

Minutes of the Zoning Board of Appeals Meeting of August 18, 2011 - 7:00 P.M.

MEMBERS PRESENT: **Regis Barrett, Chairman**
 Jeanne Hartman
 Wally Parker
 Bob Kinney
 Dean Bredenbeck

ALSO PRESENT: **Barbara Stanton, Acting Secretary**
 Ed Fitzgerald, Building Inspector

Chairman Barrett – I would like to call the Zoning Board of Appeals meeting to order. Roll call was taken and the following members were present, Regis Barrett, Jeanne Hartman, Wally Parker, Bob Kinney, Dean Bredenbeck. **A motion to approve the minutes of July 21, 2011 was made by Jeanne Hartman. Second – Bob Kinney. Vote Resulted – Yes – Regis Barrett, Jeanne Hartman, Wally Parker, Bob Kinney, Dean Bredenbeck.**

Regis Barrett: **Item #1 –Request from Jerry and Linda Tharp for appeal of Residential Code of Ohio, Section R302.1 for a 1'-6" side yard setback variance to construct a 24' x 24' garage without one hour fire rating to be located at 4400 Rockland Drive.**

Bob Kinney: The neighbor's garage is far enough away from the proposed garage not to warrant a one hour fire rating. I spoke to the neighbor and they have no objection to this request. **A motion to grant the variance to construct a 24' x 24' garage without a one hour fire rating to be located at 4400 Rockland Drive was made by Regis Barrett second by Wally Parker. Vote Resulted: - Yes – Regis Barrett, Jeanne Hartman, Bob Kinney, Wally Parker, Dean Bredenbeck.**

Item #2 –Request from Jerry and Linda Tharp for an 85 square foot rear yard lot coverage variance and a 1'-6" side yard setback variance to construct a 24' x 24' garage to be located at 4400 Rockland Drive.

Mr. Tharp: We would like to build this garage; we have two vehicles and would like to take up the hobby of wood working. I would like to have an area in the garage for a small shop. Hopefully we can get the necessary variances to achieve this. Regis Barrett: Have you been able to find out exactly where your property line is? Mr. Tharp: No not yet, if necessary we will hire a surveyor to determine where the property lines are. Regis Barrett: The code calls for a three foot setback from the side lot and they are asking for an 18" variance which is about as close as we can approve. I would like to approve the variance subject to Mr. & Mrs. Tharp verifying the property lines and submitting that to the building department to verify the garage will be 18 inches from the property line. Mr. Tharp: If I can't determine where the property line is short of hiring a surveyor would it be safe to assume that if we move the garage 18" and that would be an appropriate distance? Ed Fitzgerald: It is difficult for the building department to determine the property lines. Without a survey showing where the property lines are, we would not know where the existing garage is know on the property line short of having a stake survey done. Mrs. Tharp: Do they normally build driveways right on the property lines? Inspector Fitzgerald: It's very difficult/impossible to determine where property lines would be. Regis Barrett: I would recommend having a survey done. Inspector Fitzgerald: Possible when you bought the house, there was a site survey done. Mr. Tharp: We never received one. The financial institution purges there system every seven years and they do not have the information. There was further discussion. Mr. Bredenbeck: A different minor issue is the neighbor to your north. Their phone line comes across your garage. I am not sure if that will be an issue when you expand. It comes from the pole on the south of your property to the north across your garage to their home. Someone may need to call the phone company so it would not impede your progress.

A motion to grant an 85 square foot rear yard lot coverage variance and a 1'-6" side yard setback variance to construct a 24' x 24' garage to be located at 4400 Rockland Drive subject to a survey to identify where the property lines are and to submit the survey to the building department was made by Bob Kinney, second by Regis Barrett. Vote Resulted: - Yes – Regis Barrett, Jeanne Hartman, Bob Kinney, Wally Parker, Dean Bredenbeck.

Item #3 Request from Diane and Doug Russell for a 76 square foot rear yard lot coverage variance for a new 96 square foot shed in the rear yard to be located at 7417 Glencoe Avenue.

Regis Barrett: There is a 12' x 12' pad installed previously. Mr. Russell: We are getting the shed from Home Depot where they come out and put it together and they lift it off the pad with a floor. There was further discussion. **A motion was made to grant the 76 square foot rear yard lot coverage variance for a new 96 square foot shed in the rear yard located at 7417 Glencoe Avenue was made by Jeanne Hartman, second by Bob Kenny. Vote Resulted: - Yes – Regis Barrett, Jeanne Hartman, Bob Kinney, Wally Parker, Dean Bredenbeck.**

Item #4 Request from Clinton Stewart for a 6'-6" side yard setback variance to construct an above ground swimming pool located at 4339 Newberry Drive.

Mrs. Janet Stewart was present at the meeting. Regis Barrett: One thing I must mention that the fence around the property is decent. There is a 6 foot board on board fence that was installed in 2009 and the gate locks. The question is do we want Mrs. Stewart to move the pool? Jeanne Hartman: I am concerned about the garage on the other side of the pool. My main concern is someone jumping off the garage into the pool. Mrs. Stewart, the garage in question is under construction, but the walls have been put up. I did do some research on a pool fence that would surround the pool. (A picture of the pool fence was shown to the commission). The concern is that children may jump off the neighbor's garage into our pool. Regis Barrett: This is for your protection also. If a youngster gets into a pool and drowns it is the homeowner's responsibility. It's about three feet from the neighbor's garage and the pool. If you install the three foot pool fence, it would show on your part that you were trying to protect the property. You could put a locking gate on it. Inspector Fitzgerald: The pool was installed prior to the permit. The owner became aware of needing a permit, and immediately came in and made application for the permit. Building Department reviewed it thus is the situation of coming before this board. Building has no objection of granting the variance. There is one thing; the electrical wires will need to be relocated. There was also further discussion regarding the pool fence and gate. Ms. Stewart: I work at home and I am home all day. I will do my part in order to receive the variance. Ms. Stewart presented a letter from her neighbor to the commission indicated there was no objection to the pool. There was further discussion. **A motion was made by Bob Kinney, second by Regis Barrett to approve a 6'-6" side yard setback variance subject to an approximate 36" pool fence with a locking gate to be installed at 4339 Newberry Drive. Vote Resulted: - Yes – Regis Barrett, Jeanne Hartman, Bob Kinney, Wally Parker, Dean Bredenbeck.**

A motion to adjourn the meeting was made by Dean Bredenbeck, second by Bob Kinney. Vote Resulted: - Yes – Regis Barrett, Jeanne Hartman, Bob Kinney, Wally Parker, Dean Bredenbeck.


Barbara Stanton, Acting Secretary


Regis Barrett, Chairman