

Chairman Joe Weinstein convened the Board of Zoning Appeals meeting at 6:00 p.m. Present were Lee Kleinbeck, Dave Robinson, Bill Daniel, Bob Juve, Russ Hose and Joe Weinstein. Kim Ferencz, Zoning Inspector was present.

NEW BUSINESS:

PUBLIC HEARING * 6:00 PM
APPLICANT: PAMELA PACE
LANDOWNER: PAMELA PACE
LOCATION: 1701 S MEDINA LINE RD
VARIANCE: ART. III, SEC. 302 GG. SWIMMING POOL
ZONING DISTRICT: R-1

Weinstein opened the public hearing.

Weinstein swore in all person who wished to speak for any of the issues on tonight's agenda.

Weinstein swore in Ferencz for the evening.

Ferencz stated that this request falls under Art. III, Sec. 302 GG. Swimming Pools: Swimming pools are to be located entirely to the rear of the main building and shall not be located closer than fifteen (15) feet from the rear and side lot lines.

Question #12 from the Variance application: Please explain the practical difficulties or unnecessary hardship which justify this application for a variance: "Both septic and leech bed are located behind the house * also very large tree."

The applicant and landowner are proposing the swimming pool to be placed in the side yard.

Cindy Fink from the Summit Soil & Water Conservation District was contacted regarding a setback for the riparian. Ms. Fink informed the Zoning Department that there are no riparian setbacks to an above ground swimming pool from a pond.

Ferencz entered into the permanent record the complete file, the Zoning Resolution & Map and the Comprehensive Land Use Plan.

The swimming pool would be located on the north side of the home.

Ms. Pace stated that her preference would be to place the swimming pool to the rear of the home but due to the septic and leech bed it is impossible.

Weinstein asked for additional comments from the floor. None were offered.

Juve moved to close the public hearing, Robinson, second. Weinstein called for the vote.

Robinson, aye, Juve, aye, Kleinbeck, aye, Daniel, aye, Hose, aye. The motion carried.

Robinson stated that there clearly were practical difficulties and moved approval of the application as presented, Hose, second. Weinstein called for the vote. Hose, aye, Robinson, aye, Juve, aye, Kleinbeck, aye, Daniel, aye. The motion carried.

PUBLIC HEARING * 6:05 PM

APPLICANT: FRANK MICHAELS HOMES

LANDOWNER: ELISABETH ANGRICK

LOCATION: 1228 SINGLETON DRIVE

VARIANCE: ART. IV, SEC. 451-5 E. MINIMUM REAR YARD DEPTH

ZONING DISTRICT: PRDD

Weinstein opened the public hearing.

Ferencz stated that this application falls under Article IV, Sec. 451-5 E. Minimum Rear Yard Depth * 40 feet.

Question #12 from the Variance application: Please explain the practical difficulties or unnecessary hardship which justify this application for a Variance: "Platted subdivision clearly shows that the front yard faces Singleton, therefore, rear yard would be opposite. If variance is not given for this lot, the lot will be unbuildable."

The Board of Zoning Appeals has previously granted variances on corner lots for this reason.

Weinstein stated that this was an issue that frequently comes up on corner lots.

Ferencz entered into the permanent record the complete file, the Zoning Resolution & Map and the Comprehensive Land Use Plan.

Jason Brenner stated that if the Board had any questions he would be available to answer them.

Weinstein asked if this was a platted lot in a subdivision such that the opposite side of the house from the way the Zoning Resolution is written, would be the front. Mr. Brenner stated yes.

Mr. Brenner showed the Board a drawing showing house placement.

Robinson stated that the applicant was requesting a variance from 40 feet to 28 feet.

Weinstein asked for additional comments from the floor. None were offered.

Kleinbeck moved to close the public hearing, Hose, second. Weinstein called for the vote. Robinson, aye, Juve, aye, Kleinbeck, aye, Daniel, aye, Hose, aye. The motion

carried.

Hose moved approval of the application as submitted (40 feet to 28 feet), Kleinbeck, second. Weinstein called for the vote. Hose, aye, Robinson, aye, Juve, aye, Kleinbeck, aye, Daniel, aye. The motion carried.

PUBLIC HEARING * 6:05 PM
APPLICANT: JON & VAL TORRENS
LANDOWNER: JON & VAL TORRENS
LOCATION: 4430 SPRUCE RUN
VARIANCE: ART. III, SEC. 302 CC. PRIVATE GARAGE
ZONING DISTRICT: R-2

Weinstein opened the public hearing.

Weinstein swore in all persons who wished to speak.

Ferencz stated that this application falls under Art. III, Sec. 302 CC. Private Garage, maximum size is 900 square feet.

Question #12 from the Variance application: Please explain the practical difficulties or unnecessary hardship which justify this application for a variance: "Practically, by adding the 6 feet we could then have a 4-car garage. This would alleviate the need to build an additional free standing garage and additional driveway."

The applicants and landowners are proposing an additional 156 square feet. The total they are requesting is a 1,056 square feet attached garage. The lot consists of 2.6977 acres.

Ferencz entered into the permanent record the complete file, the Zoning Resolution & Map and the Comprehensive Land Use Plan.

Ferencz stated that there will be a public hearing on the size of detached garages before the Zoning Commission on July 5, 2006.

Jon Torrens stated that the size of the garage that they are requesting is staying within the scale of the dwelling. The extra square footage that they are requesting would be facing the woods. Mr. Torrens stated that if they were not granted the variance, they would have to clear trees and then build a detached garage.

Jim Schulte stated that he will be a neighbor once he builds his home and has no problems with the request.

Weinstein asked for comments from the floor. None were offered.

Robinson moved to close the public hearing, Hose, second. Weinstein called for the vote.

Juve, aye, Robinson, aye, Kleinbeck, aye, Daniel, aye, Hose, second. The motion carried.

Robinson moved to approve the variance as submitted, Hose, second. Weinstein called for the vote. Kleinbeck, aye, Juve, aye, Robinson, aye, Daniel, aye, Hose, second. The motion carried.

The minutes of April 26th and May 24th will be reviewed at a later date.

FUTURE MEETING DATE: July 26th

With no further business to come before the Board, the meeting was adjourned at 6:30 p.m.

Joe Weinstein, Chairman
Sue Schultz, Secretary