

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
DECEMBER 11, 2025

Members Present: Farrell, Wright, Martinez, Harpster

Presence Noted: Kathryn Kerber, Director of Planning and Community Development
Steve Dever, Assistant Law Director

Mr. Farrell opened the December 11th 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 items should come forward when the item is called so they can be sworn in if they wish to speak.

1. DAVID JONKE – 19545 Battersea Blvd – PUBLIC HEARING –

Variance: To construct a rear addition with 35.7% lot coverage vs. the 28% maximum lot coverage by building that is permitted. Per Schedule: 1153.05 (c). This property had previously received a variance in 2022 for a lot coverage of 30.8% for a similar addition at a smaller scale, which was never constructed.

Mr. Farrell introduced the variance request and swore in Daniel Margulies, architect, and Michael Hodge, general contractor. Mr. Margulies went through a synopsis of the previous meetings from 2022 for the members who weren't present; those meeting minutes were provided in the public record. Mr. Margulies said they built the garage and never built the addition. Now they are back in hopes of building the addition. He said they are back at the big number asked for the 35.7%. Mr. Margulies said he has an issue with definition #94 in the code, lot coverage by building. He read the definition. He said the front porch is being counted towards the lot coverage, and it is 240 square feet. However, to him, there are no walls on the porch and should not be considered part of the lot coverage. Mr. Margulies also referenced definition #138, porch. The definition references that an enclosed porch would be considered part of the principal building, but he said that this porch is not enclosed.

Mr. Margulies said if he were to remove the front porch from the lot coverage calculation, then the 35.7% would go down to 31.1%. Mr. Farrell said he thought there was some discussion from the previous meetings that said the porch should not count in the lot coverage, but he can't seem to find it in the minutes. Mr. Dever said to his knowledge, the lot coverage of the structure is the entire foundation. He asked if the second story encroaches above the front porch. Mr. Hodge said none of it is living space; it's just a roof line. Mr. Dever said they have been here three times, and now it's a new issue. So, he is not sure if he can give a definitive answer in terms of the definitions in the code. His inclination is to follow the past practice on the three previous reviews, where they included the front porch as part of that coverage. Mr. Dever asked if he raised this concern with the Building Commissioner when he submitted for this meeting. Mr. Margulies said no.

Mr. Dever asked the Board if they remembered an instance where they had included a covered porch in the lot coverage. Mr. Farrell said he is trying to remember, but he can't. Mr. Harpster said he has remembered front setbacks; however, he can't remember about lot coverage. Mr. Farrell said in the March 2022 meeting minutes, Mr. Wright made a comment that if the porch is not screened, he would not consider that lot coverage. Mr. Farrell said he did not see any other

members agree or disagree with that assumption. Mr. Harpster said that, following that statement, the Law Director said that if there is an ambiguity in the ordinances, it is interpreted in favor of the applicant. Mr. Dever said his recommendation is for the City to do some research on whether Mr. Margulies is correct in his interpretation of the code.

Mr. Farrell said in the May 2022 meeting minutes that the request was down to 30.8%. He asked if that was only for the new garage. Mr. Margulies said it was for the garage and a very small addition to the rear. Mr. Farrell said there was also an April meeting where they were requesting 33.2%. Mr. Margulies said they were requesting a larger addition, but didn't get a good feeling on it, so they reduced it for the May meeting. Mr. Wright said he does not include the front porch in the lot coverage since it is open. Mr. Margulies has provided additional information from the 2022 submission because he showed the neighboring properties, and both of those properties have lot coverages that exceed Mr. Margulies' request. Mr. Wright said that this is additional evidence that they are not creating a unique situation in this neighborhood.

Mr. Farrell said in March 2022, they were requesting 37.1% then came back in April 2022 and requested 33.2%. In May 2022 came back and got approved for 30.8%. He asked if those requests included the front porch. Mr. Margulies said yes. He said they had to come back for the variance since they never started the project. He said things have changed in the three years, and they redesigned the project. Mr. Margulies said previously that they were trying to preserve the existing dining room, which is what led them to the 37.1%. Now, the dining room would become the new bedroom. Mrs. Martinez asked if the second floor had been increased from the 2022 plans as well. Mr. Margulies said that it got slightly bigger. Mrs. Martinez said that it got significantly larger, maybe 9 feet or so. To her, lot coverage also refers to whether it is one story or two stories.

Mr. Dever said he pulled up the code, and Section 1153.14 refers to covered porches being a part of the principal structure. He asked Mr. Margulies what section of the code he was referring to. Mr. Margulies said it was in the definitions and were numbers 94 and 138. Mr. Farrell said if there is no clear answer to whether the porch should be considered in lot coverage, this will have to be tabled. He cannot seem to remember cases where the porch was considered in the lot coverage. He can remember setbacks but not the lot coverage. Mr. Margulies apologized for not bringing this forward before the meeting.

Mr. Wright moved to table the variance requests for a period of 90 days. Mr. Harpster seconded.

4 Ayes – 0 Nays
TABLED

This meeting was adjourned at 7:30 pm.

Patrick Farrell, Chairman

Richard Christ, Secretary

Date: _____