Mayor McNew opened the Zoning Board of Appeals meeting at 7 PM.

Tom Lyon, architect, presented the plans for Diane Latshaw’s residence at 2298 Private Drive. He requested a variance from Section 1246.07(2), the front yard setback. He asked for permission to build a second story on top of the existing footprint. The house was built before the neighboring residence to the east. The sight line issue is an existing condition which will not be altered in the remodeling of the home. The shape of the shoreline also presents unique circumstances. Mr. Lyon indicated that the easiest way to remodel was to go up, changing the footprint as little as possible. Dr. Haines indicated that difficulty lies, in part, by the way the lot lines lie and the shoreline moves. There was much discussion regarding whether the residence could be made viable for the applicant’s living need without requiring a variance or increasing the non-conformity. Mr. Lyon noted that the variance would neither increase nor present issues for the neighbors that do not already exist. Dr. Jenaras noted the issue of non-compliance created by a house built after the applicant’s house was built. Dr. Cabot reviewed the conditions for granting a variance.

Councilmember Haines moved to approve the variance with regard to the sight-line setback and return the sideyard question to the Planning Commission. Councilmember Jenaras seconded. The motion carried with Haines, Jenaras, Poploskie and McNew voting yea and Councilmember Cabot abstaining.

Councilmember Haines moved to include in the former motion the rationale that approving the variance would enhance the existing residence without detracting from the value of the properties of existing neighbors or their quality of life. The second floor addition would not alter the view of the residence at 2312 Private Drive. Councilmember Jenaras seconded. Motion carried unanimously.

The plans for a screen porch with a balcony above at the residence of Tom Gitter, 816 Lake Angelus Shores, had been provided to the Board. Mr. Gitter and his architect were not present, but Mr. Gitter submitted a letter which was made available to all. He requested a variance from Section 1246.07(2), the front yard setback. He indicated that the current structure predates the sight line code. The new addition would not be visible from the neighboring home to the east because the current house blocks all of the view of this addition from that home. Dr. Haines remarked that the entire house is out of compliance and that the entire addition is in the shadow of the existing house. He felt the questions were whether the addition disturbed the quality of life for a neighbor and whether it was good for the community as a whole. Mrs. McNew wanted to make sure that ordinances were applied consistently. By granting a variance, a non-
conforming structure would be allowed to enlarge its non-conformance. Mr. Poploskie agreed that the addition does not adversely affect neighbors. Councilmember Haines moved to approve a variance from Section 1246.07 (2) for an addition of a porch structure at 816 Lake Angelus Shores based on the rationale that the addition would not alter or impair the view of either adjacent residences. The existing structure, being out of compliance, obscures any view of the proposed addition. Councilmember Cabot seconded. Motion carried unanimously.

Additional discussion ensued regarding keeping decisions neighbor-neutral. That a neighbor approves of a project does not affect its ordinance compliance. John McNew felt that, with the definitions that the Council appeared to be using for ‘justice’ and ’property’, any project could get a variance. Dr. Haines felt that factors affecting value, character of neighborhood, and quality of life for immediate neighbors need to be considered. Dr. Cabot felt that neither applicant violated the intent of the sight line ordinance. There was also discussion of standards required for granting a variance, which are taken from state law.

There being no further business brought before the Zoning Board of Appeals, Councilmember Cabot moved to adjourn the meeting at 8:21 PM. Councilmember Poploskie seconded. Motion carried unanimously.

Approved: Respectfully submitted,

Lee McNew, Mayor Rosalie Lake, Clerk