

BOARD OF ZONING APPEALS

July 19, 2018

WORKSESSION: The Board of Zoning Appeals convened in Courtroom No. 1 at 7:00 PM for a worksession to discuss best practices. Discussion regarding hearings of the Board of Zoning Appeals being public and an explanation about the Board's option to go into executive session for discussion but not for vote on any case before it.

The Board of Zoning Appeals convened in Courtroom No. 1 for a regular meeting. Chairman Behrens called the meeting to order at 7:30 p.m. and asked the Secretary to call the roll. Members in attendance were Mr. Briggs, Ms. Aston, Mr. Bartholomew, Mr. Callender and Chairman Behrens. Also in attendance were Assistant City Manager/Community Development Director, Doug Lewis; City Planner Lynn White; Assistant Law Director James Lyons; and the Secretary, Tina B. Pomfrey.

MINUTES: Chairman Behrens asked for additions or corrections of the minutes of the Special Board of Zoning Appeals Meeting of March 21, 2018 meeting. There being none, he asked for a motion. Motion by Ms. Aston, seconded by Mr. Briggs, to accept the Board of Zoning Appeals Meeting Minutes as written. Chairman Behrens asked the Secretary to call the Roll. On Roll Call, Ms. Aston, Mr. Bartholomew, Mr. Briggs and Chairman Behrens answered "yes". Mr. Callender abstained from the vote. Motion carried, 4-0.

Chairman Behrens explained the procedures for the meeting and swore in those who planned on speaking for or against the variance request. Additionally, Chairman Behrens explained that the Board of Zoning Appeals has the right to adjourn the meeting to deliberate if needed and then return to resume the meeting.

The Chairman asked the Secretary to please read the notice:

NEW BUSINESS: (Public Hearing):

REFUSAL NO. 2316

APPLICANT: Mosaic Properties LLC

LOCATION: 374 South St. Clair Street
(Parcel Number 15-B-005-0-00-011-0)

DISTRICT: R-1 Single Family Residential District

VARIANCE: Section 1139.04(a)

The City of Painesville has received an application from Mosaic Properties of Mentor, Ohio, proposing a variance to Section 1139.04(a) of the Painesville Codified Ordinances. Section 1139.04(a) states "*no such nonconforming use shall be enlarge or increased, nor extend to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance*". The applicant is proposing a parking addition into the front setback of the property located at 374 South St. Clair Street. A variance is being requested.

Chairman Behrens asked if there was a representative of Mosaic Properties LLC present. Mr. Zach Weaver of Mosaic Properties LLC, 9214 Lorrach Road, Mentor, Ohio, replied that he was present. Chairman Behrens reviewed the information that was provided to the Board of Zoning Appeals members by the City Planner and asked the applicant if he had any further information to provide to the Board. Mr. Weaver indicated that Mosaic Properties LLC (50-50 ownership between he and his wife) purchased the property about 1 ½ years ago. Mr. Weaver explained at the time of purchase, the house was a vacant, 4-unit quad. Improvements were made to the property, as well as improvements in the quality of the tenants. Mr. Weaver said that parking is limited and has been a problem. Only four vehicles, parking nose-to-nose, can occupy the allotted parking spaces. Additionally, there is only one driveway on the property from Lusard Street. Mosaic Properties is requesting to install a gravel driveway from South St. Clair Street, although Mr. Weaver indicated that he would install concrete if preferred by the City. He said his goal is to improve functionality of the parking area. Mr. Weaver referenced a sketch of the property that he submitted. He stated there is a sidewalk leading to the main entrance of the property as well as a sidewalk leading to the side entrance to the other two units of the house. He pointed out that the area between the two sidewalks is 16 feet wide. Mr. Weaver suggested pouring concrete between the two sidewalks, creating a driveway 20 feet in width (code requires 9 feet in width), including the sidewalks as part of the parking area. Mr. Weaver indicated that under the plan, the space would be 14 feet deep, enabling a vehicle to fit without encroaching into the sidewalk. A grass area would also remain at the front of the building. Mr. Weaver indicated that Mosaic Properties received a violation this past winter during a snow ban when one of the tenants parked his car in the front yard. Although that was not the proper thing to do, there was no available space for his tenant to park. Mr. Weaver stated that he is requesting to correct the situation in a way that will make the property more functional yet be acceptable to the City. He stated that after speaking

to City Manager Monica Irelan and Councilperson Katie Jenkins, the City removed the trees that blocked the proposed driveway entrance.

Mr. Bartholomew asked why the trees were removed. Mr. Weaver replied the trees were removed in preparation for the proposed parking modification. City Planner Lynn White inserted that there were sidewalk issues at the property as well and referenced a photo taken this morning showing the front of the house. Mr. Weaver agreed that the trees were destroying the sidewalks. He indicated that he plans to replace the sidewalk and the front steps to the house as well. Mr. Weaver stated the contractor would do all the repairs at once.

Chairperson Behrens asked how many total units are in the building. Mr. Weaver replied that there are four units with approximately six cars at this time. Mr. Behrens stated that it is quite possible there could be eight vehicles between all the tenants. Mr. Weaver replied yes, however he doubted it would increase presently as two of the units are one bedroom and two units have two bedrooms. His current tenants do not have that many cars between them.

Discussion ensued regarding the location of the units within the house and the driveway locations of the other properties on the street. Mr. Briggs indicated that he had an issue regarding the gain of just two spaces, from four to six, after the reconfiguration of the parking area. Mr. Weaver replied that he is aware that his plan is not in compliance with City Code, however, he is attempting to make the property resemble the other properties on the street which is difficult as there are no other four-unit houses on the street. He remarked that he will add value to the property by adding parking that gainfully employed, tax-paying tenants, who contribute to the community, require. He presumed that the City saw the same value as he and that it why the trees were removed.

Mr. Bartholomew asked Mr. Weaver if the City indicated they would remove the trees for the installation of additional parking. Assistant City Manager Doug Lewis interjected that the City would not remove trees for this purpose for anyone who owns property in the City. He explained that trees are removed for several other reasons; the destruction of the sidewalks and problems with tree roots obstructing the sanitary sewer lines. The Engineering Department evaluates these conditions for trees located in the City right-of-way only. The City did not remove the trees to add parking.

Chairperson Behrens asked if there were further questions from members of the Board.

Mr. Bartholomew acknowledged that he is reluctant to approve the modification because this property is located in a single-family district. He stated that once the modification is done, the property could be sold and may require even more parking, requiring yet another parking expansion.

Mr. Weaver replied he does not plan on selling the property. He stated that the property is a four-unit property, and although the conversion to a multi-family home occurred before the current zoning code was adopted, is still is a four-unit building that requires parking functionality. He stated that the parking modification is of great value to him and believes a quality tenant will be valuable to the neighborhood.

Ms. Aston commented that documentation provided to the Board indicates there are five parking spaces on the property. Mr. Weaver replied that if it says that, he is not sure how five cars could fit on the property with the current parking configuration. More discussion ensued regarding possible parking spaces on the property and on the adjacent Lusard Street.

Chairperson Behrens asked if there were any other questions from members of the Board.

Mr. Callendar asked if there was a possibility of gaining parking from the house across the street on Lusard Street. Mr. Weaver replied that he would love to resolve the problem in that manner but his goal is not to incur more costs and driveways are costly.

Chairperson Behrens asked if there was anyone in the audience who wished to speak on behalf or against the request. There being none, he asked the secretary if there was any correspondence concerning the issue. The secretary replied she did not receive correspondence.

Chairman Behrens asked if there were comments from the Assistant Law Director. Mr. Lyons pointed out that Mr. Weaver owns about 20 properties in Lake County according to the Lake County Auditor's Office website. This property appears to be the first under Mosaic Properties here in Painesville. Mr. Weaver replied it is, however, he and his wife also own Rockwood Manor LLC, which is the next issue on the Agenda, as well as two other buildings in Painesville. They are also planning to purchase a third property under Rockwood Manor LLC.

Mr. Lyons asserted that Mr. Weaver is a pretty experienced property owner and asked how long he had been acquiring investment properties. Mr. Weaver replied he has been investing significantly since 2012. Mr. Lyons commented that zoning is an important consideration when purchasing a property and asked Mr. Weaver if it was an important consideration when he purchased this particular property. Mr. Weaver replied no; Mosaic Properties had no intention of purchasing this property. In order to acquire other properties located in Fairport Harbor, Mr. Weaver said he was obliged to buy this property as the owner would not sell otherwise.

Mr. Lyons explained that the hope (of the City) is that pre-existing, non-conforming properties will one day revert back to the use permitted in the zoning district where they are located. The purpose behind prohibiting expansion of a non-conforming use is to encourage conformance to the zoning district. This property is located in a single-family zoning district. Mr. Lyons then asked Mr. Weaver if he was aware of the non-conformity and the lack of parking when he purchased the property. Mr. Weaver replied that he was. Mr. Lyons asked Mr. Weaver if the purpose of expanding the nonconforming use was to acquire better tenants and to make more profit. Mr. Weaver replied he would profit either way but feels that investment in his properties is an improvement for Painesville. Mr. Lyons mentioned that, per the information provided by the City Planner, the property has no records showing that it was legally converted from a single family use to a multi-family use. Mr. Lyons asked if the City has requested the property be returned to single-family use. Mr. Weaver replied no.

Discussion ensued regarding possible ways to minimize the non-conformity of the property to accommodate the lack of parking. Chairperson Behrens asked how long the property was vacant before Mr. Weaver acquired it. Mr. Weaver replied at no time was the property vacant; it was occupied when Mosaic Properties took possession of it. Mr. Lewis asked if alternative parking layouts were explored. Mr. Weaver indicated that he met with the City Engineer, Leanne Exum, and this layout seemed to make the most sense.

Chairman Behrens asked for the comments from the City Planner. Ms. White stated that the information provided to the Board was based on the Painesville Zoning Code and Comprehensive Plan. She and the City Engineer met with Mr. Weaver to consider possible ways to provide the property with some functional parking, including a driveway entrance off South St. Clair Street. As Mr. Lyons stated, the purpose behind prohibiting expansion of a non-conforming use is to encourage the return of the property to the use intended in the zoning district. Ms. White added that one of the goals stated in the Comprehensive Plan is conversion of homes originally designed as single family homes back to single family homes. Ms. White added that if the Board felt the variance could be granted, she has given suggestions regarding screening, paving, and defining the existing parking area so the tenants know their particular parking spaces, creating order to that area.

There being no further comments, Chairperson Behrens called for a motion. Motion by Mr. Callender, seconded by Mr. Briggs, to approve Refusal 2316 with the following stipulations:

1. Screening of parking and service area (dumpster) is required through the use of trees, shrubs, hedges, grade changes, fencing and or other visual and acoustical barriers between parking or service areas and housing units;
2. Screening and buffering plans shall be submitted with the site plan for review and approval by the Administrator and City Engineer;
3. Parking area shall be paved with durable and dustless surface; and shall be graded and drained as to dispose of all surface water accumulated within the area;
4. Parking area shall be marked as to provide for orderly and safe loading and unloading, parking and storage of vehicles.

On Roll Call, Mr. Bartholomew, Mr. Callender, Mr. Briggs, Ms. Aston and Chairperson Behrens answered "no". Motion failed, 5-0.

Mr. Lyons explained that Mr. Weaver has a right to file an appeal with the Lake County Court of Common Pleas. He detailed the process and added that Mr. Weaver could also choose to submit a significantly different plan and appear again before the Board of Zoning Appeals. Mr. Lyons stated that unfortunately, the variance requested this evening has been denied.

Mr. Weaver replied that he is just trying to add function to the property and is not present to argue with the decision of the Board.

Chairman Behrens moved to the next item on the Agenda. He asked the Secretary to please read the notice.

REFUSAL NO. 2317**APPLICANT:** Rockwood Manor LLC**LOCATION:** 378 East Erie Street, also known as 360-382 Rockwood Drive
(Parcel Numbers 15-A-006-0-00-005, 006 and 007-0)**DISTRICT:** R-2 Multi-Family Residential District**VARIANCE:** Section 1137.07(a)(3); 1127.06 (d)(1)

The City of Painesville has received an application from Rockwood Manor LLC, proposing a variance to Sections 1137.07 (a)(3) and 1127.06 (d)(1) of the Painesville Codified Ordinances. The applicant is proposing to increase a parking area at 378 East Erie Street. Section 1137.07 (a)(3) states, "Parking for all multi-family units shall be considered an accessory structure or use and shall be regulated by the requirements for accessory structures". Section 1127.06 (d)(1) requires accessory structures to have a front setback that is the same as the main structure. The front setback is 35-feet. A variance is needed to allow parking within the front setback.

Chairman Behrens asked Mr. Weaver if he would be speaking on this matter as well. Mr. Weaver replied yes. Chairman Behrens reviewed the contents of the packet that was supplied to the Board by the City Planner. He asked Mr. Weaver if he had any information he would like to supply to the Board members.

Mr. Weaver stated that Rockwood Manor LLC purchased this property in June 2016. Mr. Weaver explained that he is a 25% owner, his wife is 25% owner, and his brother, who lives out-of-state, is a 50% owner. He indicated that his organization is a buyer of last resort. Rockwood Manor LLC buys properties that banks will not lend on and that no one will purchase. Mr. Weaver explained that the property was in extraordinarily poor condition when purchased. The average rent was \$650 a month for a 1,440 square foot furnished townhome. At the time of purchase, there was one Section 8 renter in the building since 2001, who is still lives there. Mr. Weaver said he was notified that they had three weeks to have the building condition resolved or the Section 8 status would be revoked, something that the previous owner had neglected to disclose. As soon as renovations began, the contractors started complaining about the live roaches on the property. One unit was completely infested and it took over a month to remedy before contractors could resume work on the property. Significant renovations have been done to the interior of each unit and it is now a place where people can be proud to live. Most of the previous tenants have moved out on their own, however, the tenant with the severe roach infestation was asked to leave. The units have been renovated as each tenant has moved out of the property. The current tenants are paying higher priced rent and are quality people who have jobs and own vehicles. The tenants now are faced with a significant parking issue. Rockwood Manor is a twelve-unit building with twenty parking spaces. Parking was added through the addition of gravel, however, that was not acceptable to the City and now Rockwood Manor LLC is trying to resolve the issue by finding a more permanent solution and is requesting a variance before the Board of Zoning Appeals.

Chairman Behrens asked Mr. Weaver if he consulted with the City before adding the parking. Mr. Weaver replied he did not; it was an oversight and poor judgement on his part. Chairman Behrens commented that it appears that the tenants are disregarding the barriers that were installed to define the parking area (from photos presented to the Board). Mr. Weaver agreed and said that his goal is to add some type of barrier that will delineate the parking area and that cannot be moved.

City Planner Lynn White clarified the violation occurred this past winter and contributed to the oversight of Mr. Weaver. The purpose of the gravel placement was to remove parking from the street. The problem now is the vehicles parked in the gravel parking area limits visibility when exiting Rockwood Manor. Mr. Weaver was informed of the violation and he consulted with the City. Per the City Planner report provided to the Board, a variance was granted for four additional spaces in 1989, a time when cars were permitted to park along the sidewalk on Rockwood Drive. The building is a permitted use; 12 units in an R-2 multi-family district. At the time Rockwood Manor was built, the parking met the standards of the Zoning Code; one and a half parking spaces per unit. Currently the parking requirement is two spaces per unit. The complex should have 24 spaces altogether. It was determined that the requested location is really the only area where additional parking may be added.

Chairman Behrens remarked that should the Board grant the variance, there should not be a need for additional parking.

Mr. Callender asked the applicant how long he has owned the property. Mr. Weaver replied it was purchased in June 2016, however, the parking issues were not immediate. It became apparent there was not enough parking when the new tenants began to move in.

Chairman Behrens asked if everyone on the property is employed and has vehicles. Mr. Weaver replied yes, all but one; the tenant who is disabled.

Discussion ensued regarding the parking plan and current sight conditions on the property. Mr. Weaver said he would like to add even more parking, however, it is not reasonable to think that any more parking (beyond the current request) could be added to the property.

Chairman Behrens asked if maintenance would be done to the parking area. Mr. Weaver replied that if the Board approved the variance request, all new parking would be installed in concrete and the apron would receive remediation as well.

Mr. Briggs asked Mr. Weaver if the recommended stipulations are acceptable. Mr. Weaver conveyed that it is his goal to make the property desirable for people to live and where the value comes from and has no issues with the stipulations set forth in the report.

More discussion ensued regarding parking locations and construction. Mr. Briggs stated that this parking plan seems to fit the character of the neighborhood, better than the proposed plan for South St. Clair Street.

Mr. Lewis interjected that one of the goals of the Downtown Streetscape Plan is to screen parking from the street. Ways to achieve screening is through fence installation and layering shrubs and landscaping. Rockwood Manor is a few blocks from Downtown. Mr. Weaver has made noticeable improvements to the property. The recommendation provided by the City Planner is on point and consistent with the Downtown Streetscape Plan and the City's goal is to work with the applicant to achieve the recommendations set for in a way that is affordable and mutually beneficial for the applicant as well as the City.

Discussion ensued regarding snow removal. Mr. Weaver admitted that he has been frustrated with past plowing contractors and he is now searching for a new snow removal company.

Chairman Behrens asked if there were comments for or against the variance request. There being none, he asked the secretary if correspondence was received from the neighborhood.

The secretary replied she received a letter dated July 14, 2018 from David Graper, owner of 339 Rockwood Drive, as follows:

Would accepting additional parking in the setback area be setting a precedent for Erie Street? Additionally, if a variance is considered to the request, would it deem using proper construction methods for the expansion? In the event the variance is denied, would the lawn be required to be restored?

Mr. Lyons asked Ms. White to confirm that the property is not non-conforming and different from the previous variance request. Ms. White replied that the property is zoned R-2 and conforms to the zoning district. She then reviewed the zoning in the immediate area around Rockwood Manor, confirming multiple zoning districts in the area and several properties that are also made up of multiple units. Ms. White reviewed the stipulations recommended by the City. She also suggested a lot combination of the three parcels that make up Rockwood Manor. She acknowledged a lot consolidation would remedy the confusion surrounding the property address. Mr. Weaver interjected that 360-382 Rockwood Drive are the addresses of the 12 units and 378 East Erie is the platted address for one of the three parcels. Ms. White said the City Engineer is working to address the properties as 360-382 Rockwood Drive. Additionally, the combination of the lots will accurately reflect the entire square footage of the property. Mr. Lyons stated that the lot combination does not require a new survey or deed and the valuation of the property should not change. This can be done with a form from the Lake County Auditor's office.

Chairman Behrens asked if the lot combination is an additional stipulation for the granting of the variance request. Mr. Lyons replied yes, the lot combination should be an added stipulation.

There being no further comments, Chairman Behrens asked for a motion.

Motion by Mr. Briggs, seconded by Mr. Callender, to approve Refusal 2317 with the following stipulations:

1. A landscaping plan for the parking area must meet the requirements of Section 1137.08;
2. Screening of parking and service area (dumpster) is required through the use of trees, shrubs, hedges, grade changes, fencing and or other visual and acoustical barriers between parking or service areas and housing units;

3. Screening and buffering plans shall be submitted with the site plan for review and approval by the Administrator and City Engineer;
4. Parking area shall be paved with durable and dustless surface; and shall be graded and drained as to dispose of all surface water accumulated within the area;
5. Parking area shall be marked as to provide for orderly and safe loading and unloading, parking and storage of vehicles;
6. Parcels comprising the property shall be combined under one parcel number at the Lake County Auditor's Office.

On Roll Call, Mr. Callender, Mr. Briggs, Ms. Aston, Mr. Bartholomew and Chairperson Behrens answered "yes". Motion carried, 5-0.

Chairman Behrens moved to the next item on the Agenda. He asked the Secretary to please read the notice.

REFUSAL NO. 2318

APPLICANT: Michael Williams

LOCATION: 443 Bank Street
(Parcel Number 15-B-016-B-00-004-0)

DISTRICT: R-1 Single Family Residential District

VARIANCE: Section 1139.02(a); 1131.02(a)

The City of Painesville has received an application from Michael Williams, 712 Lucille Avenue, proposing a variance to Sections 1139.02(a) and 1131.02(a) of the Painesville Codified Ordinances. The applicant is proposing to construct a single-family dwelling at 443 Bank Street. Section 1139.02(a) states "the sum of the side yard width on any such lot shall not be less than 30% of the lot". The lot width is 53.75 feet and requires a total side-yard setback of 16.125 feet. The applicant is proposing a total side-yard setback of 12.06 feet. Section 1131.02(a) establishes front setback requirements. The required front setback is 50 feet. The applicant is proposing a front-yard setback of 35 feet. A setback variance for the side and front yard is being requested.

Chairman Behrens asked if someone was present to speak on behalf of the variance request. Mike Stusek, 9754 Maple Road, Chesterland, indicated he is the general contractor on the project. Amy Molnar, 712 Lucille Avenue, stated she is one of the homeowners as well as Michael Williams, also of 712 Lucille Avenue.

Chairman Behrens reviewed the contents of the packet provided to the Board members. He asked if the applicant had anything to add.

Mr. Williams thanked the Board members for their time, as well as members of the City Administration and the secretary who was helpful filling out the application. Mr. Williams presented a letter for the record from his neighbor to the north, Doug Whiting, with whom he shares a driveway and has an easement from. He also stated that he spoke with his neighbor, Jim Gebeau, who resides next door to the south of 443 Bank Street and whose property sustained damage from the fire. Mr. Williams stated that he read the recommendation and said that his only comment is regarding the recommendation calling for a more traditional style of home being built on the lot. Mr. Williams stated he did a lot of due diligence and initially met with the City Planner Lynn White, with the intention of building a geodesic dome on the property. A dome would not fit on the property so he found a more traditional A Frame home that he would like to build on the property. He also submitted five additional house plans to the Board. He stated that no local builder had plans that could accommodate his narrow lot without becoming custom, adding to construction costs. Mr. Williams stated that a narrow house that is traditional adds a 30-40 percent increase in costs. He said he never intended to build a house; 443 Bank Street was his childhood home and he loved it. Unfortunately, the home was lost to a fire on Thanksgiving Day. He said he does not want to see the property end up like 50 East South Street that sustained damage in a fire a few years ago and is still vacant and another on South State Street near the park that is also vacant. Mr. Williams said he grew up in Painesville and wants to raise his kids here.

Chairperson Behrens asked Mr. Williams if he plans to live on the property. Mr. Williams replied yes; he and Ms. Molnar love the chosen style of the house and plan to live in the house. Mr. Stusek added that any structure being built on the property will encroach into the required setback due to the shape and dimensions of the property.

Chairman Behrens admitted that initially he was less than enthusiastic with the proposed style of the house, although he imagined that one could eventually become accustomed to the style.

Ms. Molnar conceded that their taste is aligned with a more traditional style of home, however, the roof line is the only thing that separates this style of home with a traditional one.

Mr. Bartholomew said he did not understand how the footprint of an A Frame is any different than a traditional home. Mr. Williams replied that there is no difference, however, there is a financial hardship for him to build a traditional two-story home. Ms. Molnar added that they met with two builders who don't have narrow house plans; the plans would need to be designed to fit the lot, increasing costs. The plans for the A Frame home are available from a kit.

Chairman Behrens asked if the driveway will still be shared with the neighbor next door. Mr. Williams replied yes.

Mr. Briggs indicated that he appreciates the information regarding traditional vs the A Frame style and believes that the homeowners have established a practical difficulty.

Mr. Williams also stated that the new home will utilize the footprint of the original house.

Chairman Behrens asked if there was correspondence from the neighborhood. The secretary stated she received a letter from Jim Gebeau, 451 Bank Street, who is the neighbor to the south of 443 Bank Street. His house was also damaged in the fire. The letter reads as follows:

In regard to Mike's proposal, I would like to see the side yard setback at least 14 feet if possible. The front yard setback of 35 feet seems to be alright. I just don't want to see this happen again and I hope it never will.

Additionally, Mr. Williams submitted a letter at the beginning of the request from Doug Whiting Bank Street, the neighbor directly to the north. Mr. Whiting writes:

To Whom It May Concern,

Douglas and Sherri Whiting, who reside at 439 Bank Street, approve the plans for Al's house being built next door.

Ms. Molnar added that the roofing is a Class A fire-resistant roofing. Mr. Williams stated that it is more fire-resistant than the asphalt roofing that is on most houses. The original setback to the north was six feet; Mr. Williams is asking for a setback of five feet to stay further away from Mr. Whiting's property.

Mr. Lyons commented that the proposed setback on the north side of the property is seven feet and the south side is five feet. Mr. Lyons stated that Mr. Gebeau, in his letter, advocated for a setback of at least 14 feet. Mr. Lyons then asked Mr. Williams if the existing asphalt drive has a recorded easement in the Lake County Recorder's Office. Mr. Williams indicated that it was on the deed when he purchased the property in 2006. Mr. Lyons asked Mr. Williams if he has a copy of the deed. Mr. Williams replied that since the fire, his records are lacking, however, the information could be acquired from the Lake County Recorder's Office.

Discussion ensued regarding accessing the garage and the ability to park in the garage. Mr. Williams stated that although there is no driveway to the garage, he is able to access it and utilize it for parking, if he so desired. More discussion ensued regarding the minimum square footage of the proposed structure. Mr. Lyons wondered if the proposed structure, because of the roofline, meets the minimum square footage requirement of 1,100 square feet for single family homes. Mr. Williams indicated that the total square footage of the house is 1,400 square feet. It was determined that based on the floor plan submitted by Mr. Williams, the first floor measures 880 square feet and the second floor contains 600 square feet, for a total of 1,480 square feet.

Discussion ensued regarding narrow homes that have been constructed in Willoughby. Mr. Lyons stated that a house that meets the setbacks could be built on the property, however, it appears it is out of the financial means of the applicant.

Ms. White stated that there is an error in her report regarding the front yard setback. Ms. White mentioned that although the front setback along that particular section of Bank Street is 50 feet, the majority of the homes are built in front of the setback, the average being 35.94 feet. The applicant, therefore, is not required to have a variance for the front yard setback.

Mr. Lewis indicated that a hard surface would need to be installed to the garage in order to meet the zoning code. Hard surface could be concrete, asphalt or gravel.

There being no further discussion, Chairman Behrens called for a motion. Motion by Mr. Briggs, seconded by Ms. Aston, to approve Refusal 2318 as requested. On Roll Call, Mr. Briggs, Ms. Aston, Mr. Bartholomew, Mr. Callender and Chairman Behrens answered “yes”. Motion carried, 5-0.

Chairman Behrens asked if there was any further business the Board should address. There being no further business, the meeting was adjourned at 9:20 PM.

Jim Behrens, Chairman

Tina B. Pomfrey, Secretary