



CITY OF OLMSTED FALLS
PLANNING AND ZONING COMMISSION
MINUTES
JUNE 3, 2020
7:30 PM
COUNCIL CHAMBERS/VIRTUAL

Commission Members Present: Brett Iafigliola, Gary Pehanic, Garry Thompson, Peter Carpenter, Cornel Munteanu, Michelle Hawkins, and Dave Fenderbosch. Others Present: Andrew Bemmer, Law Director and George Smerigan, City Planner. Audience: 3

Chairman Brett Iafigliola called the virtual meeting to order at 7:36 p.m.

1. **Planning & Zoning Case #11-2020** – A request made by Barry & Brenda Beeler, owners of 7303 River Road, PP# 281-10-039, for a variance to Section 1240.09(a)(3)(B) to permit three (3) additional accessory buildings in lieu of the permitted one (1) additional accessory building.

Mr. Iafigliola administered the oath to Barry and Brenda Beeler.

Mr. Beeler indicated that he would like to add a changing room to the property. The contractors that were on the property completing other work severely damaged the existing pool to the point where it had to be replaced. We determined that since we were doing all of this work that this would be the perfect time to add a changing room to the southern quarter of the pool which would be hidden away in the tree areas. We would build the room and when the fence was put in it would be around the sides of it so nobody would be hurt in the pool area. He stated that they would like this as their lives have changed and our family has grown. We are not the 30 year old's that we were when we came aboard. Our son has a family and we have seven grandchildren and as anyone that has kids knows, if you have seven grandkids there will be five other kids where they come from so you can have a large contingent of children along with their parents. What we have found is that a six year that has to go in and change into a swimsuit or change out of a swimsuit, the parents have to be with them so we have the child running around the house and kids fall down. If a mother is there with two kids and she goes in with the one she will take the other child with her. With the changing room they can change out there and its safe, clean and will add to his property value and will look good. Mrs. Beeler stated that for the safety factor, tile floors are slippery and kids fall and hit their head which carries consequences.

Joe Lair, 7305 River Road, stated that he is the immediate neighbor to the Beeler's. Mr. Iafigliola administered the oath. Mr. Lair stated that he has no problem with the Beeler's want or desire to build a pool house. His issue is with the compliance of the laws and the codes spelled out by the City of Olmsted Falls. He stated that zoning code 1240 clearly states the size and number and location of accessory buildings and the Beeler's have issue with all of the requirements. The law clearly states that residents in Olmsted Falls are allowed one extra structure, the Beeler's are seeking four. The law also states that the structures need to be placed in the rear of the property and the

Beeler's are seeking approval for one of these to be placed on the side lot, it also does not meet the minimum side setback requirements. His request is that we follow our codified ordinances and allow one building to be minimum 3,000 square foot size requirements, it will consolidate all these buildings they have into one building instead of the land of sheds. The City of Olmsted Falls clearly states in its ordinances that multiple sheds are not allowed. He believes the goal is to maintain the appearance and dignity of our historic district, which is a community we fought so hard to get and we can't allow multiple sheds. He then shared pictures with commission. Mr. Lair stated that Section 1240 indicates you can have one extra building and the first photo depicts that the Beeler's have one shed, which has a big sign on it, which clearly breaks the codified ordinances in the historic district as you are not allowed to have any signage on any of the buildings, another picture shows the two sheds that are on the property, the next picture shows that where they are proposing to put a building on a side lot which does not meet the setbacks requirements or the side lot requirement. The last picture is a better picture of the land they are looking at to put another building. Again, his request is that instead of having a land of sheds, which clearly goes against the codified ordinances of Olmsted Falls, is that they consolidate all these buildings, have them remove buildings and put up one building instead of having all these sheds. They say that they feel it is going to raise their property values, but he does not think that anyone in Olmsted Falls would like to have a neighbor that has this many sheds in their back yard.

Mr. Lair stated that the codified ordinances state that the accessory buildings are only permitted in the rear not in a side yard and indicates the side lot requirements, both are not being met. The Beeler's will meet the requirements as long as they have one accessory building with a maximum square footage of 3,000 feet. If they want to build a pool house that is fine, make it large enough and make sure that it meets the historic districts approval for what is allowed to be in the neighborhood. But, have one building instead of four sheds.

Mr. Bemmer stated that for a point of clarification, there is three accessory buildings and asked if this request was to retain the two accessory buildings that were already constructed and was there a variance for either of them. He asked if the photo that was shown depicts the garage for the Beeler's? He believes that there are some questions that we need to pursue with the Beeler's themselves. Mr. Smerigan indicated that the code permits, in addition to a detached garage, which they are permitted to have, you can have one additional accessory building. Since the Beeler's own more than an acre of land that accessory building can be as large as 3,000 square feet. What they are requesting is to build a pool house/changing room for the pool but they already have existing sheds on the property, in addition to the garage, so they need a variance for the number of accessory buildings. He stated that all of the accessory buildings together do not add up to 3,000 square feet so they are not over the square footage but rather the the number and as Mr. Lair indicated it would be permissible for them to build a larger changing room/pool house and have that also act as a storage shed on the property. As long as it was under 3,000 square feet they would be in compliance with the code. So they can have it but not in the fashion they want; by doing it the way they are doing it they need variances. He stated that it is possible to do it on the property in a way that

would not require a variance but that would involve removing some of the existing sheds and again they can have both the garage and one additional accessory building. Mr. Bemer stated that the Beeler's are looking for a variance to retain a shed that was already constructed as well as a variance to add the second which would be the pool house. Mr. Smerigan stated that he did not research the current history of the sheds that are there now and took them as an existing circumstance. The request that was made was for the changing room/pool house but they can't have that without a variance unless they reorient the sheds that are already on the property. Mr. Bemer stated that he does not see any issue as it meets the setback of five feet. Mr. Smerigan replied that this is not a setback issue. Mr. Bemer asked if it was located in the rear yard. Mr. Smerigan replied yes, it cannot be in the front and if you look at where the house is relative to the street its not forward of the house so it doesn't violate that. Mr. Bemer replied so we are looking at a use variance because of the number of existing sheds and adding a third. Mr. Smerigan replied that is correct. Mr. Bemer stated that his other question relates to the structure that has the "bulldog country" sign on it and asked if that was a shed or the garage. Mr. Smerigan replied that he believes it is part of the shed.

Mr. Iafigliola stated that he went to the property today and spoke with the Beeler's and to answer Mr. Bemer's question they have a shed, he did not measure it but according to the drawing its roughly 10 x 10. The building with the bulldog sign on it is physically in front of the garage and from what he has been led to believe it is a temporary location. He stated that he was informed by the Beeler's that they had a foundation issue on their house, something major, they hired someone to fix it and then also hired that same contractor to do some work around their pool. There was some damage that they were not expecting and the contractor redid the pool. In order to get down to the basement level, it's a split level ranch, the contractor moved the shed to the front of the garage for a temporary moment in time and then they will move it back once the access ramp is no longer needed, that's why it looks confusing. Mr. Iafigliola stated that the second picture Mr. Lair showed depicting the hillside and showed white PVC pipes which are still there today, and the front of the shed would basically be located at the edge of the driveway so the garage is useable again.

Mr. Lair stated that where the applicant placed the 2nd shed does not meet the variance requirements, as it is a side lot not a rear and also does not meet the setback requirements and they didn't have a permit when they put the building there and that is my reasoning for coming up with the solution of instead of having all of these accessory buildings just build one building that is big enough to house all their equipment instead of having four out buildings.

Mr. Iafigliola stated that Mr. Lair has suggested that the existing building is out of compliance but that is not part of the Commission's agenda. Mr. Smerigan stated that it is his understanding that the shed is in a temporary location and he has not evaluated the temporary location for compliance with the code, if he has that building at least five feet off the side lot line he is in compliance. So, when it gets finally set if it is at least five feet off the side lot line it will be in compliance. Mr. Lair asked if the shed needed to be in the rear of his home. Mr. Smerigan replied that it has to be behind the front

setback of the home, which it is. Mr. Iafigliola indicated that the Commission will not discuss this issue anymore as Mr. Smerigan indicated that it is not considered out of compliance and not part of the Commission's agenda this evening. Mr. Iafigliola indicated that the request this evening is for three additional accessory buildings in lieu of the permitted one. He stated that Mr. Lair correctly cited 1240.09 which states "one detached accessory building shall be permitted on a lot of less than one acre, in addition to a detached garage, if present, provided if the area of the detached accessory building does not exceed 140 square feet; for lots of or exceeding one acre the maximum area of such building shall be 3,000 square feet, or 3% of the area of the rear yard, whichever is less." Mr. Iafigliola asked what the four accessory structures were. Mr. Smerigan replied that the applicant is permitted one detached garage and one additional accessory structure; the applicant has a detached garage and is requesting to have a third additional accessory structure. The applicant is permitted to have the garage. The issue with the code is the applicant is permitted one building in addition to the garage, he is requesting a third building in addition to the garage. He is looking for a variance to have three instead of one. Again, as he previously indicated the applicant is less than the maximum square footage but he has it in three buildings instead of one building. The issue is, as you know with any variance, is the variance the minimum necessary or can it be handled some other way and clearly it is necessary to have three separate accessory buildings. Mr. Iafigliola stated that the variance portion is for two buildings beyond the allowed one. The pool and detached garage have nothing to do with the variance. Mr. Smerigan replied that is correct.

Mr. Pehanic asked what is the accessory building on the lower level of the property. Mr. Iafigliola stated that there is one shed in a temporary location and the permitted location will be approximately 10 feet to the left of the temporary location. He was led to believe that this shed has been located in the same spot for a long period of time. The lower level is the second shed. Mr. Pehanic asked what that shed was used for.

Mr. Beeler stated that the lower level shed has been there for years. The shed in the driveway was moved to access the lower level with equipment. There is an access area from the driveway to the lower level and it is almost straight down so the only way to get equipment down there was either Mr. Lair granting us permission to go across his property with the equipment or we had to move the shed temporarily to get the equipment down. We moved the shed temporarily to get the equipment down there so they could pour the patio area around the pool and it is actually about 14 feet lower. We are landlocked and he cannot get a lawn mower from the lower area to the upper area so he cannot take care of both sides of the property with no lawn equipment that's why there has always been two sheds. Mr. Iafigliola stated that the Beeler's small shed on the right is labeled "C" on the November 2007 drawing. He will repeat what the Beeler's have said because the Commission is having a hard time hearing him. If you can tell where their house is, which again is in the back, they have an additional lawn area and they have indicated that they keep lawn maintenance equipment in the upper shed and the lower shed is where the similar but other equipment is kept. There is really no great way to get that same lawn mower to the upper. Basically, what the Beeler's are saying is that they have a hardship that is based on the topography of their property that requires the need for two accessory buildings. He asked if there was any way that the

new shed that they will build could be made bigger and eliminate the other shed and asked if that was something they would consider. Mr. Beeler stated that he is comfortable answering, he can always build something bigger but what he is afraid of is that the neighbor will let him knock sheds down but not let him build and will use it against us. Mr. Beeler stated that if he were to knock a shed down, he would build something that was approximately 15x30. Mr. Iafigliola stated that he is trying to find a solution and that the Beeler's are not bound to do it.

Mr. Iafigliola reiterated that he is asking the applicant if they would consider eliminating one of the sheds, the lower shed specifically, because that is the one that could potentially be replaced with a larger building to fulfill two purposes and reduce the amount of sheds, they would still be out of compliance but they could just as easily argue that the upper shed is required for topography due to geographical difficulties and asked Mr. Lair if he had any comments regarding that proposal.

Mr. Lair stated that he does not understand the need for a variance whatsoever. The City of Olmsted Falls allows you to have one accessory building and if they are going to have construction, they obviously just spent a fortune putting in a new pool and now are looking to build a pool house so a few extra dollars to build a bigger building seems to make a lot of sense to him. He thinks that Mr. Thompson can attest to the fact that the lawn mower has not been out of that lower section in a very long time so that is not an excuse or a reason for having four sheds on their property. Why do we need to have so many buildings when they can build one large building, get rid of the other three, and no longer need a variance, just make one pool house that is large enough to accommodate your mower and whatever else is in the buildings. The point of saying that they put the mower in that top shed is absolutely farcical there is no lawn up there for them to mow so that is not the case.

Mr. Bemmer stated that he sees the dilemma the Beeler's have a gorgeous property and are attempting to maximize their use and understands Mr. Lair's concerns which is we have a proliferation of out buildings and it does take away from the aesthetic appeal and there has got to be a solution in order to obviate the need for variances. His question to the Beeler's is why did they not expand their garage and absolutely eliminate the upper level shed. Mr. Iafigliola reiterated the question of: could the Beeler's add onto their garage which would eliminate the upper shed and then build a 3,000 square foot building to accommodate the pool house and lower level shed. Mr. Beeler replied no. In front of the garage there is a water line to his home and runs to the Lair's. Mr. Beeler indicated that he could expand the garage due to that water line. Mr. Lair replied that he could also add to the top of the garage for storage or to the south of the garage, there is always a way to put extra space onto existing buildings as opposed to making it some issue that it appears to be not possible but you could easily add onto the garage going to the east.

Mr. Iafigliola stated that he would like to make a suggestion. The Commission has heard testimony from Mr. Lair who is the immediate neighbor, we have testimony from Mr. and Mrs. Beeler and believes that Mr. Bemmer had a good suggestion which is table the issue tonight on the basis of is there a way that the Beeler's could reduce or

eliminate the variance request. Now, there have been a few ideas suggested and the applicant is under no obligation to take them and could return and state that they have studied the options and explain why those options will not work which could be submitted in a letter to the Commission. Mr. Beeler stated that as for building up on the garage he is sure he could get his lawn tractor up there and it would be cost prohibitive. Mr. Iafigliola stated that he visited the property and understands Mr. Lairs concerns, what he would like to see is the Beeler's to document that they have reviewed every option that we could think of some you may indicate are ridiculous some are not. He stated that they could presumably return in two weeks with a letter and that would at least document the situation. Mrs. Beeler stated that she would like to see the photographs because Mr. Lair and Mr. Sculy won't see the building.

Mr. Iafigliola read a letter from Mr. Sculy which states: "June 3, 2020, City of Olmsted Falls Planning and Zoning Commission, Case 11-2020, Mr. Jim Sculy, 7353 River Road, Olmsted Falls, Ohio, Dear Sirs/Madam: I am a neighbor to the Beeler property at 7303 River Road and I would like to express my objection to the variance of wanting to build another out building. They have lived in the home since 1988 and it had the pool in place and in use since such time. They have a walk out basement on the same level as their pool and have used it just fine for changing all these 32 years. I was surprised to hear that a variance would even be considered as they have a free-standing garage that is used as a shed already and two other out buildings on the site. Another building would clutter up even more of the existing landscape. I thought a variance is considered for more of a hardship or a necessity for a property I don't see a necessity in this case. There was a small deck added to the south side of the pool area about three years ago I am sure without any permit to add to the cluttered look. I read the request they filed and it all sounds good at a glance but having lived next to the property since 1993 I can say they don't really care much about the landscape look of the area. They have been dumping into the common swales that cross our properties for years and have caused excessive water back up onto the properties upstream from their property, not to mention all the years of dumping into the Rocky River. I know in your consideration you are looking at what you see on paper but please consider the neighbors who have to look at more clutter each and every day. Respectfully submitted Jim Sculy."

Mr. Beeler stated that no one can say that he does not take care of the property landscaping they do a lot of work and put in a lot of time and effort. He has a City of Olmsted Falls permit for the patio that leads out to the fence and Property Inspector Kopchak came out to inspect the property, he has his report with him, there is no dumping of anything of limbs dirt or debris; there is also no misdirection of water or violation at all. The report is dated 10/28/15. Mrs. Beeler indicated that there have been many complaints made by Mr. Sculy and the Lairs. Mr. Thompson asked if Mr. Iafigliola could repeat what Mrs. Beeler stated. Mr. Iafigliola replied that Mrs. Beeler stated that there are many reports between the neighbors many of them unsubstantiated over the years through the building department including over the last six weeks. Mr. Beeler replied the building department and Mayor's office.

Mr. Smerigan stated that he also understands there is a neighbor issue but is not interested in that. The issue in front of the Commission is a request for a variance and

under the law if there is a way to meet the need without requiring a variance then that is what the Commission is to do. He believes that it is pretty evident that because of the existing garage it is possible to have storage at both the upper and lower levels and to meet their desire to have a changing room. He understands that the Commission is trying to accommodate the applicant by asking if they are willing to remove buildings and construct one larger one, but the question here isn't whether or not they prefer to do it, the question is in order to get the variance there has to be a particular difficulty that would make it impossible for them to do it and he does not see how the Commission could come to that conclusion; he believes it is certainly possible to do it even though it may not be the applicants preference, desire or even be the cheapest way but he does not think that its to the extent that its undoable or that the economic hardship would be so great to make it impossible.

Mr. Fenderbosch asked how far from the pool would the changing room be located. Mr. Beeler indicated 11 feet 6 inches.

Mr. Thompson stated after reviewing the drawing he does not see a side setback issue, with the top shed but he is unsure of the necessity of the top shed due to the garage. He stated that yes it can be done in a different way. He stated that the problem with the property is the topography it's a pretty steep drop from the top down into the bottom area so they kind of need two storage areas so there is certainly a need for that unless they are willing to combine those two somehow. He does not believe it is a bad solution but not sure if it quite fits with what they are trying to do. He stated that being on the property many times he can see what the applicant wants to do but can also see the neighbor's objections as well.

Mr. Pehanic stated that he is looking at the drawing date November 29, 2007 and asked where on that is the proposed pool house going to be built. Mr. Iafigliola stated that it is a hand drawn rectangle with an "X." If you look at the drawing there is a building called "A" pool area and it is immediately to the upper right of the pool area. Mr. Pehanic stated that the question he has is given the proximity of these properties to the river bank are there any riparian issues involved. Mr. Smerigan stated that he reviewed the application and determined all the variances necessary, as you know the riparian setback was amended so this would not be inside that setback.

Mr. Munteanu stated that the shed labeled "c" if it is put back in its place doesn't fit to the code since it will be within the five foot setback and asked if that was correct. Mr. Iafigliola asked how Mr. Munteanu would know that. Mr. Munteanu replied that from Mr. Lair made the statement and believes this is something we need to check into.

Ms. Hawkins stated that she would like to see another option or two as a viable solution.

Mr. Thompson stated that he would like to propose another option. He asked if the changing room could be added onto the basement level of the house, then no variance would be required. Mr. Beeler replied that is not an option.

Mr. Iafigliola moved to **table** Planning and Zoning Case #11-2020 until such time as the applicant can answer the following questions: (1) investigate if there is a way to eliminate the variances, if that is not possible how can the variances be reduced, if the variances cannot be eliminate or reduced, prove the reason why and the hardship; (2) verify by any means possible that the proposed shed labeled “c” is within the five foot side setback; Mr. Thompson **seconded**.

Mr. Beeler stated that he is concerned that the process, including a table and ABR’s confirmation will take a long time and will put him past useable pool season. He indicated that money is a concern but will review the options and return.

Mr. Bemmer stated that it is important that the applicant understand that the standard is unnecessary hardship, this is a use variance which is a higher standard than practical difficulty, the terrain and uniqueness of the property does not come into it, the applicant has to show why they need this additional building in and what hardship they will face if they don’t get it, that is a very high standard. Poll: 7 ayes; 0 nays. **Motion carried**.

2. Planning & Zoning Case # 12-2020 - A request made by George Goodman, owner of 26567 Bayfair Drive, PPN# 281-25-047 for a variance of 5 feet to Section 1240.09(a)(1)(A) to permit a shed to be 0 feet from the side lot line in lieu of the required 5 feet.

Mr. Iafigliola administered the oath. Mr. Goodman stated that he has a shed in his backyard and his yard is not very deep. When he purchased the home there was a small shed in the same corner and he removed that shed about 11 years ago. A couple of years ago he purchased a shed and put it in the same location. If he put the shed in the other corner he may block an access area for a swale. In its current location the shed is hidden and you can barely see the structure from the street. His neighbor has no complaints regarding its location and if the Commission would like he could get a letter signed by his neighbor. He stated that he was unaware that the shed had to be five feet from the property line and in its current location it is a few inches from the fence. This is a low roof shed and the structure does blend in with the area.

Mr. Iafigliola indicated that he received a letter from Joe and Michelle LaGruth which states: “I would like to go on record that my wife and I support the request for a shed variance by Mr. George Goodman. Unlike some of the other property owners in close proximity George and his family work very hard to maintain and beautify his yard and home. I’m sure this project when completed by George will reflect this. Feel free to contact me with any questions. Respectfully Joe and Michelle LaGruth, 8457 Old Post Road.” Mr. Iafigliola asked where the LaGruth property was located. Mr. Goodman stated that there are three houses on his street and this property is a couple houses down on the neighboring street and he can see their property from his backyard. He stated that he does keep the property clean and nice and lives in a good neighborhood.

Mr. Smerigan stated that as the Commission is aware the code requires that shed’s be five feet off the side lot line and this shed is basically on the side lot line. If you look at the overhang it is through the side lot line. The shed was built without a permit and

when the building department became aware Mr. Goodman was notified that he would either have to move the shed or seek a variance.

Mr. Thompson asked if the shed was already been built and is in place. Mr. Smerigan replied that is correct. Mr. Thompson indicated that the structure is not painted to match any of the other buildings. Mr. Goodman stated that if you are looking from the street you can barely notice the shed, the back side of the shed is seven feet tall and the fence is six feet tall. The shed itself is blended in with the fence color, the fence is painted with an oil base stain to preserve it because it is eco friendly and the shed itself also has an oil-based stain, like a mineral oil. He stated that the shed was placed in a hidden corner of the back yard and the fence goes completely around the structure.

Mr. Pehanic stated that from the street it is difficult to see the shed and agrees with the applicant.

Mr. Iafigliola stated that he is concerned that the shed looks a little rustic in a non-rustic area. Mr. Goodman stated that the shed looks modernish. This is a very simple and clean building, in his opinion. Mr. Iafigliola stated that he did look at the shed from the street and agrees with the applicant that you can basically not see the structure from the street. However, you can see it from Old Post Road. Mr. Goodman stated that there are a lot of trees so you can barely see it from that street as well. Mr. Iafigliola indicated that he does agree. He stated that Mr. Smerigan has indicated that the shed is not out of compliance.

Mr. Iafigliola stated that the neighbor's approval or disapproval is not required by code, however, this board has come under some criticism during a recent case regarding another structure and feels that it is good policy, if at all possible, that Mr. Goodman provide a letter from his neighbor, which he previously indicated that he could get.

Mr. Smerigan indicated that the Commission could table the matter until the applicant provides a letter but the neighbor does not get the power to veto the board's actions. The Commission either decides that it is an acceptable variance or not. If the board wants to review the letter to help make its decision that is acceptable but they cannot take an action based on the letter being a contingency.

Mr. Munteanu asked the clerk if the neighbors were notified. The clerk responded that every resident within 500 feet received a notice of the variance. Mr. Smerigan stated that if the neighbors would have had any concerns, he assumes they would have made it a point to be present this evening or send in a letter into the city indicating their comments. Mr. Bemmer stated that he understands the concern regarding the neighbor who was on vacation and did not believe the garage would be an issue but did turn out to be an issue but he believes that the Commission has to trust the process. The city does provide for notices to individuals, many neighbors will not respond and does not believe that the Commission should have a heightened standard of obligatory the applicants to secure letters from all the adjoining neighbors and agrees with Mr. Smerigan. He would recommend and encourage the board to move forward with this variance. Mr. Pehanic indicated that the shed did not just appear overnight, it has been

in this location for a length of time. Mr. Iafigliola stated that his concern is that the applicant began building a shed without a permit and someone called the building department, which means that someone did have some concerns.

Mr. Iafigliola moved to **approve** Planning & Zoning Case #12-2020, for Mr. George Goodman owner of 26567 Bayfair Drive, PPN #281-25-047 for a variance of five (5) feet to permit a shed to be zero (0) feet from the side lot line in lieu of the required five (5) feet; Mr. Munteanu **seconded**. Poll: 6 ayes; 0 nays. **Motion carried**. During this poll Ms. Hawkins left the meeting.

3. Planning & Zoning Case # 13-2020 – A request made by Randy Abood, owner of 27013 Cascade Court, PP# 290-04-065, for a variance of 5 feet to Section 1240.09(a)(2) to permit a driveway expansion 9 feet wider than the garage door in lieu of the permitted 4 feet.

Mr. Iafigliola administered the oath.

Mr. Iafigliola stated that he did speak with Mr. Bemer today and would like to state publicly that he does know the applicant personally, his son has been on sports teams with his son. He has no personal or professional interest in what brings him before the Commission and believes he can be a valid decision maker in this case.

Mr. Abood stated that his current driveway is 16 feet wide the new drive would be 25 feet wide, which is a beyond his two car grage. he is also replacing the sidewalk next to his garage the service walk will be removed and replaced and made slightly wider to match the driveway width.

Mr. Funk indicated that he has no issues with the expansion.

Mr. Iafigliola stated that he received a letter from Mr. Funk dated June 3, 2020 and states: “to whom it may concern, Mr. and Mrs. Abood have discussed the variance request for the driveway expansion of nine feet near the garage and tapering back to the original drive before the sidewalk requiring a variance of five feet. I am writing this letter to confirm I do not have objections to the variance request at 27013 Cascade as described. signed, Nathan Funk, 27021 Cascade.” Mr. Iafigliola asked Mr. Funk if he was the immediate affected neighbor. Mr. Funk replied yes.

Mr. Iafigliola stated that he received a letter from Michael Bogacki dated May 3, 2020 which states: “To whom it may concern, as the homeowner residing at 27005 Cascade Court I am writing this letter to confirm I have no concerns with the driveway extension or widening being installed at 27013 Cascade Court.” Mr. Iafigliola asked where this neighbor was located. Mr. Abood replied two doors down on the opposed side of Mr. Funk.

Mr. Iafigliola stated that he received a letter from Issa Elkhatib dated May 3, 2020 which states: “To whom it may concern, as the homeowner residing at 27009 Cascade Court I am writing this letter to confirmation that I have no concerns with the driveway

extension/widening being installed at 27013 Cascade Court.” Mr. Iafigliola asked where this neighbor resided. Mr. Abood replied immediately on the opposite side of the extension.

Mr. Iafigliola stated that the issue is not necessarily the width but rather the width relative to the garage width. Mr. Smerigan replied that is correct. He stated the under the code the maximum width of the driveway is four feet wider than the width of the garage doors. The applicant’s current driveway runs the entire width of the garage doors and is requesting a nine-foot expansion. The applicant is allowed four feet beyond the driveway distance and is why the variance request is five feet. He stated that the sidewalk is not a variance issue as it is not in the front so that complies with the code.

Mr. Iafigliola moved to **approve** Planning and Zoning Case #13-2020 for 27013 Cascade Court, PPN #290-04-065, for a variance of five (5) feet pursuant to Section 1240.09(a)(2) to permit a driveway expansion of nine (9) feet wider than the garage door in lieu of the permitted four (4) feet as submitted; Mr. Thompson **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

COUNCIL LIAISON REPORT – Mr. Munteanu reported that both cases approved at the last planning meeting were adopted by Council at the last Council meeting. He stated that Mr. Stibich read into the memo from the Planning and Zoning Commission into the record regarding the length of time for the sale of the property, and, Ms. Jansen also commented and regarding the sale limit of three years and no more than five years and that was taken into consideration.

OTHER BUSINESS – None

APPROVAL OF MINUTES – Mr. Iafigliola moved to **approve** the minutes of May 20, 2020, as written; Mr. Fenderbosch **seconded**. Poll: 6 ayes; 0 nays. **Motion carried.**

ADJOURNMENT: Mr. Pehanic moved to **adjourn**; Mr. Munteanu **seconded**. Voice vote: 6 ayes; 0 nays. **Motion carried.** Meeting adjourned at 9:28 p.m.

Planning & Zoning Commission Clerk

Date

Planning & Zoning Chairman

Date