



Building and Zoning Appeals Minutes

Meeting held in Boards and Commissions Room, Monday, July 11, 2022, at 6:00 p.m.

Members Present: Mike Svasta, Randall Roberts, and Greg Seifert.

Members Absent: Edward Franks

Also Present: Brenna Smith from American Construction, Mark Clements from American Construction, Mr. Dillon, Brianna Monroe, Brad Miklovich, Zac Cowan, and Mary Botts

Approval of Minutes: Minutes of the June 13, 2022, meeting, motion to approve by Mike Svasta, seconded by Greg Seifert, motion passed 3-0.

Meeting called to order by Vice Chairman Randall Roberts at 6:00 p.m.

Attendees sworn in.

Case #22-013

This is a request by Brad Miklovich, applicant, for approval to install a patio around a swimming pool.

The property, located at 5211 Beckett Ridge (parcel 56-17239), has an approximate area of 0.34 acres and is zoned R-1 with a PUD. The applicant proposes constructing a 40 ft. x 20 ft. (800 sq. ft.) in-ground swimming pool with a patio surrounding the pool at 3 feet from the rear property line and 11 feet from the south side property line. The minimum setback for patios extending to the principal structure in the Bayside PUD is 45 feet from the rear property line and 12 feet from the side property line.

The applicant is requesting the following variances:

1. Variance (42 ft.) from the minimum rear yard setback of 45 ft. for a patio - C.O.S. Section 1143.07(a).
2. Variance (1 ft.) from the minimum side yard setback of 12 ft. for a patio - C.O.S. Section 1143.07(a).

Mr. Miklovich stated he was putting in a pool and doing a patio around it. My neighbor, directly behind where this would be, he has six acres and it is mostly just vacant yard back there and it backs up to his swimming pool and he is all on board and he helped me knock out some trees and then the people to the south are totally okay with it too and everything is going to be encroached with a fence as well. It will be an aluminum 4' fence. It will look nice and it is just that rear fire pit that gets close to the boundary lines there. Mr. Svasta asked if we had heard from any of the neighbors and Ms. Botts stated no. Mr. Seifert said a Google Earth Search around the neighborhood and it shows there is plenty of other swimming pools in that neighborhood. Mr. Roberts stated the patio is the key element here. Mr. Roberts it is hardscaped and we see a lot of water runoff, have you taken that into

consideration? Mr. Miklovich said we did a water study and we have all that and we have plans to do where the swales go. There is a rear storm drain in the back by our neighbor's property and everything up front has been assigned to the downspouts across the street.

Mr. Svasta said there are two variances here. When I first read this before going out, I thought the 42 foot was pretty excessive but once I went out to this site and I saw what was being proposed and the surrounding area, I was more in favor of granting this and same with the other variance. I don't think these are unreasonable. Mr. Roberts said I think if this was a building going up or something that was a three dimensional rather than ground level it would be more applicable for concern especially for neighbors and other people so I too can't come up with any other questions because it is pretty straight forward.

Motion to approve Case #22-013, Variance #1, by Mike Svasta, seconded by Randall Roberts, motion passed 3-0.

Motion to approve Case #22-013, Variance #2, by Mike Svasta, seconded by Greg Seifert, motion passed 3-0.

Case #22-014

This is a request by William Foster, applicant, for approval to construct a 960 sq. ft. garage/pool house located at 2834 Sedge Grass Trail.

The property (parcel 56-18053) has an approximate area of 0.91 acres and is zoned R-1. The applicant proposes constructing a 1,456 sq. ft. accessory building which includes a 40 ft. x 24 ft. (960 sq. ft.) garage with an attached 20 ft. x 16 ft. (320 sq. ft.) pool house and 11 ft. x 16 ft. (176 sq. ft.) arbor at the rear of the property, approximately 19 ft. from the side property line. The total height of the structure is 21 ft. 6 in.

The maximum area for any single accessory building for a lot area between ½ acre and 1 acre is 800 sq. ft. The maximum combined floor area of all accessory buildings for a lot area between ½ acre and 1 acre is 800 sq. ft. The minimum required side yard setback for the proposed accessory building is 25 ft.

The applicant is requesting the following variances:

1. Variance (656 sq. ft.) from the maximum floor area of 800 sq. ft. for a single accessory building on a parcel with an area between ½ acre to 1 acre - C.O.S. Section 1143.07(b).
2. Variance (656 sq. ft.) from the maximum combined floor area of 800 sq. ft. for a combined floor area of all accessory buildings on a parcel with an area between ½ acre to 1 acre. - C.O.S. Section 1143.07(b).
3. Variance (6 ft.) from the minimum required side yard setback of 25 feet - C.O.S. Section 1143.07(a).
4. Variance (6 ft. 6 in.) from the maximum height of 15 ft. for an accessory building. - C.O.S. Section 1143.07(c).

Mr. Dillon, homeowner, said what we are doing, the pool has already been approved but we are putting in a detached garage that sits back from the rest of the house just a little bit. I

have a 3-D image that shows what we are doing and the pool house is going to have an outdoor kitchen in it so that is what we are what we are what we are looking at doing. Because of the acreage we have, the building is a little bit too big for what we are saying, that is our intent that our lot allows us to do that. It is a larger lot in the development. It sits back really far back off the street. With the front view of that picture, it looks like you can see more of it than I think you really can. If you drive by the house, you really can't see the basketball hoop from the street. Mr. Roberts said you can't, I have driven by there. Mr. Dillon said, as you can see, the basketball hoop is right there so that is going to sit back even further, probably 10 feet from the end of the driveway so it is not really going to be very visible from the street and the neighbor's closest to us they have a fence along the side and we have nine Cleveland Pears going down the driveway that are very tall so it kind of obstructs the views that we have going on back there anyways. Mr. Clements said he had a site plan to show the Board. Mr. Roberts said anything you can set before us is worthy of review. Mr. Dillon stated there is a house in the neighborhood that has done a few things in the neighborhood. They have a pool and an outdoor basketball court. Mr. Roberts asked if we had heard from any neighbor on this and Ms. Botts said we had heard from the neighbor next door at 2836 Sedge Grass, Mr. Tallarico, and he had no objections.

Motion to approve Case #22-014, Variance #1 by Mike Svasta, seconded by Greg Seifert. Motion passed 3-0.

Motion to approve Case #22-014, Variance #2 by Mike Svasta, seconded by Randall Roberts. Motion passed 3-0.

Motion to approve Case #22-014, Variance #3 by Mike Svasta, seconded by Greg Seifert. Motion passed 3-0.

Motion to approve Case #22-014, Variance #4 by Mike Svasta, seconded by Randall Roberts. Motion passed 3-0.

Case #22-015

This is a request by James & Brianna Monroe, applicants, for approval to construct a 192 sq. ft. deck at the rear of the property at 4367 Hammontree Circle.

The property (parcel 56-13279) has an approximate area of 0.45 acres and is zoned R-1 with a Planned Unit Development (PUD). The applicant proposes constructing a 16 ft. x 12 ft. (192 sq. ft.) deck approximately 19 feet from the rear property line. The zoning code requires that decks, patios, porches, steps, and any other extension to the principal structure shall comply with the principal building setbacks. This zoning district requires a minimum 45-foot rear yard.

The applicant is requesting the following variance:

Variance (26 ft.) from the minimum required rear yard setback of 45 feet – C.O.S. Section 1143.07(a).

Ms. Monroe stated they are on a corner lot and they don't have 45 feet from the back of their house to the property line. With their lot, there are four houses that come together and they all have very unique properties so we currently have a deck that was put on when the house was built and the variance was approved for that. We are just extending it to be a little longer so it is 16' out which is the same length at the current deck so we are not

getting any closer to the property line we are just extending it the length of the house so it is over the garage so we get a little bit more sun. Right now we lose sun by noon or 1:00 p.m. so we would like to extend it to get more space and sun when there is sun. It is also lower, it is 8", it is basically a wood patio, not a deck so there are 2 stairs coming down from the existing deck and then 12' of just patio. Mr. Seifert asked if we had heard from the neighbors and we had not.

Mr. Roberts said he did not have any questions. Unfortunately, by our codes which we all have to live by, sometimes they fit or sometimes they seem like they don't fit but certainly this fits in the category and we have to make sure that we go through this process to give you due process and we don't just say yay or nay arbitrarily and we treat everyone fairly.

Motion to approve Case #22-015, Variance #1 by Randall Roberts, seconded by Mike Svasta. Motion passed 3-0.

Other Business: Mr. Cowan said he will be attending the meetings from now on. He would like some feedback from the board regarding the application materials they are receiving. Is there any additional materials that they would like to see? Any additional drawings? Mr. Roberts said he wasn't sure about the other board members but he goes out to either drive by or visit the site. First thing I do is bring up is bring up Google Earth to get familiar with the area. I may know the street or not but more importantly to look at the area, look at the property, look at the street views, get a perspective on what is out there before I visit. Anything I can get ahead of time to sort of make our job easier and information is always welcome whether it is from the applicant or from your office.

Mr. Svasta said he always looks for the staking or marks or something in the field. The last person didn't have it staked when I got there but they were already working on the deck which I thought this is already going up. I think asking the homeowner to have it staked should be one of the requirements in advance, or a timeline to have the stakes in before the meeting depending on when we get notice.

Greg Seifert stated that our current Building and Zoning Application could use an update to perhaps be less confusing for applicants when completing the form. The applications is written to reflect the information as the Ordinances are written but are somewhat confusing.

Adjournment: With no further business to be discussed, motion to adjourn by Randall Roberts, seconded by Mike Svasta, meeting was adjourned at 6:30 p.m.

Randall Roberts, Vice Chairman

Mary Botts, Secretary