

21012 HILLIARD BLVD.

ROCKY RIVER, OHIO 44116

(440) 331-0600

NOTICE OF PUBLIC HEARING

**BOARD OF ZONING AND BUILDING APPEALS
ON
MARCH 14, 2024**

TO WHOM IT MAY CONCERN:

THE BOARD OF ZONING AND BUILDING APPEALS WILL HOLD A PUBLIC HEARING ON THURSDAY, MARCH 14, 2024 AT 7:00 PM FOR A VARIANCE TO CONSTRUCT A TWO-STORY GARAGE ADDITION WITH A 33.1% LOT COVERAGE VS. 28% MAXIMUM LOT COVERAGE PERMITTED (Section 1153.05(c)(3)) AND A VARIANCE TO CONSTRUCT A 2-STORY GARAGE ADDITION WITH A 3' - 5" SIDE YARD SETBACK VS. 5' SIDE YARD SETBACK REQUIRED (Section 1153.15(b)(1)) FOR ADAM BURG, 19670 TELBIR AVE.

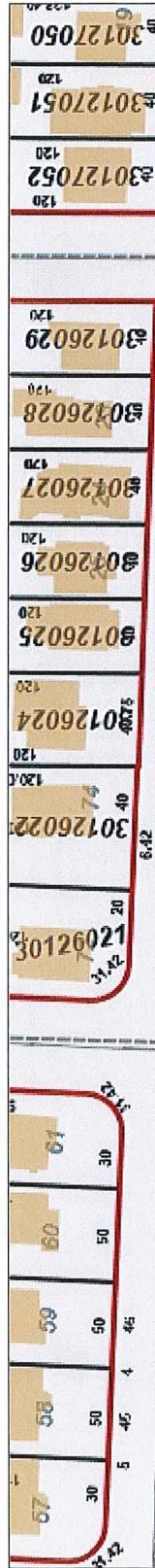
BEFORE REACHING A DECISION, THE BOARD WILL GIVE THOSE IN ATTENDANCE AN OPPORTUNITY TO BE HEARD.

PLANS SHOWING THE PROPOSED LOCATION ARE ON FILE IN THE BUILDING DIVISION OFFICE AND ARE AVAILABLE VIA E-MAIL OR TO VIEW IN PERSON AT ROCKY RIVER CITY HALL, 21012 HILLIARD BOULEVARD. YOU MAY ALSO VIEW THE PLANS BY VISITING THE CALENDAR ON THE HOME PAGE OF THE CITY WEBSITE (www.rrcity.com) AND CLICKING ON THE MEETING LISTED FOR THIS DATE. PLEASE CONTACT KATE STRAUB, PLANNING & ZONING COORDINATOR AT kstraub@rrcity.com OR BY CALLING 440-331-0600 EXT. 2037 FOR MORE INFORMATION.

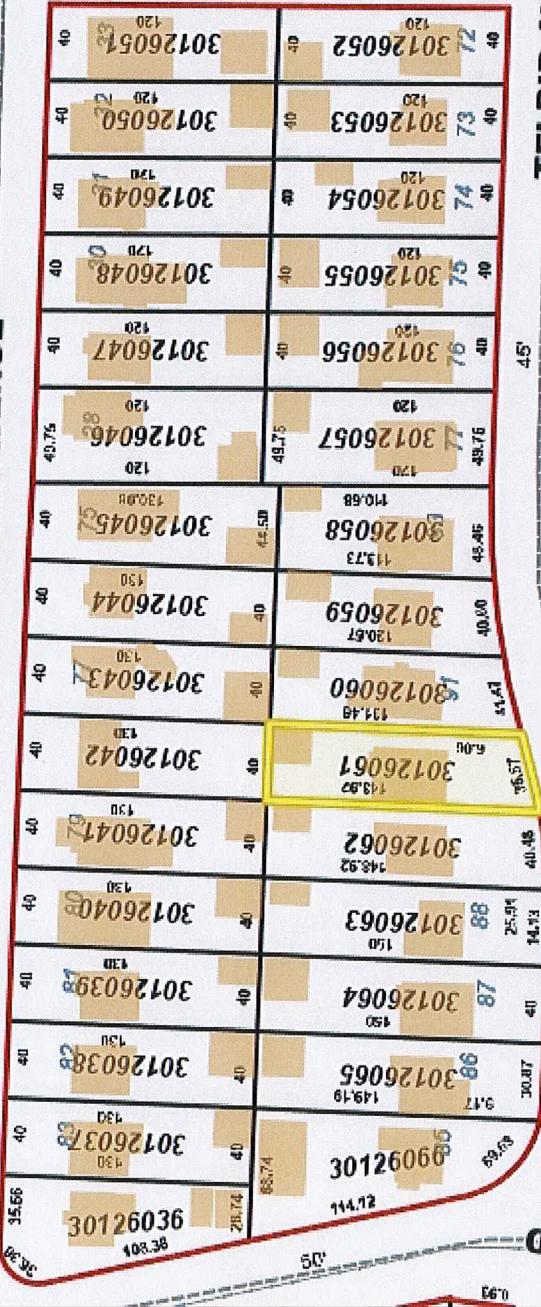
Notices sent to:
See attached list

PARCEL PIN	Name	Address	City	State	Zip
30126064	Howard D Fenc	19740 TELBIR AVE	ROCKY RIVER	OH	44116
30126069	VOIGT, RICHARD D.	19737 TELBIR AVE	ROCKY RIVER	OH	44116
30126072	Thomas Gallagher	19645 TELBIR AVE	Rocky River	OH	44116-2623
30126041	FADEL, BROOKE W.	19715 RIVERVIEW AVE	ROCKY RIVER	OH	44116
30126040	FURLONG, NANCY	19725 RIVERVIEW AVE	ROCKY RIVER	OH	44116
30126061	FRASER, TESSA & BURG, ADAM	19670 TELBIR AVE	ROCKY RIVER	OH	44116
30126039	BATTERSHELL, BETHANY	19737 RIVERVIEW AVE	ROCKY RIVER	OH	44116
30126043	HINES, LESLIE J	19657 RIVERVIEW AVE	ROCKY RIVER	OH	44116
30126042	SCULLY, SONJA	1633 CHARLTON HEIGHTS RD	Coraopolis	PA	15108-3069
30126060	CONSTANCE M KELLER	19640 TELBIR AVE	ROCKY RIVER	OH	44116
30126071	LALLY, JOSEPH R.	19715 TELBIR AVE	Rocky River	OH	44116
30126058	JOYCE, ANDREW C. & KELLY R.	19610 TELBIR AVE	ROCKY RIVER	OH	44116
30126074	BONVISSUTO, JOE & BANDA, BHANU 19	19619 TELBIR AVE	ROCKY RIVER	OH	44116
30126062	THOMAS & JANE MURPHY	19718 TELBIR AVE	ROCKY RIVER	OH	44116
30126045	KAREN S. DIECKMAN	19615 RIVERVIEW AVE	ROCKY RIVER	OH	44116
30126073	MORTENSEN, CYNTHIA A.	19639 TELBIR AVE	ROCKY RIVER	OH	44116
30126059	LARUE, CINDY L. -TRUSTEE	19622 TELBIR AVE	ROCKY RIVER	OH	44116
30126063	Freelan, Norman E.	19730 TELBIR AVE	Rocky River	OH	44116
30126070	WILDROUDT, JOSEPH W. & JENNIFER V.	19725 TELBIR AVE	ROCKY RIVER	OH	44116
30126044	Carol Ann Juniewicz	19635 RIVERVIEW AVE	Rocky River	OH	44116-2639
30126075	BRAFORD, DAVID WALTER & NANCY LEONORA	19605 TELBIR AVE	ROCKY RIVER	OH	44116

Cuyahoga County GIS Viewer



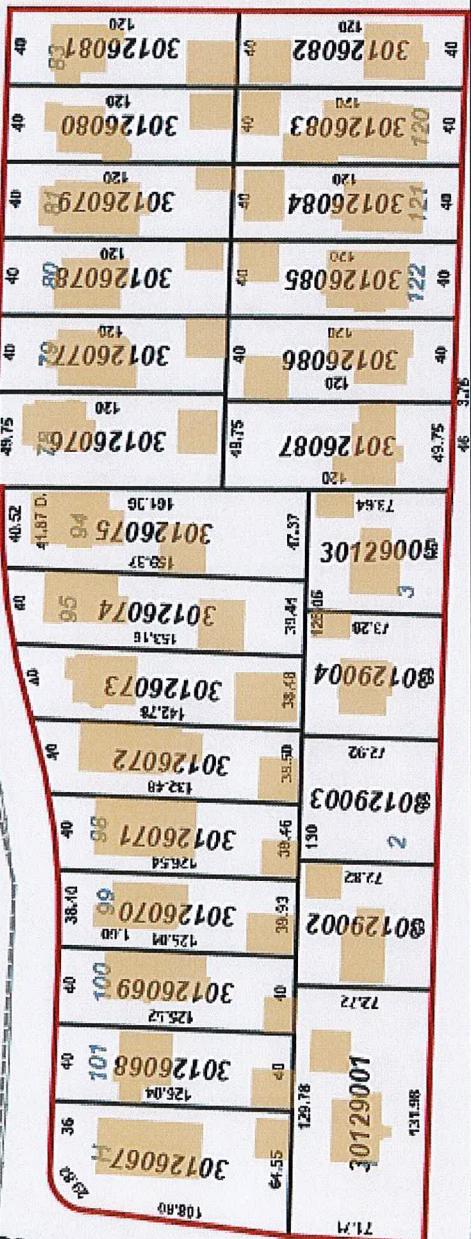
RIVERVIEW AVENUE



ROCKLAND AVENUE



TEL-BIR AVENUE



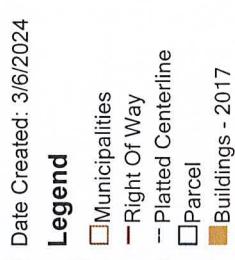
HAMPTON ROAD



200

100

0



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Cuyahoga County GIS Enterprise GIS
PUTTING CUYAHOGA COUNTY ON THE MAP

(b) Maximum Lot Coverage. The maximum lot coverage by building shall be as set forth in Schedule 1153.05 for the district in which the lot is located.

(c) Schedule 1153.05 Minimum Lot Requirements.

Schedule 1153.05 Minimum Lot Requirements		
	R-1 Single-Family Residential District	R-2 Two-Family Residential District
(1) Minimum lot area	10,000 square feet	6000 square feet ^(b)
(2) Minimum width at building setback line ^(a)	75 feet	60 feet
(3) Maximum lot coverage by building	28%	28%

^(a) On curved streets, the lot width shall be the arc length of the building setback line.
^(b) Per Dwelling Unit

1153.07 SETBACK REQUIREMENTS.

Dwelling units shall be located on a lot in a manner that maintains the minimum front, side, and rear setbacks set forth in this Section for the district in which the lot is located, except as otherwise regulated in Chapter 1183, Conditional Use Regulations. The area within each required setback shall remain unobstructed by structures, except as otherwise permitted in this Code.

- (a) Front Setback. Each lot shall have and maintain a front setback in compliance with the Setback Map, City of Rocky River, May 12, 1975.
- (b) Front Setback on Through Lots. On a through lot, a front setback shall be provided on each frontage equal to the minimum required front setback as set forth on the Setback Map, City of Rocky River, May 12, 1975. There shall be no required rear setback on a through lot.
- (c) Side Setbacks. Each interior and through lot shall have and maintain two side setbacks. Schedule 1153.07 sets forth the minimum width of each side setback.
- (d) Rear Setbacks. Each lot shall have and maintain a rear setback as specified in Schedule 1153.07.
- (e) Corner Lot Setbacks. Corner lots shall have and maintain the setback requirements in this sub-section, if the Setback Map, City of Rocky River, May 12, 1975, is unclear. See Figure 1 below.
 - (1) Corner Side Setback. Where new construction or an addition to an existing building is proposed for a corner lot, such building or building addition shall maintain a corner side setback that complies with the following:
 - A. The depth of the front yard on a corner lot shall be not less than the required setback as established on the Setback Map or by regulations in this Zoning Code.

- B. The width of the side yard on the side street, as defined herein, shall be not less than one-half ($\frac{1}{2}$) of the depth of the front yard required for the adjoining lot which abuts on a side street, unless shown otherwise on the Setback Map.
- C. Accessory buildings in a rear yard shall be located not less than twenty-five (25) feet (.76 m) from the side street line, but in no case less than required for the main building, and not less than ten (10) feet (3.05 m) from the rear lot line.

(2) Interior Side Setback. The width of a side setback along the interior side lot line shall not be less than the minimum side setback as set forth in Schedule 1153.07.

(f) Schedule 1153.07 Minimum Setback Requirements:

Schedule 1153.07 Minimum Setback Requirements		
	R-1 Single-Family Residential District	R-2 Two-Family Residential District
(1) Side Setback ^(a)		
A. Minimum of any one side	8 feet	8 feet
B. Total side setback	16 feet	16 feet
(2) Rear Setback ^(b)	25 ft.	25 ft.

(a) For lots of less than sixty (60) feet in width, each side setback shall be not less than one-eighth (1/8) of the width of the lot, but not less than five (5) feet, whichever is greater.

(b) The required rear setback, when the parcel is adjacent to Lake Erie, shall be determined by averaging the rear setbacks of the nearest dwellings on either side of the lot, but shall not be less than 25 feet. For the purposes of this Section only, the "property line" along Lake Erie shall be the point where the natural shoreline intersects the ordinary high water elevation as determined by the Ohio Department of Natural Resources, Division of Geological Survey.

ROCKY RIVER BOARD OF ZONING & BUILDING APPEALS

INSTRUCTIONS TO APPLICANTS

MEETINGS: 2nd Thursday of each month at 7:00 P.M. – Council Chambers, First Floor of City Hall.

DUE DATE FOR SUBMITTALS: 2 weeks (14 days) prior to the scheduled BZA meeting. Late or incomplete submittals will not be forwarded to the Board for inclusion on the upcoming agenda.

WHO MUST ATTEND: A representative, including the property owner, must be present at the BZA meeting for all variance requests.

APPLICATION FEE: Residential Variance - \$100.00 first variance + \$35.00 each additional variance
Commercial Variance - \$150.00 first variance + \$35.00 each additional variance request.

SUBMISSION REQUIREMENTS: Please provide 10 sets of the following:

- 1) Appropriate Building Permit Application for your project. (i.e., Building Permit Application, Fence Permit Application, Accessory Permit Application, etc.)
- 2) Fully completed Variance Application, which includes a written explanation of the project. Please refer to the Typical Variance Sheet for guidance on which standard (Practical Difficulty **OR** Unnecessary Hardship) applies to your request – only complete questions under the appropriate heading.
- 3) Detailed site drawing, showing all existing structures on the subject property, as well as structures on affected neighboring properties. Dimensions of all existing structures (length, width and height, where appropriate). All proposed structures/improvements must also be shown on the site drawing, with dimensions and distances from property lines clearly labeled.
- 4) Elevation drawings (for pergola, garage, addition or exterior alteration).
- 5) Photographs of your property and affected adjacent properties. Also, submit a photo example of proposed fences and storage sheds.
- 6) Support letters from surrounding property owners, if available.
- 7) Any other information as may be requested by the Board, Law Director, or Building Commissioner.
- 8) **PLEASE NOTE THAT THE GRANTING OF A VARIANCE IS NOT A BUILDING PERMIT. A SEPARATE BUILDING PERMIT MUST BE ISSUED PRIOR TO ALL CONSTRUCTION.**

All documentation or other information shall be delivered to:

Rocky River Board of Zoning & Building Appeals, City of Rocky River Building Department, 21012 Hilliard Blvd., Rocky River, Ohio 44116. Call 440-331-0600 ext. 2037 with questions.

(Applicants may not communicate with or present information relating to their variance request to any Board member directly. Communications must be submitted to the Building Department for delivery to the Board.)

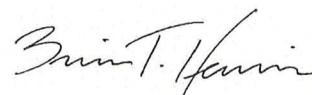
I, (the owner/applicant) understand that upon the granting of my variance request from the BZA, a separate Permit Application fee will be due prior to the issuance of the Building Permit. I will not begin construction until the Building Permit has been issued.



2/29/2024

Property Owner

Date



2/29/2024

Applicant/Representative

Date

BZA Application Fee: _____

Date Paid: _____

CITY OF ROCKY RIVER
21012 Hilliard Blvd., Rocky River, Ohio 44116
Telephone (440) 331-0600 — Fax (440) 895-2628

APPLICATION FOR BOARD OF ZONING & BUILDING APPEALS
(Please Print or Type)

Application Filing Date: 2/29/2024
Zoning of Property R-1 Family Platted Lot

Hearing Date: 3/14/2024
Permanent Parcel No. 301-26-061

**NOTICE OF REQUEST OF A HEARING BEFORE THE
BOARD OF ZONING & BUILDING APPEALS**

Address of property seeking variance: 19670 Tebir Ave.

Adam Burg

Brian T. Hennies

Name of Property Owner

Name of Applicant / Representative

19670 Tebir Ave., Rocky River

19749 Tebir Ave., Rocky River

Address

Address

-

330-241-1063

-

440-339-9334

Telephone No.

Cell Phone No.

Telephone No.

Cell Phone No.

E-MAIL: adamaburg@gmail.com

E-MAIL: bthennies@yahoo.com

Description of what is intended to be done:

New addition to the front of the house, and reconstructing the second floor to update bedrooms and match the footprint. The existing foundations, basement layout and first floor layout will remain in place and only be modified as required to gain access to building systems.

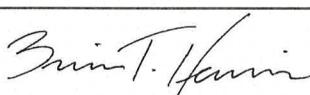
Sections of the Code from which variance is being requested:

1. Lot Coverage - 2. Side Setback (west side only)

List variances requested:

1. Lot Coverage to allow 33.1% (28% max) - 2. Side Setback 3'-5" from property line (5' required)


Property Owner's Signature


Applicant/Representative's Signature

★ Please note that the Board members visit the subject property prior to each BZA meeting.
Please indicate whether or not you have a dog(s) that may be outside at the time of their visits.

Yes No

TYPICAL VARIANCE SHEET

Please check appropriate box and answer questions as directed.

	Check as Applicable	VARIANCE STANDARD
<ul style="list-style-type: none"> • Any functional, land or building USE not specifically permitted in either a particular zoning district, or otherwise not permitted by the Development Code 	<input type="checkbox"/>	(Use) Unnecessary Hardship
ADDITIONS & BUILDINGS: (Complete Building Permit Application)		
<ul style="list-style-type: none"> • Rear, side & front setbacks • Coverage (>28%) 	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	(Area) Practical Difficulties 3'-5" (Area) Practical Difficulties 33.1%
DRIVEWAYS: (Complete Building Permit Application)		
<ul style="list-style-type: none"> • Width • Distance from property line • Circular if lot width is <90' 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties
SIGNS: (Complete Sign Permit Application)		
<ul style="list-style-type: none"> • Area allowed (maximum sq. ft.) • Height • Front setback • Lot width <100' • Number of items of information • On side of building 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties
FENCES: (Complete Fence Permit Application)		
<ul style="list-style-type: none"> • Height or Openness • Front Yard (in setback) 	<input type="checkbox"/> <input type="checkbox"/>	(Area) Practical Difficulties (Area) Practical Difficulties
ACCESSORY BUILDINGS (Play Structures, Storage Sheds: (Complete Accessory Structure Permit Application); Detached Garages: (Complete Building Permit Application)		
<p><u>Note:</u> Total square footage of all accessory buildings, including detached garages, is not to exceed 600 square feet.)</p>		
<ul style="list-style-type: none"> • Height • Setback from property line • Square footage 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	(Area) Practical Difficulties (Area) Practical Difficulties (Area) Practical Difficulties
Air Conditioners and Generators: (Complete HVAC Permit for A/C or Electrical Permit for Generators)		
<ul style="list-style-type: none"> • In side yard <10' from property line or in front yard 	<input type="checkbox"/>	(Area) Practical Difficulties
Parking: (Complete Building Permit Application)		
<ul style="list-style-type: none"> • < the number of spaces required • Setback from property line 	<input type="checkbox"/> <input type="checkbox"/>	(Area) Practical Difficulties (Area) Practical Difficulties

Responses are numbered based on

1. Lot Coverage
2. Side Setback

PRACTICAL DIFFICULTIES

ALL QUESTIONS REQUIRE A COMPLETE RESPONSE

R.R.C.O. 1133.17(c)(1). In order to grant an area variance, the following factors shall be considered and weighted by the Board of Appeals to determine practical difficulty:

A.) Describe what special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other land or structures in the same zoning district (i.e., exceptional irregularity, narrowness, shallowness or steepness of the lot; or proximity to non-conforming and inharmonious uses, structures or conditions).

1. The lot is smaller compared to others in the neighborhood and city, < 28% coverage does not allow too many options to expand. The 33.1% requested does not seem unreasonable compared to the current code.

2. The property lot width of 40' is one of the smallest in the city, and currently built out to maximize the use on the land. It (as well as other properties in this neighborhood) is closer to the property line than today's codes permit for side yard setbacks. The west end would not go beyond the current extents of the house, which is currently 3'-5".

B.) Explain whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance (discuss use limitations without the variance).

1. Without the variance the addition would have to reduce the footprint, making the interior use less ideal, and closer to what some bedroom sizes and quantities are now.

2. Without the variance the addition would not be able to accommodate an attached garage on the first floor, which is a driving factor to doing this project, while still allowing a reasonable sized entry and living room adjacent to it.

C.) Explain whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures (demonstrate how much the variance request deviates from Code requirements, i.e., coverage is 1 or 2% above Code, or setback is 1 or 2 feet less than Code requirement).

1. The lot coverage is 5.1% above the maximum, which we feel is minor. The former detached garage footprint is being removed and turned back over to yard, providing more space and pervious ground area. The back also has a covered patio, so it allows open space below.

2. The side setback we feel is not too unreasonable given the narrow lots in this neighborhood, and it is within reason of other houses current setbacks and other various requests. We also wanted to align with the current wall that projects out at this dimension to have a consistent surface on the first floor, it then steps back to the 5'-0" on the second floor.

D.) Explain whether the essential character of the neighborhood would be substantially altered and whether adjoining properties would suffer substantial detriment as a result of the variance (discuss the increase of value, use, and aesthetic appeal for both your property and adjoining properties, together with any negative impact to adjoining properties).

1. The lot coverage difference we feel is negligible and adjoining properties would not suffer detriment because of the variance.

2. We don't feel the variance would substantially alter the adjoining properties. The neighbors to the west would not be building beyond where the house currently is, so will not encroach any further.

E.) Explain whether the variance would adversely affect the delivery of governmental services, such as water, sewer, or trash pickup.

Either would not affect any government services. All services would be from same locations.

F.) Explain whether the property owner purchased the property with knowledge of the zoning restrictions.

No, all conditions existed when purchased.

G.) Explain whether special conditions or circumstances exist as a result of actions of the owner.

No, all conditions existed prior to purchase.

H.) Explain whether the property owner's predicament feasibly can be obviated through some method other than a variance (why other means and methods of property improvements or enhancements would not suffice).

Without the variances the addition would have to reduce the footprint, making the interior use less ideal, and closer to what some bedroom sizes and quantities are now. It would also make very tight dimension at the entry, and practically no space for a small, covered porch.

I.) Explain whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance (discuss the positive impact of your improvement on your property and on the surrounding neighborhood).

The setback variances would allow the owner to have an attached garage, mudroom and more acceptable bedroom sizes for today's living, all of which cannot be achieved with the current arrangement. The size and quantity of bed and bathroom are appealing for current and future homeowners, and the attached garage look is consistent to other recent home constructions on the street. The homeowners have been planning this significant upgrade for some time now.

J.) Explain whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

We don't see any of the requests to confer any special privileges to this property/owner, it appears to be in line with other nearby property requests or variances for similar reasons.

K.) Explain whether a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.

This property (as well as others in this neighborhood) is at a disadvantage with the narrow property widths, adhering to the setback distances in the code would normally not allow for these types of improvements that other properties in the city can easily achieve. Same can be said for the lot coverage, as a percentage it allows less opportunity for total square feet of development.

PLEASE NOTE: A separate Permit Application and fee will be due prior to issuance of the Building Permit. NO CONSTRUCTION IS TO BEGIN until the Building Permit has been issued.

2 Previous BZA Meetings

Mr. Christ moved to grant a variance to Chris and Kate Horne, 22105 Lake Rd., to construct a new front porch with a 3.6' aide yard setback vs. 8' side yard setback required. The applicant has indicated the practical difficulties and this is a minimal change and will be quite distanced from all of the adjacent neighbors and the public. Mr. Wright seconded.

5 Aye – 0 Nays
GRANTED

5. **ADAM BURG – 19670 Telbir Ave. – PUBLIC HEARING – Variance to construct a 2-story garage addition with 30.6% lot coverage vs. 28% maximum lot coverage permitted (Section 1153.05(c)(3)); a Variance to construct a 2-story garage addition with a 2' side yard setback vs. 5' side yard setback required (Section 1153.07(1)); and a Variance to construct a 2-story garage addition with a 3' – 5" side yard setback vs. 5' side yard setback required (Section 1153.07(1)).** Mr. Adam Burg, homeowner, came forward with Architect, Brian Hennies. Also present is Constance Keller, next door neighbor residing at 19640 Telbir Ave. to understand the plan.

Secretary Christ introduced the variances and Mr. Farrell swore the parties in. Mr. Hennies explained the project, which will require variances to increase bedrooms and bathrooms. The addition will be added to the front and the second floor will match that footprint. The existing floor plans are inefficient and narrow. They will be tearing down the detached garage in the back yard and will attach a garage in the front like other homes on the street have done. The back yard will have more green space. They are trying to maximize the interior square footage which creates the need for the side yard variances and a lot coverage percentage variance, which they feel is not a significant increase. The side yard setback on the west side where they are requesting the 3' – 4" setback lines up with the existing home. The east side setback is requested to be 2' and the addition will end up to be 2' from the east property line. He pointed out the fact that the lots are very narrow along the street and that limits the amount of available space for an addition.

Mr. Farrell said that one of their tasks is to make sure there are no alternatives that would decrease or even eliminate variance requests. He actually is wondering whether they will have a wide enough garage with this plan. Mr. Hennies responded that they are already tight in garage width and they are still working with the contractors on standard garage sizes and the door widths. They hope not to have to go significantly further to the west. They have some flexibility, but if they have to adhere to the 5' setback requirement it would almost completely cut off any type of porch or centralized front door on the south facing elevation. Mr. Farrell asked about the space called, "Entry" and wonders why they don't think about making the garage wider in that direction. Mr. Hennies said that if they do that, they would not be able to close off a room on the interior for an instrument room. They would like it to be sized to accommodate the entry and that room. The further west you go with the interior space, it allows a view through the dining room and into the kitchen. This floor plan does not allow that interior view and they are happy about that. Mr. Farrell asked if they will have room to maintain or access the backyard with the 2' setback.

Board of Zoning and Building Appeals
Minutes of Meeting
July 13, 2023
Page 6 of 7

Ms. Keller, next door neighbor, said that Mr. Burg said he tried to get ahold of her but he couldn't. She came to better understand the plan. As long as it doesn't interfere or block any of her windows in her back bedroom, she is fine with it. Mr. Farrell said that there is currently a driveway there, and the addition will be 2' away along the side. She said that Mr. Burg said they would not be blocking the windows in the back bedroom. The applicant and next door neighbor discussed the plan among themselves.

Mr. Farrell suggested that the neighbor should take a better look at these drawings so she can understand where they are building. Mr. Christ said that 2' means a person would have to walk sideways along the garage. Mr. Burg said that there is over 8' of green space from structure to structure. Mr. Farrell said that someone can come along and put a fence on the neighbor's property. Mr. Christ said he is only 1 vote, but 2' from the neighbor's property is not acceptable. They are charged with protecting open space on the applicant's property and on the neighbor's property. This will be a total of less than 6' of open space from the street side of this house. They are basically putting a wall all up against their neighbor's house. He cannot see building this so close to the property line and sees moving the garage over on the other side as a solution. He said again that he is only one vote.

Mr. Wolf said that with new construction, it is desirable to stay within the requirements but sometimes there is justification for varying a standard. He has a narrow lot and a detached garage on his property and he does not see being able to attach a garage on this side and conforming closely to the zoning ordinance. He also has an issue with garages being constructed forward of the main building line but he knows other Board members don't agree with that. He asked if they had the site surveyed because these lots are so narrow and the setbacks are so close. He would hate for them to find out that they need an even closer variance and have to do this process all over again.

Ms. Ramirez said that when something is so close to the property lines on the sides you start to get into fire separation and allowable area of windows and doors. She is not sure that getting so close to the property line like this really serves the homeowner and does a disservice to the interior space as well. Mr. Hennies said that they can look at narrowing or pulling that side back without disrupting the rest of the intent of the interior space. Ms. Ramirez said that this is a narrow lot but it is rather deep, so they may be better served by looking at expanding the depth rather than the width of the house. She said she also has an issue with the garage protruding in the front. Mr. Burg said that the last two houses on the street have been built with garages that protrude forward of the front wall of the house. Mr. Farrell said he does not think it is this Board's purview to tell them not to design the house that way. Mr. Christ said he thinks they should try to solve this puzzle a different way because he cannot see approving a 2' setback with the wall of the house.

Mr. Wolf added that the question listed as "J" which asks whether the granting of the variance would confer any special privilege on the applicant, he asks himself whether there is something unique to this lot that justifies this variance. He examines whether he would want to see this rolled out on every other lot with a similar narrow condition and he thinks the answer is no. Mr. Hennies said that they knew that the east side would be a challenge.

Board of Zoning and Building Appeals
Minutes of Meeting
July 13, 2023
Page 7 of 7

5 Ayes – 0 Nays
GRANTED

Mr. Wright suggested that they incorporate the footprint of the neighbor's house on the site plan as opposed to just a section of her house to give her a better understanding of the plan. Mr. Reich said that they should chalk it out and make sure the neighbor is very clear on what they intend to do and the impact it would have on her. Ms. Keller said that she wants to be able to sell her house when she is ready to and she does not want this project to negatively affect her property.

Mr. Wright moved to table this item for a period of up to 90 days. Mr. Christ seconded.

5 Ayes – 0 Nays
Tabled

Patrick Farrell, Vice Chairman

Richard Christ, Secretary

Date: _____

rights commonly enjoyed by other properties that conform with the Zoning Code because there are other places to locate this generator.

Mr. Christ moved to grant a variance to Michelle Stafanski, 59 Collver Rd., to locate a generator in the side yard with a 3' side yard setback vs. 10' side yard setback required. The applicant has indicated the practical difficulties which seem to consist of the existence of a concrete pad to place it on. Mrs. Martinez seconded.

0 Ayes – 4 Nays
DENIED

5. **ADAM BURG – 19670 Telbir Ave. – PUBLIC HEARING – Variance to construct a 2-story garage addition with 29.5% lot coverage vs. 28% maximum lot coverage permitted (Section 1153.05(c)(3); a Variance to construct a 2-story garage addition with a 2' – 10" side yard setback vs. 5' side yard setback required (Section 1153.07(f)(1)); and a Variance to construct a 2-story garage addition with a 3' – 5" side yard setback vs. 5' side yard setback required (Section 1153.07(f)(1)).** Mr. and Mrs. Adam and Tessa Burg, homeowners, came forward with Brian Hennies, Architect. Also present is Ms. Constance Keller, 19640 Telbir Ave., next door neighbor.

Secretary Christ introduced the variance request and Mr. Farrell swore in the parties. Mr. Farrell said that this was before them for requests which seem to be slightly reduced since the last time. He asked that they concentrate on what has changed because they know this request very well. Mrs. Burg thanked the Board for the feedback they received the last time they were here. They have provided additional information to make sure that the project is very clear for everyone. They feel they are not asking for anything unreasonable or that can be done differently. They also made sure they are doing better than the houses in their neighborhood, even though they know they are not within ordinance. They looked at new and existing builds and a lot of the existing builds have between 6' to 8' between houses. With this change, they will be 10' from their neighbor's house at the garage, they do not take it all the way back and they will not be obstructing her windows. Her back porch will not be disturbed and they will be going up as minimally as possible on the front. Mrs. Burg said that the pictures they provided show that the neighbor's view out her front porch will not be obstructed, which was a concern brought up previously. They have spent time with the neighbor to discuss the project on 4 different occasions and the neighbor's feedback was documented and addressed in the submission. They have found a garage system that is whisper soft so that it won't disrupt anyone in the house or the neighbors. They drive new cars so they don't have cars that off-gas and they will moving to all electric cars in the next 5 years because that is important to them. They believe that a 9' - 10' distance between their house and their neighbor's house will not affect the value of the neighbor's house.

Mrs. Burg continued by saying that if they located this on the back of the house, there would be no green space back there and they want to make sure that greenspace is maintained not only between the two houses, but also in the back. She said that they submitted police reports from the last 14 years that demonstrate that they live across the street from two different

felons who had open guns and were arrested for child abuse. She has had to get her kids out of the front yard on two different occasions as police had their neighbors' backs up against their house located just across the street. They want their children to be safe in their backyard to protect them from the pit bull owned by the neighbor across the street and their children are afraid for their safety. They feel the variance is not substantial and it keeps the house within character which is important to them.

Mr. Hennies said that the side yard setback on the east side of the house was pulled in by 10" and without the variance, it causes a problem with long, linear space on the first and second floor. The 2' – 10" side yard setback puts them at 9' from the neighbor's house at the garage, which is the closest point. There is 10' between houses where all of the windows are located along that entire stretch. The total footprint was reduced so it also reduced the total lot coverage they are requesting. The lot coverage request reduced from 30.6% to 29.5%. He described why they don't want to push the addition any more forward.

Next door neighbor, Mrs. Constance Keller said that she is a little bit upset because she enjoys sitting in her reading room and her view is currently very pleasant from that window but that will change with this plan. She is assuming that the grass in her entire side yard will be dead because of the location of the garage. She does not want to feel like she will be in a cave when she is in the room she enjoys so much. Mr. Farrell said that he understands her concerns and he is struggling with the fact that the lots are already so narrow. Mrs. Martinez asked about the floor plans on sheet A-1. The basement plan shows that it is 5' – 1" from the property line to the existing basement wall and the first floor shows the distance is 3' – 5". Mr. Hennies said that the first floor projects out that distance and they are requesting to continue the 3' – 7" setback distance on the west side because that is where the existing house is. Mr. Hennies said that the neighbors have submitted a letter, which includes the neighbor on the west side. Building Commissioner Reich said that he wants to make them aware that almost the entire construction needs to be fire rated materials and Mr. Hennies said that they are aware of that.

Mr. Farrell said that this home would project out in front more than the other two new houses on the street. He said that the new home to the east looks like it is more than 10' apart from the adjacent home. Mr. Hennies said that the home they measured is at the corner of Rockland and Telbir. Mr. Christ said that the distances they are quoting include the properties that are owned by someone else because they are quoting the distances from house to house. Those neighbors can build within 5' of their property and all of the sudden the 11' between houses becomes only 6' between houses. And the 10' distance becomes 5', and that is not the intent of the Code. It is not meant to include the setback of the adjacent properties when quoting distances between homes. Mr. Hennies said that they are allowing space for the neighbor to access the back yard and to enjoy light and air that can come in. Mr. Christ said that anything wider than a 30" lawnmower will not be able to access the backyard. Mr. Hennies said that there is no intent to access the backyard with more space than that. Mr. Christ said that he is not sure that a 2' – 10" access is enough room to allow adequate delivery of government services. He finds it troubling to use an adjacent property and that setback that belongs to that neighbor, in order to make the applicant's spaces work. He does not feel that

either of the side setbacks provide any adequate access for people or equipment to the backyard for servicing it if it becomes necessary. Mr. Hennies said that they discussed that and are comfortable with the amount of access they will have, even if a fence is installed along the property lines. Mr. Christ said that he is not comfortable with the little amount of space between the house and property line, and it is the downside of 40' wide lots. He said that sometimes there are lots that just won't allow you to add what you would look for in a modern house. Mr. Christ said that he could see moving closer to the front setback more easily than allowing a 2' – 10" side setback, but he said he is not encouraging them to go in that direction.

Mr. Farrell said that he is troubled by this and does not see that it fits in the front or on the sides. He cannot vote in favor of these variances. He said that he understands that the front of the house is within the setback, but he said it does not fit in with the neighborhood. The line of the street gradually steps forward and this house abruptly come south in front of the neighbor's house and it would be too close to her house. He does not feel this would be a good solution for this piece of property. He said that if they can do this without any variances, then there is not anything this Board can say about it. He said that he thinks this can be pulled back to 5' off of the east property line and they could make those spaces work without pulling it any farther forward and that is what he would like to see. Mr. Hennies said that it would create long, narrow spaces on the first and second floor. Mrs. Martinez said that she agrees with what has been said, and she understands the need for safety because she has 2 small children. Part of what makes the library district so friendly and the reason why people want to live there, is the front porches which bring a feeling of neighborhood because of visibility. She said she wishes there was a way to keep the front porch so that they are able to see where the kids are playing.

Mr. Christ moved to table this item. Mr. Harpster seconded.

4 Ayes – 0 Nays
TABLED

7. BRADLEY AND CAROL RICHARSON – 19580 Beachcliff Blvd. – PUBLIC HEARING – Variance to retain a generator with a 6' side yard setback vs. 10' side yard setback required (Section 1153.15(k)(2)). Mr. Rob Kingsboro, installer for the generator came forward to present the request.

Secretary Christ introduced the variance request and Mr. Farrell swore in the applicant. Mr. Kingsboro said that they were issued a permit for this generator. He spoke about the location with of the generator with Ms. Straub who reviewed the proposed location of this. There was originally a shed in this location and Building Commissioner Reich told Brady III not to complete the installation of the generator and he has never heard from Brady III regarding the location of the generator. Mr. Kingsboro said that the unit has a 6' setback to the north, which is the rear property line and 10' from the side property line. Since the property line to the north is the rear property line, Ms. Straub said that the generator can stay there because we do not regulate the setback of units from rear property lines.