the standards set forth in our code so we will have the applicant tonight give a presentation so at least we can all hear what the concept is and what the plan is. We will take comments then from the crowd. You are welcome to come back. Again we are formally going to continue this so whenever they reapply or tell us they are ready we will have a formal hearing but we would like to tonight, since everyone is here, hear a presentation and again give opportunity for those who are here to speak in favor of the presentation and opposition. You will all get notice so we won't spring a new meeting on you without at least 10 days notice as required by our code.

Jim Murphy, Murphy Funeral Home, said we are a third generation funeral home; we go back to the early 1900's. We now have a home in South Euclid, Lyndhurst, and most recently we purchased the property at 95 South Franklin Street. Since we purchased the property, although it is a very charming piece of property, we just found that it wasn't quite large enough to handle when we get larger funerals. We have been in the business for a long time and hopefully we are able to do something in the village.

Paul Beegan, Beegan Architectural Design, said I have been working with the Murphy's for about a dozen years on some of their other projects. I was actually very delighted when they purchased this property and we are looking to do an addition to it. Has everybody been to a service at this funeral home before? So you've been in there so you are familiar so you kind of understand. The viewing room is probably no bigger than this room that we are in right now. You could probably squeeze

fifty people into that existing house as it is right now. It has been there for 100 years. The use actually probably proceeds any zoning code that you have. I am sure it was a funeral home well before the zoning code came into effect and it has been in continued operation since then. Going back into the existing facility, right now it really has a viewing room, there is another kind of small side room, and then a little area in the back. The restrooms are not large enough and they are not accessible. There is actually not any real good accessibility into the building itself as far as handicapped and disabled people. There is no separate room really other than the viewing room so the people who come there with kids or with people who are grieving and can't be in the viewing room for any particular reason. There is not really any place for them to go. Currently, right now all the embalming activities happen in the garage, which is also on the property. What happens is when the body is prepared it actually has to be wheeled across the parking lot. They obviously try to do it at times when the community is not going to see that happening. Right now they have to wheel it all the way to the front of the building because the only way in that has the ramp is at the front of the building to the existing porch. Given that, the Murphys purchased this and they want to continue operation as a funeral home here. Really what makes sense is to do an addition to solve these deficiencies. The addition is about 4,000 square feet in the footprint. What it does is add an additional viewing room to the existing one that is there but it also provides those extra side spaces. There is a reception space that is up on the second floor so that when there are families with kids there they can go upstairs. The other great thing that it does is we are going to have a full basement under the addition here where all of the embalming and the body preparation activities can happen. Also right now when people are there to pick out their urns or their caskets there is a little tiny attic above the garage that everybody has to walk up these narrow stairs to get to pick out their urn or casket. We are going to have that in the basement as well. The addition is really to make the funeral home more functional in 2018 than it was in 1918.

Mr. Beegan said relating to the parking, we are expanding the existing parking lot straight back to the east. We do realize that we are short. We do have additional property if we wanted to extend it further to add more parking. That is not really the intent here. There is a large lot there and there is actually a parcel that is between the funeral home lot and the houses up the street that we are not going to be impacting. We are going to extend the parking lot back from where it currently is 18' only. There are 36 striped parking spaces right now. On funerals that are a little bit larger people are double parking there so the parking lot actually holds more. To doing 55 striped spaces so that is 19 additional spaces into the parking lot. We are not extending any farther to the west and we are not extending any farther to the north or to the south. We are really just extending that existing parking lot and stretching out another 18' farther to the east.

Mr. Maersch said it shows the 18' going back but then there is a dashed area over here. Is that additional? Mr. Beegan said that is additional parking, exactly. Mr. Maersch said so you are adding 18' to the east and then you are proposing to add towards Bellview that would be the south. You are essentially squaring off the parking lot. Mr. Beegan said yes, it is kind of an "L" shape right now so it is taking the rest of the "L" and creating a single rectangle to get those additional parking spaces.

Mr. Fricke said what are you doing about the garage? Mr. Beegan said we are going to keep the garage on the site. As you know there are lots of carts, lots of little flags, lots of cones, and lots of other things that need to happen as part of a funeral process that are still going to be stored in that garage. Mr. Fricke said have you looked at making the garage smaller and picking up more parking spaces? Mr. Beegan said I believe we probably could. We are going to be short of what is required by parking and I think you well understand the zoning code for a funeral home there is actually a separate breakout for the number of required parking. You can do it by seats or by area and then it is which ever is most restrictive. Actually by seats we would meet what is required by the zoning code but since the area is the most restrictive that takes us to 129. The reality is if there is a smaller service you have plenty of parking. If there is a larger service like it is right now the parking is not going to be adequate and there are cars that are going to be parked on the street. I think that is just kink of the nature of this particular use in the district. I don't think we are looking at changing any of the use. I know technically by the zoning code because we are in a residential district any addition to a nonconforming use in that district would require us to get that use variance. We will look at these factors in a little bit more detail when we come back for our formal submission and application for your consideration.

Mr. Beegan said the ARB actually thought that the size and the scale was actually pretty appropriate. Most of our discussion was on the roof. They wanted to see some things different from the roof so as to distinguish it maybe a little bit differently from the house. They like that the addition was to the back of the house. It is not going to change the character of how the house presents on the street and that the addition is working with the architecture of the house rather than kind of fighting it and doing something modern. They liked how we separated the massing of it by a single-story piece so that it actually reads as more of a separate facility in the back. The existing structure has a beautiful porch that presents very nice to the street and using that element on the back and the side of the addition ties it together.

Mr. Maersch said so the words fence extension, what does that mean and what kind of a fence are we talking about that you are proposing? I know that is not the subject of this. Mr. Beegan said it is not the subject and I can't quite tell you that right now. There is an existing fence there right now and we haven't done an investigation enough to know if that is the fence owned by the Murphys and it is on their property or if it is the adjacent homeowner's. The intention of doing a fence extension is to make sure that we do the appropriate screening. Mr. Maersch said it turns out that we don't have anything to do with fences but since we are just having a conversation I thought I would ask the question. Mr. Beegan said there is a nice board on board fence there and I think the intent would be to continue that fence up along the parking lot with some additional landscaping.

Mr. Holdren said Paul, how big is the existing house? Mr. Beegan said I can't tell you that off the top of my head; it is on our application. Mr. Fricke said your addition will more than double the footprint, is that right? Mr. Beegan said correct. Well I won't say more than double, with the additional floor it is going to be more area. It is about one and a half times the existing footprint. Ms. Kraemer said you said you are adding 4,000 square feet? Mr. Beegan said yes.

Virginia Schoelch, 94 South Main Street, spoke in opposition to the variances.

Binnie Pappas, 39 Bellview, spoke in opposition to the variances.

Pam Dennis, 25 Bellview, spoke in opposition to the variances.

Mrs. Bomback, 32 Bellview, spoke in opposition to the variances.

Gerald Schoelch, 94 South Main Street, spoke in opposition to the variances.

Moved by Mr. Maersch, seconded by Ms. Kraemer to table the variance request for 95 South Franklin Street and continue discussion at a later date. Carried. Ayes: Fricke, Holdren, Freshman-Johnson, Kraemer, Maersch. Nays: None.

The meeting adjourned at 9:35 p.m.

Wade Fricke, Chairman
lgb