

VILLAGE OF CHAGRIN FALLS BOARD OF ZONING APPEALS

July 28, 2020

Members present: Fricke, Freshman-Johnson, Holdren, Rockey

Also present: Jamieson, Edwards, Markowitz

The meeting was called to order at 7:30 p.m. by Chairman Wade Fricke.

Mr. Fricke said the BZA has five members to it. We found out late today that one of our members, Lisa Kraemer, is out of town and in a place where she can't join us. I mention this just because, by our code, you need three out of five members voting affirmatively to pass your application. And obviously when there's only four of us, that decreases your odds. So I always give the applicant the option of rolling the dice now, knowing you need at least three out of four to vote affirmatively, or if you want to defer to the next meeting.

George Clemens said the applicant will go forward tonight.

ROBB AND SUSAN JUNKER, 35 MAPLE STREET - REQUEST FOR A VARIANCE TO SECTION 1145.02(B), NONCONFORMING BUILDINGS AND STRUCTURES, PERMANENT PARCEL NO. 932-05-003.

Mr. Jamieson said this is in the R1-50 zoning district. This is a house alterations project consisting of removal of a garage door, converting a three-car garage to a two-car garage with a mud and laundry room, some window changes, and a new rear deck to replace an existing porch with an overhang. The variance that is before us tonight is to section 1145.02(b), nonconforming buildings and structures and additions, stating that

any alterations to a nonconforming building would require a variance. The current building is nonconforming due to two factors. The current structure does not meet the rear yard setback requirement of 28 foot eight inches, which is 30% of the lot depth. The attached garage to a house is only six inches from the rear lot line of the property. Also in the R1-50 zoning district as a requirement for a minimum lot size of 6,000 square foot and this lot has the square footage of 5,906.63 square feet. So those two items make the property nonconforming and any changes to that would require a variance. I do wish to mention that the proposed new rear deck where it's configured on the house, and I'll show that in the plans as we bring that up, is in conformance with the rear setback line to the rear of the property. So even though the attached garage is not, that already exists, the proposed new deck would be. I do have, just so the applicant knows, the plans, your variance application, the review letter, and the ARB minutes that I can show on the screen. I can bring the plans up now, but if you want any of those documents shown and shared with the meeting let me know, and I'll bring that up. Also, the Architectural Review Board reviewed this project on July 7th of 2020, and gave preliminary approval with several design suggestions.

Mr. Markowitz swore in George Clemens.

Mr. Clemens said so let me just add to the description. We can go to a photo of that side of the building, which you might be familiar with. It's that corner house on Walnut street and it has had three garage doors. Susan and Robb Junker are doing alterations to the building in order for Susan's parents to move in. And the goal of this is to give them a good mud room and a little more first floor functionality in that existing house. In addition, there is a I think probably an old existing deck below an existing overhang so the second floor hangs out over that entire deck area that's proposed back there. I have to believe there was a deck there at one point that fell off so we're trying to establish that so that they can also use the house outdoor a little bit without going downstairs and make the steps condition much more safe for them. So specifically the alterations include the removal of that garage door and the addition of an entry door. You've got

the blue collar there as though it's a little addition, but it's really just a little roof overhang over the door so there's nothing coming down to the ground there. There is also a very poorly built little structure on the backside of that same element and there are faint blue lines there, so that is being altered and we're taking down, I would call it like a storage dog house and there is a new foundation wall there and we're kind of filling in that little area to make it more usable space so we're not even going as far out as that little dog house was, we're back about two feet from that, but filling in a little notch that was there. So those are really the three components, is the door change on Walnut, the rebuilding of that little piece, that's the backside of that knuckle and then adding the porch since it has a roof already, but adding that deck back underneath the existing overhang.

Mr. Clemens said so that right hand garage door is turning it into an entry door. But that existing door is turning into a window, which would be from the bathroom now and the level of that area is being raised to the first floor level; it's down at the garage level now. The two garage doors to the left, that's kind of a separate structure remains unchanged. And so you can see that on the elevation view there then in the rear, if you look at the bottom picture, that's what you've got. I think it's a 19 late sixties, seventies addition above that's that overhanging piece, which we're not addressing at this time, but we are trying to make the porch underneath the overhang. And in fact, for our final ARB application, we're going to change the windows under there and get rid of that bay window would make the windows more appropriate to the house as well underneath that porch.

Mrs. Freshman-Johnson said is that where the deck is going? Mr. Clemens said yeah, that notch will just have a floor and you can see that in the two A3, the top elevation there where there's two separated windows, we're combining them for a kitchen window and then you can see that we're adding the porch floor. So it's minor alterations, really. Not what you'd probably usually see, but it's a nonconforming structure so any

alterations to a nonconforming structure fall under your code. Mrs. Freshman-Johnson said right, none of the footprint at all is really impacted. Mr. Clemens said yeah, just in an incredibly minor way within that little notch.

Mr. Rockey said on the new door that's going to enter into the mud room, how far off the side of the house is that new covered entryway going to stick out and does that meet the current setbacks? Mr. Clemens said the overhang is actually dimensioned on that entry roof and bracket. Mr. Jamieson said it does meet the side yard setback. Mr. Clemens said there's an exception for architectural appurtenances such as that also for side yards. I think the exception might be two feet and entry pieces have an exception as well. Mr. Rockey said three feet, I see it there now.

Mr. Holdren said does the lot coverage meet the requirement before and after? I believe it is 24%. Mr. Clemens said it's unchanged from what it was. Mr. Jamieson said we did look at that and I didn't see it to be a problem because it's not changing, like you said. Mr. Holdren said pretty much this is a nonconforming building because of the rear yard setback is encroached already and the lot size, but those are the only two reasons it's a nonconforming existing structure. Mr. Clemens said yes, it's really that attached garage projecting all the way through the backyard because the backyard would be to the left on your screen.

Mr. Markowitz swore in Stephanie Steinhoff.

Ms. Steinhoff, 103 Walnut Street, spoke in favor of the variance.

Mr. Markowitz swore in Susan Junker.

Mr. Rockey said what's the plan for the existing driveway. Are you going to keep it the same size or are you going to shrink it now that you're losing that garage door? Mr.

Clemens said Susan, do you have a plan to cut that back? Mrs. Junker said we haven't talked about it yet. I think honestly, we're just trying to I guess address it and then we'll probably end up doing some plantings and things there. So, no, I don't have a plan just yet.

Mr. Clemens said we feel this is relatively uncontroversial so I think we're comfortable going ahead and proceed to a vote with the four panel members.

Moved by Mr. Holdren, seconded by Mrs. Freshman-Johnson to make a motion to approve a variance to section 1145.02(b) for 35 Maple Street. The variance is because this house is a nonconforming house so any alterations need to bring the house within code. And although they're are doing many alterations to improve this house, after the alterations are done this still will be in violation of our code, specifically the rear yard setback needs to be 30% of the depth, which is 28 feet, six inches and the actual is six inches so it's a 28 foot variance. And then also, the lot requirement for this R1-50 is 6,000 square feet and the lot is 5,906. So both of those are out spec, I guess. And so with these alterations, they still will be. So as the applicant said that all these alterations will not actually be further out, the footprint will not change; these are just improvements. So as far as the Duncan Factors, I do believe the property in question will still yield a reasonable return. I do not feel the variance is substantial, although 28 feet on a 28 and a half foot setback is substantial. I think because the granting of this variance will not make it any worse, therefore I don't think this variance is substantial. The essential character of the neighborhood would be substantially altered in the positive. I think this will improve the look of the house. The delivery of governmental services will not be adversely affected. The property owner did purchase the property with the knowledge of the zoning restrictions but the property owners predicament cannot be obviated through any other method other than a variance. And I believe the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting this variance. And lastly, the variance is not based on

circumstances that are self-created by the applicant. For all these reasons, I make the motion to grant the variance to 1145.02(b).

Fricke: I vote aye, for all the reasons of the motion. I find most compelling the fact that the existing footprint will not be modified or will not be made larger at all. I would vote aye.

Holdren: Aye, for all the reasons stated.

Rocky: I vote aye, especially because I think in the grand scheme of things that it's going to increase the character of the neighborhood because they are going to be able to shrink that driveway and it's going to create more green space and all the rest of the reasons stated.

Freshman-Johnson: I vote aye, for the reasons stated in the motion.

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

MISCELLANEOUS

Mr. Fricke said we did talk about entertaining a motion perhaps to move the August meeting currently scheduled for August 25th to August 18th. I said that works better for my schedule, but everyone else any other thoughts?

Moved by Mr. Rockey, seconded by Mrs. Freshman-Johnson to move the meeting one week prior, to August 18th, 2020 at 7:30 p.m. Carried. Ayes: Holdren, Rockey, Freshman-Johnson, Fricke. Nays: None.

The meeting adjourned at 7:58 p.m.

Wade Fricke, Chairman

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