

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
JUNE 4, 2025

Members Present: Farrell, Christ, Wright, Martinez, Harpster

Presence Noted: Michael O'Boyle, City Councilman
Ray Reich, Building Commissioner
Dylan Minek, Planning and Community Development Administrator

Mr. Farrell opened the June 4th special meeting of the Board of Zoning and Building Appeals at 7:00 p.m. He explained the meeting protocol and said that the Board has had the opportunity to visit the sites and review the applications. He said that anyone who is present and interested in any of the agenda item should come forward when the item is called so they can be sworn in if they wish to speak.

1. RYAN CARNEY – 20201 Westhaven Ln. – PUBLIC HEARING –

Variance: To construct a pavilion with a fireplace that has a chimney height of 15' vs the 12' that is permitted. Per Section: 1153.15 (g)(1)

Mr. Christ introduced the variance request, and Mr. Farrell swore in Ryan Carney, the homeowner. Mr. Carney said it will be 14' x 18' on stamped concrete. There will be kitchen components under the roof. Mr. Carney wants to add a fireplace at the end of the pavilion. He was hoping not to get a variance for the height of the pavilion, which is why he chose a lower pitch. He originally had an 8/12 pitch roof but changed it to a 4/12 to try and prevent needing a variance. Mr. Carney wants to add a wood-burning fireplace in the pavilion, and doing so would require having a few feet of clearance from the chimney to the roof, which is why he is requesting the 15' variance. The chimney will be 2' x 2' and will be 17' from the closest property line.

Mr. Farrell wanted to verify with Mr. Reich that the fireplace and chimney meet their building code. Mr. Reich said there is enough space between the property line and the fireplace, but he would need 3' from the top of the ridge to the termination point of the chimney. Mr. Carney said the top of the ridge is 11'-6" and the chimney termination is 15'. The board wanted to confirm that the pavilion is completely independent from the house, Mr. Carney confirmed. Mr. Christ said his only comment is to be a friendly neighbor and be mindful of how the smoke can affect your neighbors. Mr. Farrell wanted to confirm that it would be open on all sides; it would be.

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

5 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud. Whether special conditions or circumstances exist that are peculiar to the land or structure involved, the applicant has indicated the practical difficulties with providing a roof over a pavilion structure and getting clearance for a wood-burning stove. Regarding whether the property in question will yield a reasonable return, he does not believe this applies. The variance is not substantial and is the minimum necessary. The applicant has lowered the height of the structure, and he needs this much clearance for the chimney. He does not think that the essential character of the neighborhood will be substantially altered. The delivery of government services will not be adversely affected. Whether the owner

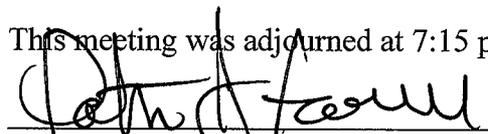
purchased the property with knowledge of the zoning restrictions, he does not believe that it applies. He does not believe that special conditions exist because of the actions of the owner. He does not believe that the predicament can be obviated by some method other than a variance. He believes that the spirit and intent of the Code will be observed, and substantial justice will be done by granting the variance without conferring any special privilege on the applicant. Does the literal interpretation of the provisions of the Code deprive the applicant of rights commonly enjoyed by other properties, he believes it would. The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Ryan Carney, 20201 Westhaven Ln, to construct a pavilion with a fireplace that has a chimney height of 15' vs the 12' that is permitted. Per Section: 1153.15 (k)(1). The applicant has indicated the practical difficulties with providing a wood-burning fireplace to go with his pavilion per code, and this is a reasonable accommodation. Mr. Wright seconded.

5 Ayes – 0 Nays

APPROVED

This meeting was adjourned at 7:15 pm.


Patrick Farrell, Chairman


Richard Christ, Secretary

Date: 07/10/25