

Board of Zoning Appeals  
Public Hearing Meeting  
February 23, 2015  
Minutes

Chairman Stanard called the Board of Zoning Appeals meeting to order at 6:00pm.

PRESENT AT ROLL CALL: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

OTHERS PRESENT: Dave Strichko, Building Inspector, Aimee Lane, Assistant Law Director, Jeff Filarski, Village Engineer, Sherri Arrietta, Clerk of Council

Mayor Renda made a motion seconded by Mr. Fritz to approve the minutes from the September 22, 2014 meeting.

ROLL CALL:

AYES: Mr. Fritz, Mayor Renda, Mr. Stanard

ABSTENTIONS: Mr. Bolek, Mrs. Cooper Mr. Pogatschnik,

NAYS: NONE

MOTION CARRIED

Mr. Stanard asked if there were any additions or deletions to last month's minutes. Mr. Bolek stated that on page 3, second paragraph, second sentence under Richard Rule Hoffman's item beginning with "Mr. Bolek stated" the sentence should read "Mr. Bolek stated that he liked the changes that the applicant made addressing the Planning Commission's concerns in design which will make improvements to both the applicant's project as well as to the neighbors."

Mrs. Cooper made a motion seconded by Mr. Fritz to approve the minutes from the January 26, 2015 meeting as amended.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: NONE

MOTION CARRIED

At this time, Mrs. Lane administered the oath to those who wanted to speak at the hearing. Chairman Stanard declared the public hearing open at 6:03pm.

**Kahn Residence**  
35 Ridge Creek Trail  
Area Variance –Pool House Eave Height

Mr. Matthew Wolf with Wolf-Maison Architects was present at the meeting. He stated that the Kahns are interested in adding a pool to the backyard which will also include another three-car garage, grill area, covered lounge, and a pool house. They want to have an area for a bar, a first floor laundry and a bathroom in the pool house and have the upstairs area as Pam Kahn's "retreat" area. Their thought was to keep it small; therefore Mr. Wolf stated that he initially created it with a 12:12 roof pitch but it did not match the existing house. He stated that he revised it so that the pitches would match, but in order to do so, he had to bump up the eave height from the required 9 feet to 11 feet.

Chairman Stanard declared the public hearing closed at 6:05pm.

Mrs. Cooper asked for further explanation on the "retreat" area and what exactly it will be used for. Mr. Wolf stated that Mrs. Kahn intends to use it as a "get-away" space; Mr. Kahn has a den in the house and she wanted a similar space of her own. It will not be used as neither temporary nor permanent living quarters. Mr. Fritz stated that he understands the constraints that a 9 foot eave height could impose upon the upstairs area and asked Mr. Wolf to explain the functionality of that area if the 9 foot eave height were to be used as opposed to the proposed 11 foot eave height. Mr. Wolf stated that he started with the 9 foot eave height and pitched it at a 12:12 in order to have head space, but it did not work; the space was not usable. Mr. Bolek asked Mr. Wolf about the existing eave height of the house because it appears as though the second three-car garage is being built to match the eave line of the existing roof. Mr. Wolf stated that was correct. Mr. Bolek stated that he is concerned with the new pool house because it is only 4 feet away from the main house and pointed out that its eave is in line with the new garage. Mr. Wolf stated that he is matching the existing roof pitches. A discussion ensued between Mr. Bolek and Mr. Wolf.

Mr. Bolek suggested that since he is dealing with an existing structure and since there are a lot of things going on, maybe if he were to bring the eave up to match the other eave there would be continuity. He stated that if he were make some modifications, it could possible lessen the eave height, which would lessen the amount of the variance requested. Mr. Bolek stated that he thinks that this would be an improvement in the design because it would limit all the structures (both detached and the main structure) to just two eave heights instead of three. He stated that will still allow for the height and it will be designed to match, without impacting the roof pitches.

Mr. Bolek stated that perhaps the variance could be approved for up to 2.3 feet with the intent that it ultimately matches the eave height of the front northwest corner of the house, making the total eave height about 11.3 feet.

Mrs. Lane stated that the applicants, Mr. and Mrs. Kahn, are requesting variance up to 2.3 feet with the intent to match the existing eave height on the front of the house at the northwest corner, at the property known as 35 Ridge Creek Trail. The findings of fact are as follows:

1. There are no special conditions or circumstances peculiar to the land or structure involved that are not applicable generally to other lands or structures in the same zoning district. As previously stated the intent of the variance is to match the existing pitch on the main house and in fact they have reduced what could have been 3 eave heights to 2 eave heights.

2. The property in question will yield a reasonable return and there can be beneficial use without the variance, however the proposed addition with the pool and pool house will add increased value to the property.
3. The variance is not substantial and, in fact, the applicant has explained in detail other alternatives were examined and the proposal is the minimum variance necessary.
4. The essential character of the neighborhood would not be substantially altered and adjoining properties would not suffer substantial detriment if the variance is granted. In fact, despite notices being sent out to the neighbors, no one appeared at this hearing with any objections.
5. Granting the variance would not adversely affect the delivery of governmental services.
6. The property owner purchased the property at the end of 2013 therefore did purchase the property with knowledge of the zoning restrictions.
7. There are no special conditions or circumstances that exist as a result of the actions of the owner.
8. The applicant's predicament cannot feasibly be obviated through some method other than a variance. The applicant did explain that other alternatives were considered in order to reduce the height as much as possible. The proposal that has been presented is the minimum necessary.
9. The spirit and intent behind the zoning will be observed and substantial justice done by granting the variance.
10. Granting the variance will not confer the applicant any special privilege that is denied to other lands, structures, or buildings in the same zoning district.
11. A literal interpretation of the code provision would deprive the applicants of rights commonly enjoyed by others in the same district under the terms of this code.

Mr. Stanard made a motion seconded by Mr. Fritz to accept the findings of fact.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: NONE

MOTION CARRIED

Mrs. Cooper made a motion seconded by Mayor Renda to approve up to a 2.3 foot variance for the pool house eave height, with the intent to match the eave height of the northwest corner of the existing house, located at 35 Ridge Creek Trail.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: NONE

MOTION CARRIED

Chairman Stanard declared the public hearing open at 6:23pm.

**Korner Residence**  
70 Farwood Drive  
Area Variances – Detached Garage Eave Height

Mr. Todd Korner, homeowner and builder, was present at the meeting. He stated that this is his grandparent's house and he will be moving into it in a few months. Mr. Korner stated that he is proposing to add a great room and a detached garage for an RV. He stated that the reason for the detached garage is because an attached garage would have been too large and would have blocked the view

+of the ravine. The height of the detached garage that is being proposed is higher than the code allows, which is why he is requesting a variance.

Chairman Stanard declared the public hearing closed at 6:24pm.

Mr. Bolek stated that he is concerned because there is so much happening with the house. He stated that there is not any kind of architectural connection between the house and what is being proposed to it. Mr. Bolek stated that he understands the issue with the eave height concerning the RV, but he stated that he does not feel that this was thought through enough for him to be in agreement with it. He asked Mr. Korner if he had any other options to consider. Mr. Korner stated that the other option would be to put a 90 degree turn on the garage, extend the driveway out and enter into the garage from the eave side in order to get the height. A discussion ensued between Mr. Bolek and Mr. Korner.

Mr. Bolek stated that he believes that the idea is to make it relate to what is in the community by possibly connecting it to the back of the house but making sure that it is done properly so that it blends with the house. Mrs. Cooper suggested having the structure be attached by a breezeway, which could eliminate the height restriction since it is part of the house. Mr. Bolek stated that approval tonight might be premature until all options are explored. He stated that he believes Mr. Korner will be able to accomplish what he wants to do but in a way that works in his favor for seeking a variance as well as what will be best for the neighboring communities. Mr. Strichko informed Mr. Korner that if he opts to make the structure an attached one, then he will need to really pay attention to the rear setback so that it does not turn into another possible variance. The setbacks are different for detached and attached structures; for attached structures the setback is 50 feet.

Mrs. Lane explained to Mr. Korner his options as it relates to either withdrawing his application at this time or having this Board continue the matter for another month.

Mr. Korner stated that since he is not in a hurry to complete this portion of his project, he has decided to withdraw his application for the eave height variance for a detached garage.

Mr. Fritz made a motion seconded by Mr. Pogatschnik to adjourn the meeting at 6:40pm.

ROLL CALL:

AYES: Mr. Bolek, Mrs. Cooper, Mr. Fritz, Mr. Pogatschnik, Mayor Renda, Mr. Stanard

NAYS: NONE

MOTION CARRIED

Respectfully Submitted,

---

Sherri Arrietta, Clerk of Council