

Mr. Wright moved to **grant** a variance for Margaret & James Dempsey at 1666 Wooster Rd. to construct a garage with a height of 18'-6" vs. the height of a garage shall not exceed 15' under Section 1143.02(h) because the garage would be in keeping with the theme of the existing house in accordance with Sketch "A". Mr. Woods seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance for Margaret & James Dempsey at 1666 Wooster Rd. to construct a garage 3' from the side lot line (amended from the 2' requested) vs. accessory structures shall not be less than 5' from a rear or side lot line under Section 1143.09(a) because it would provide adequate access to the rear yard in accordance with Sketch "A". Mr. Woods seconded.

5 Ayes – 0 Nays

12. KING JAMES GROUP, 20005 LAKE RD. – PUBLIC HEARING – Following variances to construct a townhouse development:

Variance: to construct a townhouse development with a 22.6' front setback vs. 40' front setback required

Variance: to construct a townhouse development with a proposed height of 36.5' vs. the height of a townhouse shall not exceed 25'

Variance: to construct a townhouse development with 25.7% lot coverage vs. a maximum of 20% lot coverage permitted

Variance: to construct a townhouse development with a minimum liveable open area of 40.8% vs. a minimum of 50% liveable open area required

Variance: to construct a townhouse development with a minimum distance between Building Nos. 5-9 & 10-14 of 30' vs. a minimum distance between buildings of 37.33' required

Variance: to construct a townhouse development with a minimum distance between Building Nos. 10-14 & 15-19 of 26' vs. a minimum distance between buildings of 37.33' required

Variance: to construct a townhouse development with a minimum distance between Building Nos. 15-19 & 20-24 of 18' vs. a minimum distance between buildings of 26.6' required

Variance: to construct a townhouse development with a minimum distance between Building Nos. 20-24 & 25-30 of 24' vs. a minimum distance between buildings of 37.33' required

Variance: to construct a townhouse development with a proposed East side yard distance for Building Nos. 1-2 of 8.72 vs. a minimum East side yard distance of 34.33' required

Variance: to construct a townhouse development with a proposed West side yard distance for Building Nos. 1-2 of 57.70' vs. a minimum West side yard distance of 68.67' required

Variance: to construct a townhouse development with a proposed East side yard distance for Building Nos. 3-4 of 11.25' vs. a minimum East side yard distance of 34.33' required

Variance: to construct a townhouse development with a proposed West side yard distance for Building Nos. 3-4 of 51.24' vs. a minimum West side yard distance of 68.67' required

Variance: to construct a townhouse development with a proposed West side yard distance for Building Nos. 5-9 of 51.54' vs. a minimum West side yard distance of 68.66' required

Variance: to construct a townhouse development with a proposed East side yard distance for Building Nos. 10-14 of 34.76' vs. a minimum East side yard distance of 47.95' required

Variance: to construct a townhouse development with a proposed East side yard distance for Building Nos. 15-19 of 34.01' vs. a minimum East side yard distance of 47.95' required

Variance: to construct a townhouse development with a proposed South side yard distance for Building Nos. 20-24 of 35' vs. a minimum South side yard distance of 47.95' required

Variance: to construct a townhouse development with a proposed South side yard distance for Building Nos. 25-30 of 35' vs. a minimum South side yard distance of 51.5' required

Variance: to construct a townhouse development with a proposed North side yard distance for Building Nos. 25-30 of 62.73' vs. a minimum North side yard distance of 103' required

Variance: to construct a townhouse development with a proposed West side yard distance for Building Nos. 31-35 of 35.01' vs. a minimum North side yard distance of 96' required

Ms. Adien Elliott, Developer, and Mr. Jim Sayler, Reitz Engineering, came forward to explain the variance requests. Mr. & Mrs. Randy Clifford, Ms. Marianne Ferry, Ms. Dorothy Troph, and Mr. Ed Connelly were present.

Ms. Elliott said that they are proposing a 35 unit townhouse development. She said that the units would be approximately 2,800 to 3,200 sq. ft. and would be in the price range of \$365,000. to \$450,000.

Ms. Elliott said that King James Group has a signed contract from First Energy to purchase an additional piece of property on the South side of the proposed development adjacent to the Railroad property. She said that the additional property would eliminate 2 of the setback variances on the South side of the project. She said that the purchase would also decrease the variances for lot coverage and open area.

Ms. Elliott said that the proposed buildings would be a unique design. She said that the proposed plan would be much more desirable than the existing situation. She said that currently the proposed area is a vacant commercial site with 8 buildings on it.

Mr. Sayler said that he believed that the code was written with apartment buildings in mind, not for this type of a project. Ms. Elliott said that the project would need the requested variances to keep the character, amenities, and street scape that are so important for a project like this. She said that if they had to meet the code they would have a much less desirable project and they would not proceed with it.

Ms. Troph said that she wanted to clarify the location of the project. Ms. Elliott said that the proposed location is the former Lesco property on Lake Rd. Ms. Troph said that she is surprised that King James Group would choose the proposed area for their development. Ms. Ferry said that she agrees with Ms. Troph. Ms. Ferry and Ms. Troph said that they both live in the neighborhood and the development would only increase their property value.

Mr. Connelly said that the proposed development is very charming but he has concerns about fire equipment access for the development. Ms. Elliott said that they have been in meetings with the Fire Department and the Mayor regarding fire safety. She said that the fire safety issue has been addressed with the Planning Commission and they are discussing access on to Smith Ct., etc.

Mr. Connelly said that he felt that there may be a parking issue with the new development. Mr. Matty said that the development meets the parking requirement. Mr. Connelly said that he does have some concerns regarding the height issue.

Mr. and Mrs. Clifford said that they have some concerns regarding the development because they have enjoyed the wooded area abutting their property for years. They said that the new development would eliminate the privacy that have enjoyed for a long time. Mr. and Mrs. Clifford said that another concern they have is that all of the neighborhood children use the fields behind the proposed property.

Ms. Elliott said that the Mayor, Fire Chief, and Mr. Beirne have been discussing the possibility of an easement and landscaping on Smith Ct.

Mr. Pempus said that he believes that everyone would like to see that property improved.

Mr. Pempus asked Mr. Gollinger to give his opinion of the project. Mr. Gollinger said that he has met with the Developer, Mayor, Economic Development Director, and Fire Chief to discuss Smith Ct. safety and access.

Mr. Gollinger gave a brief history of the proposed lot. He discussed commercial vs. residential, prior proposed projects, re-zoning, etc. He gave a favorable opinion of the project as it would relate to the City. Mr. Gollinger discussed vacant City owned properties. He said that he believes the proposed development would be an asset to the City and he supports it. He said that the Mayor and the Economic Development Director also support the project.

Ms. Elliott said that the front setback would be very important to make a visual statement from the street. She said that if they move the buildings back from the street it would not have the same impact. She said that the existing vacant building is closer to the street than the proposed buildings. She said that the variance for the height of the units would be necessary so that they could have the garages on the lowest level of the units. She said that they would need to keep the size of the units in order to provide the amenities that would make such a project possible.

Mr. Sayler gave a summary of each variance request. He said that the height of the buildings penalizes them because it dramatically changes the formula that is required to figure out the code requirements for the project. Mr. Farrell and Mr. Sayler discussed lot coverage, footprint of the buildings, etc. Mr. Sayler said that the alley system causes the variance for livable space. He discussed the proposed buildings, pavement for the alley system, green space, landscaping etc.

Mr. Farrell asked if the applicant could eliminate one of the buildings to possibly reduce the number of variances required. Mr. Sayler said that by eliminating one building it would not change the number of variances very much. He said that they would still have a great number of them because the formula really relates to an apartment building rather than the townhouse project. Ms. Elliott said that they originally started with 39 units and they are down to 35 units. She said that would be as low as they would be able to go and still deliver the best product.

Mr. Downing asked if they did not put the garages underneath could they reduce the size of the buildings. Ms. Elliott said that without an attached garage they would not be able to sell the units to the same market and they would not be able to do the proposed project.

The Board discussed the reasons for the different variances and agreed that overall the project would be viable for the proposed improvement of the property.

Mr. Wright moved to grant the following variances because the proposed development was discussed at length by the petitioners and was evidenced by their presentation, renderings, and Sketches A,B,C,D, and E. He said that what the applicant had shown with the overall renderings and elevations he did not see that the height of the buildings would be an issue. He said that the massing of the buildings would be justified for the requests.

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a 22.6' front setback vs. 40' front setback required under Section: 1143.02(e). Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed height of 36.5' vs. the height of a townhouse shall not exceed 25' under Section: 1143.02(h). Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with an amended 24.2% lot coverage vs. a maximum of 20% lot coverage permitted under Section: 1143.02(c). Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with an amended open area of 44.2% vs. a minimum of 50% liveable open area required under Section: 1143.02(d). Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a minimum distance between Building Nos. 5-9 & 10-14 of 30' vs. a minimum distance between buildings of 37.33' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a minimum distance between Building Nos. 10-14 & 15-19 of 26' vs. a minimum distance between buildings of 37.33' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a minimum distance between Building Nos. 15-19 & 20-24 of 18' vs. a minimum distance between buildings of 26.6' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a minimum distance between Building Nos. 20-24 & 25-30 of 24' vs. a minimum distance between buildings of 37.33' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed East side yard distance for Building Nos. 1-2 of 8.72 vs. a minimum East side yard distance of 34.33' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed West side yard distance for Building Nos. 1-2 of 57.70' vs. a minimum West side yard distance of 68.67' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed East side yard distance for Building Nos. 3-4 of 11.25 vs. a minimum East side yard distance of 34.33' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed West side yard distance for Building Nos. 3-4 of 51.24' vs. a minimum West side yard distance of 68.67' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed West side yard distance for Building Nos. 5-9 of 51.54' vs. a minimum West side yard distance of 68.66' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed East side yard distance for Building Nos. 10-14 of 34.76' vs. a minimum East side yard distance of 47.95' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed East side yard distance for Building Nos. 15-19 of 34.01' vs. a minimum East side yard distance of 47.95' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

Applicant **withdrew** the variance request to construct a townhouse development with a proposed South side yard distance for Building Nos. 20-24 of 35' vs. a minimum South side yard distance of 47.95' required under Section: 1145.13 due to a purchase of additional property from First Energy adjacent to the Railroad property.

Applicant **withdrew** the variance request to construct a townhouse development with a proposed South side yard distance for Building Nos. 25-30 of 35' vs. a minimum South side yard distance of 51.5' required under Section: 1145.13 due to a purchase of additional property from First Energy adjacent to the Railroad property.

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed North side yard distance for Building Nos. 25-30 of 62.73' vs. a minimum North side yard distance of 103' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

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Minutes of Meeting, Board of Zoning and Building Appeals

May 9, 2002

Mr. Wright moved to **grant** a variance to construct a townhouse development for King James Group at 20005 Lake Rd. with a proposed West side yard distance for Building Nos. 31-35 of 35.01' vs. a minimum North side yard distance of 96' required under Section: 1145.13. Mr. Downing seconded.

5 Ayes – 0 Nays

The meeting adjourned at 11:10 PM

Eric Pempus, Chairman

William Woods, Secretary