



CITY of MEDINA

Board of Zoning Appeals

Board of Zoning Appeals

Meeting Date: May 14, 2020

Meeting Time: 6:00 pm

Present: Bert Humpal, Paul Roszak, Brandilyn Fry, Mark Williams, Rob Henwood, Jonathan Mendel, (Community Development Director), Sandy Davis (Administrative Assistant)

Absent: None

Mr. Roszak made a motion to approve the minutes from the March 12, meeting as submitted. The motion was seconded by Mr. Williams.

Vote:

Rozsak	<u>Y</u>
Humpal	<u>Y</u>
Fry	<u>Y</u>
Williams	<u>Y</u>
Henwood	<u>Y</u>
Approved	5-0

Sandy Davis swore in all attendees.

Announcements: None

Old Business: None

1. Z19-15 Foundry Holdings LLC 333 Foundry St. VAR

Mr. Mendel stated this is a continuation of a case presented on September 12, 2019 to the Board of Zoning Appeals for several sign variances for the Foundry Social property and the Foundry property. Mr. Mendel stated on September 12, 2019 a majority of the sign variances were approved by the Board of Zoning appeals but the one item for the roof sign on the north end of the building was continued and is coming back this evening.

Mr. Mendel stated the applicant put together more information for the board process. Mr. Mendel stated the additional information was provided in the packet that was sent out. Mr. Mendel stated there is an updated narrative and exhibits as well as the minutes and packet from the September 12th meeting.

Mr. Mendel stated this is a variance request from Section 1147.10(f) of the Planning and Zoning Code to allow a 108 sq. ft., 6 ft. tall sign on the roof of the building when roof signs are strictly prohibited.

Mr. Mendel stated he did not provide commentary as there is no substantive change within the updated information.

Present for the case was Tony Cerny, Architectural Design Studio, representing Foundry Holdings, LLC. Mr. Cerny stated they are proposing to put a sign on the roof at the north entrance to the property. Mr. Cerny stated the concept is to develop an entertainment complex with multiple businesses.

Mr. Cerny stated there is a walkway which goes from the south side of the building to the north side. Mr. Cerny stated there will be an entrance on the north corner. Mr. Cerny stated they are proposing to put a sign on the roof built onto a structure.

Mr. Cerny stated the sign is to distinguish where the entrance is located. Mr. Cerny stated the sign gives better visibility from the parking lot and the road.

Mr. Cerny stated they are not proposing any other signage.

Greg Cordray, business owner, was present for the case. Mr. Cordray gave a further explanation of the need for the signage.

Mr. Roszak stated he is in favor of the sign and it is appropriate for the building and location. Mr. Henwood stated he is comfortable with the request. Mr. Williams stated he feels this sign is appropriate for this building but he would like to see the proposed lighting for the sign. Mr. Mendel stated the board can add conditions of approval for the sign as to the lighting.

Brandi asked the lighting requirements. Mr. Mendel stated usually stated it is usually zero down lighting if adjacent to residential property. Mr. Mendel suggested a soft interior light or up lighting would be appropriate. Mr. Mendel stated one of the adjacent homes has been unoccupied for years, the church was demolished so it is now vacant land, the land next to that is city owned park land and the last 2 houses are the only homes visible to the sign.

Mr. Cordray stated he will put dimmers on the lights. Mr. Mendel stated he will work with the applicant to achieve the appropriate level of light with the dimmers.

Mr. Williams made a motion to approve a Variance request from Section 1147.10(f) of the Planning and Zoning Code to permit a 108 sq. ft., 6 ft. tall sign on the building roof at 333 Foundry Street, when a roof sign is strictly prohibited. The approval is based on the the distance of the sign from the street and from necessary observations photos and that a conforming sign may be blocked by trees or other obstructions.

The motion was seconded by Mr. Roszak.

Vote:

Roszak	<u>Y</u>
Humpal	<u>Y</u>
Williams	<u>Y</u>
Henwood	<u>Y</u>
Fry	<u>Y</u>
Approved	5-0

New Business:

1. Z20-03 560 N. Harmony Lauren & Donny Roys VAR

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a request for a variance from Section 1155.01 of the Planning and Zoning Code to permit a 6 foot tall fence in the corner side yard where a maximum 3 foot tall fence is permitted. Mr. Mendel stated the property is located at the southwest corner of N. Harmony and Ridge Dr.

Mr. Mendel stated the applicant proposes building a solid 6 foot tall fence at their easterly property line along most of their Ridge Drive frontage instead of the minimum required 15 feet of Section 1155.01(c)(1).

Mr. Mendel stated the applicant has also provided two alternate fence configurations for consideration.

There are seven factors that the BZA should consider when evaluating whether or not a practical difficulty exists. These factors are outlined below, along with a discussion of how these factors apply to the application in question.

The applicant shall show by a preponderance of the evidence that the variance is justified, as determined by the Board. The Board shall weigh the following factors to determine whether an area variance should be granted:

A. *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*

Mr. Mendel stated a fence can still be installed on the subject property in the same dimension of the subject fence just setback at least 15 feet to the east of the existing location.

B. *Whether the variance is substantial;*

Mr. Mendel stated the fence is placed 0 feet instead the minimum required 15 feet, which is a 100% variance.

Mr. Mendel stated the applicant's 'Plan B' would be less than a 100% variance as part of the fence would be setback about 15 feet to provide a sight triangle for the neighbor's driveway to the south at 535 Ridge Dr.

- C. *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;*

Mr. Mendel stated the essential character of the neighborhood may be altered as there are no corner lots in the immediate neighborhood with fences similar to the applicant's request.

- D. *Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);*

Mr. Mendel stated the variance would not adversely affect the delivery of governmental services.

- E. *Whether the property owner purchased the property with knowledge of the zoning restrictions;*

Mr. Mendel stated these regulations were in place when the applicant purchased the subject property in October, 2019.

- F. *Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or*

Mr. Mendel stated the fence could be setback the minimum 15 feet from the Ridge Dr. frontage as required by the zoning code.

- G. *Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.*

Mr. Mendel stated the intent is to maintain balance between the need for enclosing usable yard areas for corner lots, but maintain adequate traffic sightline visibility across a street side yard for more uniformly configured lots. Mr. Mendel stated the applicant's lot has a unique configuration due to the intersection of Ridge Dr. and Harmony St.

Mr. Mendel stated this may not be an issue in this particular case as the applicant proposes the alternate Plan B or C that could aid the visibility between the two types of traffic through the proposed fence, thereby possibly complying with the spirit and intent of the zoning requirement.

Mr. Mendel stated the BZA must weigh the above seven factors for the requested variance and determine if a practical difficulty exists that would merit a variance from section 1155.01.

Mr. Mendel stated he received a comment from Denise Walsh, 554 Ridge Dr. Mr. Mendel stated Ms. Walsh received a notice for this evening's meeting and responded with an e-mail. Mr. Mendel stated he called her and spoke with her. Mr. Mendel explained the details of the plan and Ms. Walsh stated she has no objections to the plan. Mr. Mendel read into the record from the e-mail the following:

"I have no complaint or issue if Donald and Lauren wish to replace their current fence with a 6 foot tall fence."

Present for the case were the property owners Lauren & Donny Roys. Mrs. Roys stated she and her husband measured and marked 15' behind the property line and took a photo to illustrate how it would affect the property. Mrs. Roys provided a copy of the photo to all the board members.

Mrs. Roy stated 15' back from the property line would eliminate almost 50% of the usable space of their yard. Mrs. Roys stated they are trying to make the yard more secure for their family and also improve the appearance.

Mrs. Roy stated a 3 foot fence is easily stepped over to gain access to their yard.

Paul Rose, 345 Lakeview Drive, Medina stated he has known the applicants for years. Mr. Rose stated he does not see any problem with driving visibility and advocates for the approval of the variance request.

Mr. Roszak stated he has reservation about the setback, he would like to see the fence set a few feet back from the sidewalk and also the proposed white color would alter the character of the neighborhood and would stand out. Mr. Roszak stated also, it is a very solid fence and he asked the applicant if they have given any consideration to a board on board vinyl fence.

Mrs. Roy stated she did consider it and it is included as one of the alternative proposals. Mrs. Roy stated they would consider doing a privacy fence along the rear shared property line and a semi private fence along the other frontages.

Mr. Humpal stated he is also concerned about the height of the fence with a zero setback. Mr. Williams stated he would like to see a combination of alternatives B and C where there would be more visibility for driving.

Mr. Roys stated the current fence is approximately 20" off the property line. Mr. Roys stated they would be following where it is currently.

Mrs. Roys stated the proposed semi-privacy fence is a 4 ft. picket style fence. Mr. Henwood stated he would be comfortable with the semi-privacy fence set back a little. Mr. Humpal stated he is comfortable with the semi-privacy fence.

There was a discussion regarding changing the color of the fence to a buff color. Mrs. Roy stated the cost is more for a different color than white.

Mr. Mendel suggested a 4 foot solid fence with 2 feet of 50% open lattice on the top. Mr. Mendel stated a mixture of B & C may work but a 4 foot fence will still be in the line of site for drivers pulling out of their driveway. Mr. Mendel stated he feels the site triangle needs to be open to give the relief to someone pulling out of a driveway or the people using the sidewalk. Mr. Mendel stated if the fence goes up on the driveway, the city will receive calls as to how it was permitted. Mr. Mendel stated he is trying to anticipate those types of questions and get to the intent of the 15' setback.

The applicants stepped out of the meeting to discuss the options at 6:48pm.

Mr. Mendel announced the Comprehensive Plan has been postponed for 2020 and will be revisited later this year due to the proposals received were higher than predicted. Mr. Mendel stated with the new revenue projections not looking good for cities in general due to the COVID19, the Finance Committee at their Monday meeting, decided to cancel the process for now and will revisit it later this year once we have better revenue projections. Mr. Mendel stated the city received 5 proposals ranging from \$78,000 to \$149,000.

The applicant returned to the meeting at 6:49pm.

Mrs. Roy stated they agree to providing the triangle visibility and setting the fence back 15' and using the Plan C which is a 6' full privacy fence along the shared property line and a 4' semi-privacy fence with no lattice top along the Ridge Drive frontage and setting it back 2 feet from the right-of-way along Ridge Drive to help soften the appearance and provide more visibility.

Mr. Williams made a motion to approve a variance from Section 1155.01 of the Planning and Zoning Code to permit a 6' full privacy fence along the shared property line and a 4' vinyl semi-privacy fence with no lattice top along the Ridge Drive frontage and setting it back 2 feet from the right-of-way along Ridge Drive, as the applicant described on the record, including the visibility triangle. The approval is based on the finding that the essential character of the neighborhood will not be substantially altered and the property owner's predicament cannot be feasibly obviated through any other means.

The motion was seconded by Mr. Humpal.

Vote:

Roszak	<u>Y</u>
Humpal	<u>Y</u>
Williams	<u>Y</u>
Henwood	<u>Y</u>
Fry	<u>Y</u>
Approved	5-0

2. Z20-05 Clancey Sweeney 970 Weymouth Rd. VAR

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated this is a variance request from Section 1113.05(1)(2)A.2 of the Planning and Zoning Code to permit an accessory building in the front yard when such structures are required to be in the rear yard. Mr. Mendel stated the property is zoned R-1, Low Density Urban Residential. Mr. Mendel stated the property is located on the south side of the 900 block of Weymouth Road

Mr. Mendel stated the applicant constructing a new 16'x40' accessory building in the front yard of the subject property to replace an existing shed. Mr. Mendel stated the property is located near the City limit on Weymouth Road across the street from the Bill Dunn Field/Reagan Park parking lot. Mr. Mendel stated the existing house is setback about 230 feet from the front property line and the proposed accessory building is located about 150 feet from the front property line. Mr. Mendel stated the R-1 zoning district minimum front yard setback is 40 feet.

Mr. Mendel stated for discussion, the definition of Front yard was provided in the staff report.

Mr. Mendel stated the Board shall weigh the following factors to determine whether an area variance should be granted:

B. *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*

Mr. Mendel stated whether or not a shed is placed on this property is likely not a factor for the beneficial use of the property.

B. *Whether the variance is substantial;*

Mr. Mendel stated the variance may not be substantial given the large size of the area of the existing front yard and significant setback of the proposed shed from the Weymouth Road frontage.

C. *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;*

Mr. Mendel stated the essential character of the neighborhood may not be altered as there has been a shed in the proposed location for an extended period of time. Mr. Mendel stated the proposed shed, although larger, may not have an appreciable impact on the character of this portion of Weymouth Road.

D. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);

Mr. Mendel stated the variance would not adversely affect the delivery of governmental services.

E. Whether the property owner purchased the property with knowledge of the zoning restrictions;

Mr. Mendel stated these regulations were in place when the applicant purchased the subject property in January, 2019.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

Mr. Mendel stated the shed could become an attached accessory building (i.e. physically attached to the house) and would then have to comply with the setback requirements of the R-1 district for the house.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Mr. Mendel stated generally, the intent of this requirement is maintain a standard aesthetic of principal buildings along street frontage when the intended or actual consistent character is primarily principal building front facades. Mr. Mendel stated the subject property is somewhat an island unto itself and there is not much physical or visual continuity between it and its neighbors to create a strong consistent character.

Mr. Mendel stated the BZA must weigh the above seven factors for the requested variance and determine if a practical difficulty exists that would merit a variance from Section 1113.05(1)(2)A.2.

Present for the case was the property owner Clancy Sweeney, 970 Weymouth Road, Medina, Ohio. Mr. Sweeney stated the option of attaching the shed to the house is not feasible because of a steep ravine on the left and right sides of the house. Mr. Sweeney stated he would not be able to even put a driveway in that area. Mr. Sweeney stated there is no place he would be able to attach another section to the home without completely reconfiguring the property.

Mr. Sweeney stated the shed in the rear of the property would put it approximately 30 feet from the nearest house. Mr. Sweeney stated there is a cul-de-sac located directly behind the rear property line which is why he is proposing to put the shed in a completely isolated area which is surrounded by trees. Mr. Sweeney stated the lowest property to the right would not be able to see the shed from their back porch or the road due to the number of trees. Mr. Sweeney stated the proposed location for the shed is on an existing paved driveway which would eliminate the need to add another paved drive.

Mr. Mendel stated the notices went out to the surrounding neighbors and 2 responses were provided in the packet. Mr. Mendel stated both neighbors had no issue with the proposal.

Mr. Sweeney stated it is a prefabricated shed and is already built. Mr. Sweeney stated he was under the impression the builder was going to pull the permit but they did not. Mr. Sweeney stated he applied for the permit and was unclear about the definition of "front yard" when he applied.

Mr. Henwood stated he is comfortable with the request as it is shielded by many trees and will not be visible. Mrs. Fry stated she agrees and is comfortable with the request.

Mr. Henwood made a motion to approve a Variance request from Section 1113.05(1)(2)A.2 of the Planning and Zoning Code to permit an accessory building in the front yard when such structures are required to be in the rear yard based on the finding that the neighborhood character would not substantially change and the adjacent properties would not suffer a detriment as a result of the variance and the variance would have no adverse impact on the public delivery of services.

The motion was seconded by Mr. Williams.

Vote:	
Roszak	<u>Y</u>
Humpal	<u>Y</u>
Fry	<u>Y</u>
Williams	<u>Y</u>
Henwood	<u>Y</u>
Approved	5-0

3. Z20-06 Forest Meadows Villas 574 Leisure Ln VAR

Mr. Mendel gave a brief overview of the case. Mr. Mendel stated there are two variance requests. Mr. Mendel stated the first is a variance from Sections 1113.05(1)(2)A.5 & 7 of the Planning & Zoning Code to permit an 18 foot tall and 1,800 sqft accessory building instead of the maximum 15 feet tall and 1,032 sqft.

Mr. Mendel stated the second request is a variance from Section 1145.09(a)(1) of the Planning & Zoning Code to permit a gravel drive to the proposed accessory building where a concrete or asphalt drive is required.

Mr. Mendel stated the property is Zoned R-2, Medium Density Urban Residential. Mr. Mendel stated the site is located on the south of the applicant's multi-family property with frontage on the south side of the 300 block of E. Reagan Parkway.

Mr. Mendel stated the applicant proposes a 1,800 sqft, 18 foot tall detached accessory building to be a service building for the applicant's existing multi-family property adjacent to the north. Mr. Mendel stated A the proposed accessory building would be accessed by a gravel drive from the existing paved drives within the applicant's existing property.

Mr. Mendel stated the Planning and Zoning code permits a maximum square footage of 1,032 sqft for all accessory structures and 15 foot height max. Mr. Mendel stated also, all drives and parking areas must be constructed with asphalt or concrete surface.

Mr. Mendel stated the Board shall weigh the following factors to determine whether a variance should be granted:

A. *Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;*

Mr. Mendel stated a maximum 1,032 sqft and 15 foot tall accessory building with a paved access drive could be built on the subject site without the requested variances.

B. *Whether the variance is substantial;*

Mr. Mendel stated the variances may be substantial. The proposal is:

- 3 feet or 20% taller than allowed
- 768 sqft or 74.4% larger in area than allowed
- all gravel drive surface or a 100% variance from code

C. *Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;*

Mr. Mendel stated the essential character may be altered as the there are few, if any, oversized accessory buildings in the immediate vicinity surrounding the subject site.

Mr. Mendel stated additionally, all driveways and access drives in the immediate surrounding area are paved in asphalt or concrete.

D. *Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);*

Mr. Mendel stated the variance would not adversely affect the delivery of governmental services.

E. Whether the property owner purchased the property with knowledge of the zoning restrictions;

Mr. Mendel stated the applicant owned and developed the subject property long before the regulations were in effect, but the subject property has been vacant and undeveloped.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and/or

Mr. Mendel stated the zoning code would permit a 1,032 sqft and 15 foot tall accessory building in the proposed location with a concrete or asphalt access drive.

G. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.

Mr. Mendel stated the intent of the requirements is to prevent accessory structures from dominating subject sites and neighboring properties and paved access drives that maintain a specific cultural aesthetic.

Mr. Mendel stated the BZA must weigh the above seven factors and determine if a practical difficulty exists that would merit a variances from Sections 1113.05(1)(2)A.5 & 7 and 1145.09(a)(1)

Present for the case was Chip Klinkenberg, President, Illes Architects, Medina, Ohio and also present were property owners Todd Gerspacher, Jim Gerspacher, and Troy Gerspacher.

Mr. Klinkenberg stated the maintenance building is needed for storage of supplies needed for the renovation of the apartment buildings. Mr. Klinkenberg stated they have been keeping renovations supplies in empty units in the past but now they are at full capacity and need space for outside storage and maintenance work for the two maintenance workers at the facility. Mr. Klinkenberg stated the height variance is to accommodate deliveries and the gravel drive variance is to try and keep the cost at a minimum in order to keep the unit costs lower and a good value to the residents.

Jim Gerspacher, 870 Beachwood Drive stated the height variance is no higher than his ranch home but is necessary to store the bus inside as well as bulk materials such as windows and air conditioners for remodeling of 135 units. Mr. Gerspacher stated they would like to hold down their costs so they can pass the savings on to the residents and would like to keep the vehicles out of the weather and provide a space for the maintenance workers to work. Mr. Gerspacher stated the structure would be on the opposite side of the other units behind landscaping and would be barely visible and lower

than buildings adjacent to it. Mr. Gerspacher stated the 2 story units to the west are much taller than the proposed building. Mr. Gerspacher stated they would prefer a gravel drive because there is a lake there and they would prefer a permeable surface to soak up water and not have excess runoff going into the lake.

Troy Gerspacher stated if they need to put trees in order to buffer the view of the building, they would be willing to do that. Mr. Gerspacher stated it is fairly hidden already but they would add more trees if recommended.

Todd Gerspacher, Manager of the property, stated it is a necessity as they are running out of space to maintain the property with 2 maintenance people who do much of the work on site. Mr. Gerspacher stated they have trailers they keep up for storage but no place to put it. Mr. Gerspacher spoke at length about their need for storage.

Charles Clark, 1042 N. Jefferson Street commented on the proposal. Mr. Clark stated their concern is why it is so close to their units in the event of maintenance being done inside the building which could cause noise and also there is a concern about EPA issues such as fuel and oil spills with the heavy equipment being stored inside the building. Mr. Clark mentioned concerns about vehicle traffic and maintenance. Mr. Clark asked the color of the roof and how it will fit in the area. Mr. Clark suggested additional tree buffering. Mr. Clark questioned the need for the height variance.

Craig Hari, 1042 N. Jefferson, commented on the proposal. Mr. Berry stated he is representing the Mallard Cove Homeowner Association which has 15 homeowners on the corner of the lake. Mr. Hari stated the Association President, Doug Loughheed could not attend this evening.

Todd Gerspacher stated the maintenance operations are Monday through Friday 8am to 4pm and nothing on the weekends. Mr. Gerspacher stated there is an office where the maintenance staff can do cutting and noisier tasks that they have been using for years. Mr. Gerspacher stated they would like to park the 14 passenger shuttle bus inside in order to keep it in better shape. Mr. Gerspacher stated the bus runs for a couple hours on Tuesdays and Thursdays. Mr. Gerspacher stated he is thinking of making it a green sided building with a white roof. Mr. Gerspacher stated they are agreeable to adding additional trees for buffering.

Mr. Humpal asked the height of the van. Todd Gerspacher stated the van is 9'9" tall to the top.

Mr. Mendel asked if the bus is gasoline or diesel. Mr. Gerspacher stated the bus is gasoline engine.

Mr. Klinkenberg stated this will be a heated space and in order to meet the building requirement, significant insulation is required which is why the extra height is needed.

Mr. Klinkenberg stated there is no mechanical work being done in the building so there is no concern about hazardous materials in the building. Mr. Klinkenberg stated there is no toilet facility in the plan.

Mr. Williams asked the applicant if they would be open to a permeable hard surface drive such as inset block or something similar. Mr. Williams stated he has concerns about the maintenance and appearance of the drive after a few years. Jim Gerspacher stated they can go with a different surface to eliminate the gravel but their reputation to keep their facilities looking good over 35 years is impeccable so he does not feel a gravel drive would be any different. Mr. Gerspacher stated they would like to keep it economically feasible.

Mr. Mendel stated he would recommend at least a double row of evergreens that are offset as a buffer. Mr. Mendel suggested an explicit request such as planted 10' on center evergreens starting at 4' tall planted in the 25' setback going north to south.

There was a lengthy discussion regarding buffering and drainage.

Mrs. Fry asked about the reference to storage for tenants. Mr. Gerspacher stated there is storage on the side of the Clubhouse that some tenants rent. Mr. Gerspacher stated that space is being taken up with material storage.

Mrs. Fry expressed concerns about the proximity to the assisted living facility to the north. Mr. Mendel stated the Fire Department will review this concern during the building permit review process.

Mr. Mendel stated it will also be reviewed by Engineering for new impervious surface.

Mr. Gerspacher stated the garage doors will be facing east.

Mr. Roszak stated he feels a white roof would stand out too much. Mr. Mendel stated color is non-regulated in the code but the board could make a color suggestion to reduce the look of the bulk of the building.

Mr. Roszak stated he would like to see the siding be green and the roof be an earthtone such as beige.

Mr. Williams stated he has no issues with the size of the building. Mr. Humpal stated he is ok with the size but has concerns about the height. Mrs. Fry stated she has concerns about the height. There was a lengthy discussion regarding the need for the height of the roof.

Mrs. Fry stated she would be comfortable with the permitted height and no height variance as she does not see the hardship in the height variance and it would not fit in with the surrounding neighborhood.

Mr. Mendel stated the applicant is proposing 18 feet but it is 18 feet to the ridge. Mr. Mendel stated an accessory building with this type of roof is to the mid-point of the roof per the zoning code so halfway between the ridge and the bottom of the eaves. Mr. Mendel stated it is probably more like 16' tall under code for the proposed building. Mr. Mendel stated the maximum height is 15'.

Mr. Klinkenberg stated they will make a structure change to the doors and lower the height compliant with the 15' height requirement.

Jim Gerspacher stated he would be willing to do a chip-n-seal surface drive.

Mr. Roszak made a motion to approve a variance from Section 1113.05(1)(2)A.5 & 7 of the Planning & Zoning Code to permit a 1,800 sq. ft. accessory building with a code compliant height subject to the following:

1. The west side of the building be screened with evergreen trees such as pine or fir to provide a solid screen from the building in 7 years.

Mr. Roszak motioned to approve a variance to Section 1145.09(a)(1) of the Planning & Zoning Code to allow a chip-n-seal drive or similar surface as impervious surface or an alternate permeable paver or similar drive and also the following:

1. The vertical surface to be dark green and the roof to be an earth tone

The approval is based on the finding that the essential character of the neighborhood would not be substantially altered and the spirit behind the intent of the zoning requirements would be observed and substantial justice done by granting the variance.

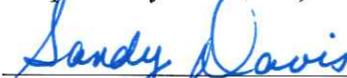
The motion was seconded by Mr. Williams.

Vote:

Williams	<u>Y</u>
Humpal	<u>Y</u>
Fry	<u>Y</u>
Rozsak	<u>Y</u>
Henwood	<u>Y</u>
Approved	5-0

Having no further business, the meeting was adjourned.

Respectfully submitted,


Sandy Davis

Bert Humpal

Bert Humpal, Chairperson

