

MINUTES OF MEETING
BOARD OF ZONING AND BUILDING APPEALS
FEBRUARY 12, 2026

Members Present: Farrell, Christ, Wright, Martinez

Presence Noted: Lisa Haveman, City Councilwoman
Steve Dever, Assistant Law Director
Ray Reich, Building Commissioner
Dylan Minek, Planning and Community Development Administrator

The Board of Zoning and Building Appeals has two variance standards that it uses to evaluate every variance request. Depending on the variances requested, it is either an (Use) Unnecessary Hardship Standard or (Area) Practical Difficulties Standard. Each standard has a specific set of questions that the applicants must answer, and the Board must consider when looking at each request. The Secretary, or acting Secretary, will read through these questions and answer them to the best of their ability. The Board Members can agree with the evaluation of the Secretary or can give their own opinion to be considered.

In the case of the February 12th, 2026, meeting, every variance that was voted on used the (Area) Practical Difficulties Standard except for the Lofts on Linda, which required the (Use) Unnecessary Hardship Standard. The questions for the (Area) Practical Difficulties Standard are as follows:

- 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).
- 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).
- 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).
- 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).
- E. Explain whether the variance would adversely affect the delivery of governmental services, such as water, sewer, or trash pickup.
- F. Explain whether the property owner purchased the property with knowledge of the zoning restrictions.
- G. Explain whether special conditions or circumstances exist as a result of actions of the owner.
- 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).

- 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).
- 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.
- 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.

As the Secretary reads these Practical Difficulties for the variance requests, the letters for the questions will be referenced. Refer to the letters listed above during their evaluation of the Practical Difficulties. For the Lofts on Linda, the Unnecessary Hardship Standard questions will be included under the agenda item.

Mr. Farrell opened the February 12th meeting of the Board of Zoning and Building Appeals at 7:00 p.m. He said that there are only four members present tonight, which normally isn't an issue. However, applicants will need to receive three out of four votes instead of three out of five. Mr. Farrell said the applicants can table their items if they wish to do so. 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.

Mr. Christ moved to approve the Board of Zoning and Building Appeals meeting minutes from January 8, 2026, as presented. Mr. Wright seconded.

4 Ayes – 0 Nays
APPROVED

1. **ANDREW AND DANYA DIETER – 270 Argyle Rd – PUBLIC HEARING –**
Variance: To construct a covered patio with a side setback of 6'-3" vs the 8' that is permitted. Per Schedule: 1153.07 (1)A.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Tammi Graf from Hurst Design Build Remodel. Mrs. Graf said they are removing an existing deck and adding a covered patio. The footprint of the patio is smaller than the existing deck. Mrs. Graf said they are trying to maintain the 10-foot width so they can get furniture on the patio. She said the width of the lot is 64 feet at the street, and it narrows by 13 feet as it goes towards the rear. The covered patio is within the existing setback of the home. This patio is part of a two-story garage and mudroom addition. The members had no comments.

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

4 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated that this is in line with or no closer than the current setback of the house, and that is a reasonable, practical, special condition.
- B. He does not believe that will apply, but this will be a beneficial addition between the garage and the patio.
- C. Since they are holding within the existing setback, he does not believe that it is substantial, and it is the minimum necessary to provide enough width to make this practical.
- D. He does not believe that it will.
- E. Since this maintains the existing setback, it will not.
- F. He does not believe that will apply.
- G. He does not believe that they do.
- H. He does not believe that it can, considering the backyard configuration; this is pretty much the only location that this can go.
- I. He believes it will.
- J. He does not believe that it will.
- K. He believes it would.

The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Andrew and Danya Dieter, 270 Argyle Rd, to construct a covered patio with a side setback of 6'-3" vs the 8' that is permitted. Per Schedule: 1153.07 (1)A. The applicant has indicated their practical difficulties, the Board has reviewed the area variance requirements, and this is a reasonable solution. Mr. Wright seconded.

4 Ayes – 0 Nays
APPROVED

2. MATT KNICKMAN AND CANDICE REDER – 1992 Wooster Rd – PUBLIC HEARING –

Variance: To construct a new two-story attached garage with a side setback of 3' vs the 8' that is permitted. Per Schedule: 1153.07 (1)A.

Variance: To construct a new two-story attached garage with a rear setback of 8'-2" vs the 25' that is permitted. Per Schedule: 1153.07 (2).

Variance: To install an air conditioning condenser 7' from the side property line vs the 10' that is permitted. Per Section: 1153.15 (k)(1).

Mr. Christ introduced the variance requests, and Mr. Farrell swore in Matt Knickman and Candice Reder, the homeowners. Mr. Farrell welcomed the applicants back. Mr. Knickman said that the first time they came in front of the Board, they had proposed keeping the garage where it currently sits, which is on the property line. He said the Board told them to reconsider that, and they came back with 1-foot off the property line, and the Board asked for 3 feet. Which is what is being proposed, the addition is 3 feet from the north property line. Mr. Knickman said it is a full garage teardown. Mr. Farrell said it looks like it will work out nicely with their space planning. Mrs. Reder agreed. She said the garage is 20 square feet smaller than the last submission, but they didn't want to encroach on the neighbor to the west. Mr. Farrell said the other variances were discussed last time, and the Board did not seem to have an issue with the rear setback and

air conditioning location. Mrs. Martinez said this is a big improvement from what has been proposed at the previous meeting and thanked the applicants for their patience. Mr. Wright concurred with Mrs. Martinez. Mr. Christ said he appreciated the applicants' modifications and that they spoke with their neighbors and are trying to be respectful towards them.

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

4 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. As noted in all of the meetings, the existing garage was on the property line, and that is an unusual configuration as a front yard to the main street, but a side yard to the neighbor behind. This does create somewhat of an unusual circumstance relative to setbacks.
- B. He believes this will enhance that.
- C. He said this has been reviewed multiple times, and these are now reasonable setbacks and changes, and are the minimum necessary.
- D. He believes what is being shown will fit in very, very well with the neighborhood.
- E. He does not believe that it will. If anything, it facilitates it more on the north side.
- F. He does not believe that will apply.
- G. He does not believe that they do.
- H. He does not believe that it can.
- I. He believes it will.
- J. He does not believe that it will.
- K. He believes it would.

The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Matt Knickman and Candice Reder, 1992 Wooster Rd, to construct a new two-story attached garage with a side setback of 3' vs the 8' that is permitted. Per Schedule: 1153.07 (1)A. The applicant has indicated their practical difficulties, and this is a significant increase in the existing setback. This is a reasonable solution. Mr. Wright seconded.

4 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Matt Knickman and Candice Reder, 1992 Wooster Rd, to construct a new two-story attached garage with a rear setback of 8'-2" vs the 25' that is permitted. Per Schedule: 1153.07 (2). The applicant is actually meeting the standard setback of a side yard, which is what exists to the west of them; so, this is a very reasonable solution. Mr. Wright seconded.

4 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Matt Knickman and Candice Reder, 1992 Wooster Rd, to install an air conditioning condenser 7' from the side property line vs the 10' that is permitted. Per Section: 1153.15 (k)(1). With the configuration of the property and the house, this is really about the only location that the air conditioning can go, and this is a reasonable dimension. Mr. Wright seconded.

4 Ayes – 0 Nays
APPROVED

3. LOFTS ON LINDA – 800 Linda St – PUBLIC HEARING –

Variance: To construct a two-story mixed-use building with a membership gym on the first floor and apartment units on the second floor. A gym is not a permitted Use in the R-5 Multi-Family Zoning District when it is a separate Use from the residential units. Per Schedule: 1157.03.

Mr. Christ introduced the variance request, and Mr. Farrell swore in Nicholas Faehnle from DS Architecture. Mr. Farrell said the Planning Commission has done a thorough review of this project. He said that what this Board is mainly concerned with is the variance for the Use, so he would like to hear more about the fitness/gym area. Mr. Faehnle said the client is looking to do a small, wood-frame project that is in line with the residential style of the neighborhood. However, the one thing that is important for them to make this project viable is a membership-only gym. Mr. Faehnle said memberships are open to the community, but to access the facility, you need to have a membership, and the trainers have to be present with scheduled appointments. He said that the apartment users are all members of the gym in its current location. The gym has an existing membership base. Mr. Farrell asked how many members there are. Mr. Faehnle said he does not know. Mr. Farrell asked if there are limited hours. Mr. Faehnle said there should be, but he is not sure what they are. Mr. Farrell asked if there would be any outdoor areas. Mr. Faehnle said they have not planned for any outdoor area, but there are garage doors that will open up to allow for fresh air into the gym. Mrs. Martinez asked how many people would be using the gym at a time. Mr. Faehnle said he is not sure of the exact number, but it is appointment only, there will be only one physical therapist, and the scale of the gym, he cannot imagine more than 4-6 people at a time.

Mr. Farrell asked Mr. Reich and Mr. Minek if there were any questions that Planning might have had regarding the Use that needs to be discussed. Mr. Minek said he does not remember Planning talking about hours of operation. Mr. Farrell asked if that is something the Board needs to have some control over. Mr. Reich said it sits so far off the road. Mr. Farrell said he is not necessarily concerned about how far it sits off the road. He is more concerned about the condos in the area. Mr. Dever said the Board has the right to request additional information to supplement their application. Mr. Dever said that the number of users and hours of operation are all relevant to the variance request. Mr. Farrell said they could provide that to Mr. Minek. Mr. Farrell also asked which way vehicles would enter and exit the property. Mr. Faehnle said the easement off of Lake Road would not be accessible by vehicles anymore; the only ingress and egress for vehicles would be from Linda Street. Mr. Christ asked if there would be a gate on the Linda Street entrance. Mr. Faehnle said no, the existing gate will be removed, and a new one will not be added.

Mr. Wright said that any questions he might have had were answered by the Planning Commission over the last three months of review. He said there was a question about re-zoning or a variance, and Planning made the point that the variance gives the City more control over what happens with the property. Mr. Wright said on the site plan that there are three acronyms that he was not sure what they meant. Mr. Faehnle said those are for the landscaping.

Mr. Christ asked if being part of the apartments also makes them members of the gym or allows them access to the gym. Mr. Faehnle said to him it feels like an amenity space for the apartment building, which would not need a variance. He said numerous apartment buildings in the region have gym spaces as an amenity, but also allow for memberships to increase the financial viability. Mr. Christ said in a way, it is an amenity for the tenants. However, it's a membership Use coming in from the outside. Which relates to the hours of operation and disturbances, since these questions are more crucial to non-tenant Use. The memberships and being open to non-tenants are what create the condition of being a separate Use. Mr. Christ asked if they ever thought that it might be an amenity for the people living there, versus just a membership. Mr. Faehnle said it is both, but they are always going to require payment for the membership. Mr. Christ said his point is about the hours of operation. If someone works a night job, then the hours of operation might change to a whole set of new hours. Mr. Faehnle said in that context, it would be more of a membership gym than an amenity. Mr. Christ said he does not object to that, but it is more related to what Mr. Dever had previously stated about providing a Use plan to the City. The plan should include, but not be limited to, the number of members, the number of users at any one time, the hours of operation, and normal usage restrictions, such as no smoking outside. Mr. Faehnle said they are happy to provide that information. Mr. Farrell said the Planning Commission was in favor of the variance, and with that information, the Board will feel more comfortable in its granting of a variance.

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

4 Ayes – 0 Nays
Passed

This is a Use Variance, which requires the Unnecessary Hardship Standard test. Mr. Christ read the factors aloud:

R.R.C.O. Chapter 1133.17 (c)(2)A.

- i. Explain how the variance requested stems from a condition that is UNIQUE TO THE PROPERTY AT ISSUE and not ordinarily found in the same zone or district. (i.e., topographical or geological limitations; unique structure of original buildings, etc.)* – He said this is a condition that is somewhat unique to the property since the gym is an amenity to the tenants, but is also a Use because there are memberships available.
- ii. Explain how the granting of the variance will not have any material adverse effect on the rights of adjacent property owners or residents.* – He believes that since there is a railroad track to one side, a parking lot to the other, and the backside of other residential buildings, this is a reasonable usage. The amount of usage is being constrained, and that will be worked out with the City.
- iii. Explain how the granting of the variance will not have any material adverse effect on the public health, safety or general welfare of the City of Rocky River.* – He said the applicant

has indicated controlling the parking lot and controlling access, so he believes that does meet those requirements.

- iv. *Explain how the variance will be consistent with the general spirit and intent of the code.* – He believes the applicant has indicated that they are working with the City and Planning on this. Planning has reviewed everything, and this is a reasonable application that is consistent with the spirit and intent.
- v. *Explain how the variance sought is the minimum that will afford relief to the applicant* – He believes this is a limited size, there will be limited membership, and this will be a secondary usage that works well with the primary usage.

R.R.C.O. Chapter 1133.17 (c)(2)B.

- i. *Whether the property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located.* – The applicant has submitted evidence to the Board that this has to do with the economics of this development. To make it economically viable, the residential Use requires a supplementary Use.
- ii. *Whether, and to the extent to which (if applicable), the hardship condition is not created by actions of the applicant.* – not applicable.

Mr. Christ asked the rest of the members if they had any additional comments regarding the review of this Use variance. Mr. Farrell asked if they decided to change the long-stay apartments to rentals, would that be allowed. Mr. Reich said if they were to change any of the Uses this would need to go back in front of the Planning as a change to a previously approved plan.

Mr. Christ moved to grant a variance to the Lofts on Linda, 800 Linda St, to construct a two-story mixed-use building with a membership gym on the first floor and apartment units on the second floor. A gym is not a permitted Use in the R-5 Multi-Family Zoning District when it is a separate Use from the residential units. Per Schedule: 1157.03. The applicant has indicated their requirements in this regard, and the Board has reviewed the Use variance requirements as listed in the code. This is a reasonable condition. The owner will provide to the Building Department a Use plan that will include, but not be limited to, membership, maximum users, hours of operations, and general stipulations of the use of the facility. Mr. Wright seconded.

4 Ayes – 0 Nays
APPROVED

4. HANS AND LYNN LARSEN – 21656 Aberdeen Rd – PUBLIC HEARING –
Variance: To construct a detached garage with a side setback of 2'-10" vs the 5' that is permitted. Per Schedule: 1153.15 (1).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Lynn Larsen, the homeowner. Mrs. Larsen said that currently, there is an attached garage at the rear of the home, and the kitchen abuts it. She said they want to do an interior renovation that opens the kitchen up into a new family room that will take the place of the existing garage. There will be doors that open up to the rear yard from the family room and a new mudroom between the home and the proposed garage. Mrs. Larsen said these are features that are missing in their 1929 home. To get these features, they have to use the existing garage space and build an entirely new garage. She said the garage they are proposing is technically detached, which requires a 5-foot setback.

However, the garage is proposed to be 2'-10" at its closest point since the property line is angled. Mrs. Larsen said they did everything they could to not make it a larger garage and get any closer to the property line. They did the minimum necessary to achieve their goals. She also said they tried to contain the mass of the garage by doing a hipped roof and making it only one-story. The neighbors to the side and the rear, who are most impacted, both support the project.

Mr. Farrell asked if they needed the direct access from the garage to the house, rather than pushing the garage back like most are in the city. Mrs. Larsen said that it is preferred to have direct access. Mr. Christ said his concern is the lack of access to the backyard because of how close this is to the property line, and that there is no place to walk between the garage and the house since they are attached. Mr. Christ asked what the clearance is on the west side of the property. Mrs. Larsen said it is 8 feet. Mr. Christ said that 8 feet would provide access in an emergency. He said maintenance of the yard is another concern; any sort of lawn equipment would have to be small. Mr. Christ asked if they had considered a garage door on the rear of the garage that would allow for a pass-through. He said even double three-foot man doors could help create a pass-through. Mr. Farrell said for them to maybe consider that. Mrs. Larsen understood and said it was a good idea, but she just wanted to point out that there is no grass in their backyard. It has a patio and landscaping beds. Mr. Christ said he does not want to penalize them since there is 8 feet on the other side of the house, so he suggests that they consider this based on their own needs and requirements.

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

4 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated the close space with this property, and while 60 feet is not unusual, the house is currently located as it sits, and this is constraining the use of a two-car garage on the driveway, which has created this situation.
- B. He believes this will enable a better return.
- C. The applicant has indicated that they've limited the size of the garage, and they've located it directly next to the existing house to provide the most space between the garage and the neighboring property. The garage is about 3 feet at the front corner and about 4 feet at the rear corner.
- D. He believes that since the garage has a 3-foot side setback and is single-story with a hipped roof, it will maintain the character of the neighborhood.
- E. He said they have discussed this, and there is access on the opposite side of the house. The three feet will provide limited access in an emergency on the garage side.
- F. He does not believe that will apply.
- G. Only as to the regard of additional amenities and space within the existing house, but that is part of their use of the property, and this is reasonable.
- H. In order to change the existing garage to a habitable space, he does not believe that this can be achieved any other way.
- I. He believes it will.
- J. He does not believe that it will.
- K. He believes it would.

The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Hans and Lynn Larsen, 21656 Aberdeen Rd, to construct a detached garage with a side setback of 2'-10" vs the 5' that is permitted. Per Schedule: 1153.15 (1). The applicant has indicated the practical difficulties, the Board has reviewed the area variance requirements, and this is an unusual attached detached garage. They essentially maintain a 3-foot minimum threshold for access on the garage side, and they have 8 feet on the opposite side of the house. This is a reasonable solution. Mr. Wright seconded.

4 Ayes – 0 Nays
APPROVED

5. NATALIE ADSUAR – 380 Elmwood Rd – PUBLIC HEARING –

Variance: To construct a front yard fence with a height of 48 inches, vs the 36 inches that is permitted. Per Section: 1153.15 (j)(1).

Variance: To construct a front yard fence with a 45' segment on the southwest property line and a 53' segment on the northeast side of the property, vs the maximum length of any fence segment shall be less than 30'. Per Section: 1153.15 (j)(1).

Variance: To construct a front yard fence with four fence segments that extend 41' from the front of the dwelling at their furthest, vs fence segments shall be located no more than 12' in front of the dwelling, and this distance shall be measured from the furthest projecting element on the front plane of the dwelling. Per Section: 1153.15 (j)(1).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Natalie Adsuar, the homeowner. Mrs. Adsuar said she just moved into the property, and there is limited space in the backyard. She said the idea is to have a safe place for children to play. She said one of the children in her family has special needs. Mrs. Adsuar said the home is located at the intersection of Elmwood Road and Lake Road, which is a very busy intersection. Mr. Farrell asked what type of fence. Mrs. Adsuar said it is the same fence that her neighbor has in their front yard, so it is a 4-foot black aluminum ornamental fence. Mr. Farrell asked why the 30-foot section requirement of the code does not meet her needs. Mr. Adsuar said the biggest challenge with the 30 feet is that the fence would interfere with the mature trees and their roots in the front yard. Mrs. Martinez asked why she needs the 48 inches rather than the 36 inches that is allowed. Mrs. Adsuar said that for consistency with the neighbor's fence and for safety, the 36 inches would be extremely easy to climb over.

Mr. Farrell said the way the neighbor's fence projects out into the yard is pretty much how the applicant's fence will look. He did say their situation is a little bit different than the applicant's. Mr. Wright asked if the neighbor's fence would be considered a side yard fence. Mr. Reich said their fence is in the front yard. He said that fence had replaced a white picket fence that had been. Mr. Wright asked if that fence needed a variance, too. Mr. Reich said the fence replaced an existing fence, so they allowed it due to the condition of the white picket fence. Mr. Farrell wanted to note that the applicant had received three letters of support. Mrs. Adsuar said the two of the letters are from the neighbors who are on both sides of her. She got more, but she figured the Board didn't need that many.

Mr. Farrell said to him, this style of fence is not that obtrusive. He said maintaining safety for the child is important, so he does not have a problem with the fence. Mr. Wright agrees that the needs of the children trump all other potential objections. Mr. Christ said he is still troubled with the fence. He said the 30-foot segments are what are bothering him. From the walkway to the porch of the house, on the northeast side of the property, is 30 feet. If the fence were to stop there, there would be no need for that variance. Mrs. Adsuar said that the section of fence across the driveway is not what the variance is for; it is for the segments along the side of the front yard. Mr. Christ said he might be wrong, but he thought the variance was for the transverse dimension across the front of the property. He said, regardless, that this fence is going to be much more visible and have much more of an impact as you walk down Elmwood than the neighbor's fence. He said the Board tries to limit front yard fences to this extent. Mr. Christ said he is trying to find a configuration that he could get behind. Even though 6-12 inches is minimal when it comes to height, it has a major influence on the impact of these fences. He also said that having the fence go across the driveway may make parking in the driveway hard. Mrs. Adsuar said she was planning on getting an electronic gate opener. Mrs. Martinez asked, when guests are over, where will they park while the kids are out in the front fence area. She said she shares some of the same concerns as Mr. Christ. She said if this fence were on every property in the city, she would have a problem with it. Mrs. Adsuar said guests would probably park on the street.

Mr. Christ said that he is struggling with the fence going across the whole front of the property. Mrs. Adsuar said that section of the fence is not what requires a variance. Mr. Minek agreed. The code reads that any segment shall be less than 30 feet, not the total of all segments. So, the only segments that exceed that would be along the sides of the front yard. Mr. Christ said if they were to reduce those segments, then they could eliminate that variance. He asked what the dimension would be if the fence were directly behind the trees and what the dimension would be if it were directly in front of the trees. Mrs. Adsuar said it would be 14 feet if it were from the house side of the trees. She is not sure what the dimension would be on the roadside of the trees. Mr. Christ thinks the fence should only enclose the area to the northeast of the walkway to the house and not go over the driveway. Mrs. Adsuar said aesthetically that would not be pleasing since it would only cover half of the house. Mr. Christ said the front yard fences he can think of in the city are much narrower in scope.

Mr. Farrell asked what the dimension the side fence segments would be if they were to push the fence as close to the trees on the roadside as possible. Mrs. Adsuar said she is not sure what that dimension would be, but she is okay with that. She did the 4 feet from the sidewalk to match the neighbors, but she is okay pushing the fence back some more. Mr. Christ would agree that the fence should be pushed more towards the trees. Mr. Wright said he would prefer the fence pushed towards the house, too. Mr. Christ said there will also be an issue when it comes to deliveries. Mrs. Adsuar said there will be a gate at the walkway that deliveries can use; it will be childproof but still accessible for deliveries.

Mr. Christ said he is okay with the height of the fence, and he agrees that there is a need for it. However, he would like to see the fence farther back. Right now, she's at 45 feet. If it were to be pushed back 15 feet, you wouldn't need a variance for the segments. He said if she can't go back the full 15 feet, he is not going to be hung up on the sides at 32,34,36 feet versus the 30 feet that would be required. Mrs. Adsuar said she had it close to the sidewalk to match the neighbor's

fence, but she is okay with the fence being pushed back. The reason for the driveway being fenced in is so the kids can play on the driveway from time to time.

Mr. Farrell asked the Board if there is anything they were close to agreeing on. Mr. Christ said the applicant is willing to push the fence back, so he thinks that all four members would be on board. Mrs. Martinez would agree that she would like to see the fence moved back. Mr. Christ said that he believes all the members are okay with the 48-inch height. None of the members objected. Mr. Reich said the Board can make a motion that the fence has to be as close to the trees as possible, and work with the City Arborist to determine where that location would be to not interfere with the health of the trees. Mr. Christ said the only holdup would be if it should go across the entire front of the yard. With it set back more, there would be room for a car in front of the gate. Mrs. Adsuar said she would never block the sidewalk. That is also why she has the gate entering inwards. Mr. Farrell said the gate on the driveway could be farther back than the rest of the driveway. Mr. Christ said if this fence is pushed back, its obtrusiveness is lessened. Mr. Minek let the Board and the applicant know that all front yard fences are required to go to the Design and Construction Board of Review.

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

4 Ayes – 0 Nays
Passed

Mr. Christ read the practical difficulties factors aloud:

- A. The applicant has indicated the practical difficulties. This is at the corner of Elmwood Road and Lake Road, which causes an unusual curving street. The current configuration has very large areas of grass on Lake Road.
- B. He does not believe that will apply.
- C. He believes that would be part of the Board's consideration for each variance.
- D. He believes that would be part of the Board's consideration for each variance.
- E. He does not believe that will apply other than a front yard fence inherently interferes with government services. He asked if this should go in front of the Fire Department or Police Department. Mr. Reich said he will take it to the FPO.
- F. He does not believe that will apply.
- G. He does not believe that will apply.
- H. Recognizing that, because of the backyard geometry of a valley and the configuration of this property, there is very limited backyard space available. A front yard space being utilized is a reasonable evaluation.
- I. He believes that is what the Board is considering.
- J. He believes that, based on the physical requirements of the property, this does not confer the applicant any special privileges with the accommodation of providing some front yard space.
- K. He believes it would.

The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Natalie Adsuar, 380 Elmwood, to construct a front yard fence with a height of 48 inches, vs the 36 inches that is permitted. Per Section: 1153.15 (j)(1). The applicant has indicated the practical difficulties in providing sufficient height for the security of the area as a play space. This will go to the Design and Construction Board of Review with that consideration. Mr. Wright seconded.

4 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Natalie Adsuar, 380 Elmwood, to construct a front yard fence with segments that may exceed the 30-foot limit, in coordination with the Building Department and the City Arborist, to locate the fence across the front of the property per the existing trees. The fence is to maintain the clearance required for the preservation of the trees. Per Section: 1153.15 (j)(1). This will go to the Design and Construction Board of Review with that consideration. Mr. Wright seconded.

4 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Natalie Adsuar, 380 Elmwood, to construct a front yard fence with multiple segments that extend more than 12 feet from the front of the dwelling. Per Section: 1153.15 (j)(1). The distance will be measured from the furthest projecting element on the front plane of the dwelling and will be in conjunction with review by the Building Department, City Arborist, and the Design and Construction Board of Review. Mr. Wright seconded.

4 Ayes – 0 Nays
APPROVED

6. YILIU LIU, FENGBI LIU, AND MATTHEW BREWER – 3168 Goldengate Ave – PUBLIC HEARING –

Variance: To construct a new single-family residence without an enclosed parking space, vs the one enclosed space that is required. Per Schedule: 1187.09 (a)(1).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Matthew Brewer. Mr. Brewer owns the property to the north and will be building the house for his in-laws, who will be the owners of the property. Mr. Brewer said he purchased their home on Goldengate seven years ago. He said his in-laws started to come around to help raise their children. He said the property at 3168 Goldengate was torn down, and they were lucky enough to acquire the property. Since his in-laws have been helping so much, it made sense for them to build a home for his in-laws. Mr. Brewer said when they started planning and budgeting for the home, the intention was for it to have a garage. However, they thought they could maybe wait a year or two and recuperate some funds and then build a detached garage behind the house. He said since they live right next door, all of the yard equipment would already be stored in their own garage, and they would be

doing the lawn work themselves anyway. Mr. Brewer said they did not know they needed a variance at first, so they thought from a practical standpoint it was not a big deal because they had everything that was needed in their own garage. He said his mother-in-law does not drive, and his father-in-law uses his car. Mr. Brewer said it would be very helpful to postpone the garage for a few years.

Mr. Reich said from the Building Department standpoint, if they are asking for a permit to build the home and then an extension to do an accessory structure, we would need to have a date set for when this garage would be constructed. The only enforcement the Building Department has is the courts, and if the garage is not completed, a citation will be issued. Mr. Brewer asked what the penalties are. Mr. Dever said it is a minor misdemeanor. Mr. Reich said the property they are building on is a result of a property owner not following court orders. He said the fines are accelerating, so eventually, if not taken care of, they could end up as a misdemeanor one, which is 6 months in jail and a \$5,000 fine. Mr. Reich said he is not trying to scare the applicant; he just wants them to be aware that is their only enforcement tool.

Mr. Christ said he can remember only one other time that someone came in front of the Board without an enclosed garage, and that was for a carport. He said the carport was not supposed to be used for storage, and it is. It was not supposed to be an eyesore to the neighbors, and it is. Mr. Christ said Mr. Brewer answered some of his questions regarding yard work and storage. He said he has to view this from not only Mr. Reich's viewpoint, but from the viewpoint that occupants change and the house could be sold, and now there is a home in the city without a garage. Mr. Christ asked if there was a garage on the property before being tore down. Mr. Reich said there was.

Mr. Farrell said the Board would have said you need to have a garage. He wants to know if the City is okay with setting a date for when this garage needs to be completed. Mr. Reich said they are okay with setting a date; they just want the applicant to know that they will enforce that. He wants to make sure that everyone is aware of the ramifications. Mr. Farrell said they can make all of the concerns go away by building a garage. He asked if they are mortgaging this property. He said they are not necessarily supposed to consider economic hardship as far as a variance. Mr. Brewer said they are planning on paying for the house in full. So, that is why they want to wait on the garage until they bring in more money. Mr. Reich said the permit is good for one year, and then it can be extended once for six months. The construction would need to start on the garage within those 18 months, and the garage has to be completed within 60 days.

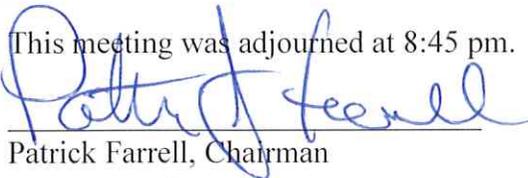
Mrs. Martinez said it would be helpful to have the footprint of the proposed garage on the site plan. She said there is limited space behind the house and would be concerned that it may need a variance. Her lot is similarly sized, and she feels it might be difficult to fit a garage back there with the depth of the proposed home. Mr. Reich said a garage plan would be nice to have before any agreement. Mr. Farrell asked how soon they were planning on building the house. Mr. Brewer said as soon as possible. Mr. Reich asked if the project has a basement. Mr. Brewer confirmed. Mr. Reich said from experience, the cost for the garage would be lower with the contractors already on site, rather than bringing a new set of contractors in a year and a half later. Mr. Brewer would not need to be in front of this Board if he had a garage and it met the 5-foot setback requirements.

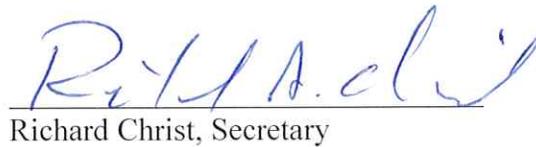
Mr. Dever said this item should be tabled. Mr. Reich said they need to come back with a garage plan that shows its proposed location, framing, footers, etc. If it meets the code requirements, then a variance would not be needed. Mr. Farrell said the entire Board and the City are pretty serious that you need a garage. If the garage needs smaller side and rear setbacks, he believes those would be easier variances to obtain, rather than no garage.

Mr. Farrell moved to table the variance requests for a period of 90 days. Mr. Christ seconded.

4 Ayes – 0 Nays
TABLED

This meeting was adjourned at 8:45 pm.


Patrick Farrell, Chairman


Richard Christ, Secretary

Date: 03/12/2024