

**MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
AUGUST 8, 2019**

Members Present: Farrell, Wolf, Brandt, Christ, Pempus

Presence Noted: Raymond Reich, Building Commissioner
Andrew Bemer, Law Director
James Moran, City Council President

Mr. Pempus opened the August 8, 2019 Meeting of the Board of Zoning and Building Appeals at 7:00 p.m. in Council Chambers of Rocky River City Hall.

1. MATTHEW CARSON – 2742 Country Club Blvd. – PUBLIC HEARING – Variance to construct a garage addition with a 44' front setback vs. 50' front setback required (Section 1153.07(a)). Matthew Carson came forward to present the variance request.

Mr. Christ read the meeting notice, which includes the names of the parties who received it. The applicant was sworn in. Mr. Carson said that he is back this month with a new proposal to construct a 2½ car garage and he has removed the addition of the third bay from the plan. Mr. Pempus said that the analysis that was submitted by the applicant, which includes an aerial view and a measurement of setbacks of houses in the neighborhood, is very helpful. He said that the proposed setback is consistent with the homes across the street and next to him, except for the house to the north. Mr. Carson said that Mr. Pempus is correct and he has reduced the encroachment into his front setback so that now they would be at a 44' front setback versus the 38' front setback they were asking for before. They will have an 18' garage door and the entire garage will be newly constructed so that they can correct some water issues they have with the existing garage foundation. The garage will be 19'- 4" deep, which Mr. Carson said will be sufficient.

Mr. Brandt said that he has no problem with the request and that Mr. Carson responded to everything they said at the last meeting.

Mr. Christ moved to close the public hearing. Mr. Brandt seconded.

5 Ayes – 0 Nays
Passed

Mr. Christ moved to grant a variance to Matthew Carson, 2742 Country Club Blvd. to construct a garage addition with a 44' front setback vs. 50' front setback required. The applicant has indicated the practical difficulties with providing enough space and access for the vehicles and adjacent storage. This is a minimal request and is consistent with the adjacent properties, per the applicant's study.

5 Ayes – 0 Nays
GRANTED

2. BRADLEY AND COLLEEN ALDINGER – 2775 Country Club Blvd. – PUBLIC HEARING – Variance to construct a pergola with a 3' side yard setback vs. 7' side yard setback required (Section 1153.15(g)) and a Variance to construct a gas firepit structure with a 3' side yard setback vs. 7' side yard setback required (Section 1154.15(g)). Mr. Teal Rickards, Landscape Architect and Contractor, came forward to present the variance requests.

Mr. Christ read the meeting notice, which includes the names of the parties who received it. Mr. Rickards was sworn in. Mr. Rickards said that his clients are out of town and could not be here tonight. Mr. Pempus said he would like to compliment Mr. Rickards on his submission. He explained that the neighbor to the south happened to be in his back yard when Mr. Pempus visited the site, and the neighbor told Mr. Pempus that he is fine with the plans for this variance request and that he is planning to do something similar in his yard. Mr. Pempus said that it would be very helpful for the homeowner to get a survey of this property so that it is clear where the actual property line is and Mr. Rickards agreed. Mr. Pempus said that there were two letters from neighbors that were sent to the Building Department and they were both in opposition to the design. Mr. Pempus said that one letter is from Rosemary Kearney, who lives next door to the applicant and the other letter is from Kathy Pfaff, who lives next to Ms. Kearney to the east on Devon Hill Rd. Mr. Rickards said he received the letters and he has some thoughts he would like to share. He respects what the neighbors are saying and hears their concerns. However, the points they brought out about having had some problems in the neighborhood with loud parties, he does not think that is something that they can determine at this meeting. One of the reasons they are going in the direction they are is that it is important to his clients that they block the view to the neighbor's property because it is not well maintained. They feel that when this is installed, it will be a win-win for both properties. The homes are so close and it is very important to his clients that this is as nice looking from the Aldinger's perspective as it is from the neighbor's perspective. There will be fence panels with evergreens in between each panel, as a way to soften the views and provide a structure for a climbing vine of some sort. He knows that his clients are not partygoers and that they are older, with grown children who are out of the house. They just want to have a nice place for a dining table and a living space outside. The driving force for this project is the fact that the lot runs east and west, and they have no reprieve from the sun. The pergola will exist as a shade structure and the two trees on either side will help with the sun from 8:00 a.m. until 11:00 a.m. and from 3:00 p.m. to 6:00 p.m. If the shade structure were to be located anywhere else, then it would not be functional because the sun goes from east to west. They have also attempted to screen the back yard area from the street.

Mr. Wolf asked about the height of the four trellises and Mr. Rickards responded that they are 6' x 6'. They are made up of a series of horizontal panels that are made of wood, beginning with 6" x 6". They will start with a 1" x 8" with a 2-3" space, and then a 1" x 6" with a 2-3" space and then a 1" x 4" board with a 2-3" space. There will be a 2" x 6" cap on top of that. They have chosen four very strategic locations for the horizontal panels,

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including one to be located on the south side of the dining patio, one on the east side, one on the south side of the smaller patio and then one on the street side. In between those panels will be a hedge of boxwoods. They are trying to keep the structure to a minimum with mostly all greenery around it.

Mr. Farrell said that it does not seem that things are really to scale on the plans and that the variance request is for a 3' setback for the pergola. Mr. Wolf asked if there is a setback requirement for the trellises and the Building Department responded that they are like fences and there is no setback requirement for them. Mr. Rickards said that he wants to have the pergola 2' from the property line, and the fireplace structure will be within the footprint of the posts, which would put it at 2' from the property line also. Mr. Rickards was told that the site plan shows the pergola at 3' and he responded that he may have misunderstood. However, he can easily place the posts for the pergola and the fireplace structure 3' from the property line. The plans show that the overhead joists for the pergola will be 2' from the property line. After some discussion, Mr. Farrell confirmed with the applicant that the pergola and the back face of the fireplace will be a minimum of 3' from the property line and Mr. Rickards said that Mr. Farrell is correct. He will also build the overhead joists so that they have a 3' setback from the property line.

Mr. Christ summarized that the trellises will have a 2' setback, although they could have a 0' setback because the City has determined that they are fences. The pergola overhang must have a 3' setback or the Building Department would have to send out new notices to the neighbors and the applicant would have to return to BZA for the pergola. The fire pit will be in line with the back of the posts, which will have a 3' setback. The applicant said that everything that relates to the pergola and the fire pit will be at 3' from the property line.

Discussion was had about the gas fireplace having an open top and Mr. Christ said that he would like to be sure that it will be reviewed by the fire department. Law Director Bemer asked where the air conditioner condensers will be located because there is a note on the plan to explore the relocation of them. Mr. Rickards said that the homeowners are aware of the required 10' setback from the property line for the condensers.

Mr. Christ moved to close the public hearing. Mr. Wolf seconded.

5 Ayes – 0 Nays
Passed

Mr. Christ moved to grant a variance to Bradley and Colleen Aldinger, 2775 Country Club Blvd., to construct a pergola with a 3' side yard setback vs. 7' side yard setback required. The applicant has indicated the practical difficulties with providing shade to the back yard and this request is reasonable relative to the setback. The applicant will provide a survey to verify the property line and an updated drawing to the Building Department. Mr. Wolf seconded.

5 Ayes – 0 Nays
GRANTED

Mr. Christ moved to grant a variance to Bradley and Colleen Aldinger, 2775 Country Club Blvd., to construct a gas firepit structure with a 3' side yard setback vs. 7' side yard setback required. This location fits within the design of the pergola and the patio area and this will be reviewed by the fire department for veracity. Mr. Wolf seconded.

5 Ayes – 0 Nays
GRANTED

3. DAVID WILLIAMS – 21736 Aberdeen Rd. – PUBLIC HEARING – Variance to construct an addition and enlarge an existing 2-car attached garage with 30.4% lot coverage vs. 28% maximum coverage permitted (Section 1153.05(3)), a Variance to construct an addition with a 22.3' rear yard setback vs. 25' rear yard setback required (Section 1153.07(2)), and a Variance to construct a garage addition with a 5.5' side yard setback vs. 8' side yard setback required (Section 1153.07(1A)). Mr. Kurt Oster, General Contractor, came forward to present the variance requests.

Mr. Christ read the meeting notice, which includes the names of the parties who received it. The Contractor was sworn in. Mr. Pempus began by saying that two of the requests are not substantial, but the one that stands out to him the most is the 5.5' side yard setback for the garage addition. Mr. Oster said that the existing garage is too small for two cars to fit and allow them to open the car doors. The extra width will provide space for the two vehicles as well as a little extra space for storage. Mr. Pempus said that there is an existing fence along that side and it seems pretty tight there. Mr. Oster said that Mr. Williams has talked to his neighbors and two of them have emailed that they are fine with it. Mr. Oster said that he spoke directly with the neighbor to the west today and he is fine with it. Mr. Pempus acknowledged that they received two emails from neighbors. Mr. Howard Holan the rear yard neighbor and Mr. Michael O’Shea, the neighbor to the east, are both supportive of the variances.

Mr. Wolf said that he is less troubled by the garage additions and that it is easy to see the tightness of the existing garage. However, they don’t have the full floor plan, which would help him to understand why the family room and powder room are being requested. He is more concerned about the resulting rear yard, which is the lot coverage issue. If his math is correct, the 28% would be 2,032 sq. ft. and the request is 2,200 sq. ft. The family room addition at the rear is what he struggles with the most. Mr. Oster said that the applicants want the living space that the family room will provide the most because the home is so small. Mr. Wolf said that the lot is also very small.

Mr. Pempus said that there is a pinch point at the back on the side setback, which is at 5’ – 5”, and the setback relaxes somewhat toward the street side. Mr. Wolf asked what the

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room is that is to the west of the family room and Mr. Oster responded that it is the master bedroom.

Mr. Christ asked if the Building Department verified the calculation for lot coverage because he is having trouble recreating the calculation. There are also a couple of projections on the west side of the existing house that are not shown on the site plan. Mr. Oster said that there is a garden shed attached to the house, which was there when his client purchased the home. Mr. Christ said he thinks there is an error with the dimensions on the site plan and he is not sure where the error lies. Mr. Oster said that he did not do the math on the lot coverage. Mr. Christ said he is concerned about the lot coverage and, with the family room that will be added, there will be minimal backyard space left on this lot that is already considered small.

The applicant said he will figure out the math and come back with revised numbers for the lot coverage.

Mr. Christ moved to table this item for up to 60 days. Mr. Wolf seconded.

5 Ayes – 0 Nays
Tabled

The meeting adjourned at 7:55 p.m.

Eric Pempus, Chairman

Richard Christ, Secretary

Date: _____