

**CITY OF CLEVELAND HEIGHTS  
BOARD OF ZONING APPEALS  
MINUTES OF THE MEETING  
November 17, 2021**

MEMBERS PRESENT:	Melissa Fliegel	
	Benjamin Hoen	Vice Chair
	Dennis Porcelli	
	Thomas Zych	Chair
	Graig Kluge	Alternate

MEMBER ABSENT: Liz Wolf

STAFF PRESENT:	Karen Knittel	Assistant Planning Director
	Harrison Crumrine	Assistant Law Director
	Christy Lee	Recording Secretary

**CALL TO ORDER**

Mr. Zych called the regular meeting to order at 7:00 p.m. at which time all members were present.

Assistant Law Director Harrison Crumrine administered the oath of office to the newest BZA member, Graig Kluge who affirmed the oath.

**APPROVAL OF THE MINUTES OF THE OCTOBER 20, 2021 MEETING**

Mr. Zych stated that the September 14<sup>th</sup> BZA Minutes would be reviewed for approval at the next BZA meeting.

Mr. Hoen moved to approve the October 20, 2021 Minutes. Mr. Porcelli seconded the motion. The motion was approved.

**THE POWERS OF THE BOARD AND PROCEDURES OF THE BOARD OF ZONING APPEALS PUBLIC HEARINGS FOR REGULAR VARIANCES**

Mr. Zych stated that the purpose and procedures for tonight's meeting are stated for all in attendance. The hearings are quasi-judicial in nature and certain formalities must be followed as if this were a court of law. Anyone who wishes to speak about a case will first be placed under oath. For each case, City staff will make a presentation and then each applicant will present his or her case stating practical difficulty for which we are being asked to grant a variance. The Board will then open a public hearing to obtain testimony from any other persons interested in the case. The applicant will have an opportunity to respond to any testimony from the public and

will address those comments to the Board. The Board may then ask questions of the applicant. Based on all the evidence in the record, the Board will make findings of fact and render its decision by motion. The formal nature of these proceedings is necessary because each applicant is asking for an extraordinary remedy called a variance. A variance is a formal permission by the City for an individual not to comply with a portion of the municipal Zoning Ordinances which is binding to all others.

In making its decision of whether to grant a standard variance, the Board will weigh factors set forth in the Zoning Code in Section 1115.07(e)(1). The burden is upon the applicant to demonstrate by a preponderance of the evidence that the literal enforcement of the Zoning Code would result in a practical difficulty. Preponderance of evidence means the applicant proved his or her position is more likely than not true. The applicant must demonstrate circumstances unique to the physical character of his or her property. Personal difficulties, personal hardships or inconvenience are not relevant to the Board's determination.

The Board is the final administrative decision-maker for all regular variances.

## **PUBLIC HEARING**

Ms. Knittel and the applicants were sworn in by Mr. Crumrine.

Mr. Zych asked that the staff report dated November 12, 2021, be entered into the record, hearing no objection it shall be entered.

Karen Knittel PowerPoint Presentation was as follows:

**Cal. No 3532 P. Elinson, 3516 Meadowbrook Blvd.,** A Single-Family, request variances to Section 1121.12(e) to permit garage floor area to be greater than maximum area permitted.

### **Context:**

This is a single-family house located in an 'A' Single-family district.

The property is surrounded by single-family houses in 'A' Single-family district

The Master Plan Future Land Use Map shows this area as continuing to be used for single-family housing.

### **Project:**

The applicant proposes to construct a detached 22' by 22' (484 sq. ft.) garage and maintain the current attached 14' by 21' (294 sq. ft.) garage. The total garage floor area for the property would be 778 square feet.

### **Facts**

- The parcel is a conforming parcel in terms of 50' wide at the building line and is 8,036 square feet in area lot width and area. Code Section 1121.06 states that in an 'A' Single-family district the minimum lot width is 50 feet at the building line and has a minimum of 7,500 square feet in area.

- Code Section 1121.12(e) states that a single-family dwelling shall be permitted no more than one attached and one detached garage with a total maximum floor area of 600 square feet plus one additional square foot of garage area for every fifteen (15) square feet of lot area greater than 6,000 square feet. The maximum garage floor area permitted is 1,300 square feet.
- This parcel is 8,036 square feet and therefore may have a total garage floor area of 735.73 square feet (600 square feet plus 135.73 square feet).
- The original garage is 294 square feet and the new 22' by 22' garage is 484 square feet, with a total garage floor area of 778 square feet.
- The property is a corner property, located at the corner of Meadowbrook Boulevard and Rinard Road.
- The current attached garage is accessed from Rinard Road.
- Code Section 1121.12(p)(1) permits lots with 100' of frontage to have two curb cuts for driveways.
- The property has 164' of frontage along Rinard Road and therefore is permitted to have two curb cuts for driveways.
- The location of the detached garage and proposed driveway is code conforming.
- There are several large trees in the rear of this property, Section 1166.11 requires that a replacement tree be planted for any 6" caliber or larger tree that is removed in order to construct this project. A tree preservation plan that would protect trees close to the construction site should be developed and followed.
- The property slopes with the high point at the rear of the property and the low point along the Meadowbrook Boulevard right-of-way.
- The Architectural Board of Appeals reviewed and approved the new detached garage at their September 21, 2021 meeting.

If approved, conditions may include:

1. Cal. No. 3533 variance to Section 1121.12(e) is granted to permit the total garage floor area to be 778 square feet as is shown on the site plan submitted with the BZA variance application.
2. Approval of a Landscape Plan by the Planning Director, this includes a tree preservation and replacement plan as required by Code Section 1166.11.
3. Receipt of a Building Permit; and
4. Complete construction within 24 months of the effective date of this variance.

Ms. Knittel said the applicant was present and prepared to review their statement of practical difficulty.

Duane Schreiner 1635 Wood Rd, Cleveland, Ohio 44121, stated that he was the homeowner's representative.

Mr. Zych asked Mr. Schreiner if he was familiar with this application submitted on October 21, 2021, by Ms. Elinson, and to the best of his knowledge was true and correct. Mr. Schreiner responded, yes.

Mr. Zych stated hearing no objection that the application dated October 21, 2021, was entered into the public record.

Mr. Schreiner went on to give a brief overview of the description and reason behind the building of the garage in such a matter. Mr. Schreiner stated that the number of cars in the home has increased which is an additional reason they want to modify the garage and that it would allow for better use of the property, and give the home additional value, as well as home security and peace of mind knowing that they will be able to park all vehicle on the property without obstructing neighbors by parking on the street.

Mr. Zych asked if there were any questions for the representative by the Board.

Mr. Hoen raised a question regarding the size of the current garage and that knowing how vehicle size, as well as the number of cars that the average family has now there is a need for additional space. Mr. Hoen asked was there any other additional way other than expanding the garage that could be done to keep the current garage code conforming.

Mr. Schreiner went to say that the difficulty that the homeowner faces is that there simply isn't enough room for the additional vehicles that are driven by her spouse, daughter and, son have nowhere to park. The family is finding it difficult for all of the vehicles to park allowing for the other to move freely in and out of the driveway.

Dennis Porcelli asked was there a reason why there could be an addition placed onto the existing garage instead of rebuilding a new garage.

Mr. Schreiner explained that due to the resident having an existing side patio that would not be the best option for the resident.

Mr. Zych asked if Ms. Knittel to show the PowerPoint presentation showing a visual of the current garage.

Mr. Zych stated that it appears that where the current garage is that the land seems to be flat, however looking along the rest of the landscape it appears to be sloped and that makes building the garage problematic.

Mr. Schreiner went into detail as to how they plan to make allowances for that area of land, to make the new garage leveled as well appealing to the current garages in the neighborhoods.

Mr. Zych asked if there were any other questions, there were none. Mr. Zych asked Ms. Knittel asked if a one-car garage was code confirming.

Ms. Knittel responded that it is preexisting so therefore "yes" it's code conforming. However, the code does ask for a two-car garage.

Mr. Zych asked if the project is moving us more into a code-conforming direction with regards to the number of enclosed parking spaces.

Ms. Knittel responded that it was.

Mr. Zych asked if there were any additional questions at this time or if there was a motion on the floor.

Mr. Hoen moved regarding **CAL NO. 3532 P. Elinson, 3516 Meadowbrook Blvd.,** A Single-Family, request variances to Section 1121.12(e) to permit garage floor area to be greater than maximum area permitted. Moved to grant for the variance. After hearing the evidence under oath, I find that there are special conditions and circumstances that exist at this property, that warrant the finding of practical difficulty that this property currently had been constructed and grandfathered in has a single car attached garage which is insufficient and non-code conforming. The proposal is to build a code conforming two-car garages on the property, however, due to the existing one-car garage that does place them over the allowed square footage by about 58 feet which is why a variance is needed. The variance is insubstantial as indicated total square footage above and beyond the code conforming amount therefore this variance will not have an adverse effect on the neighborhood and would not be substantially altered with the otherwise code conforming garage that would be an enhancement to the neighborhood. The variance would not adversely affect the delivery of goods and services and the variance is not a result of the acts of the applicant, as the desirable size of a modern garage would not be sufficient for the resident. If granted the variance should have the following conditions

1. Cal. No. 3533 variance to Section 1121.12(e) is granted to permit the total garage floor area to be 778 square feet as is shown on the site plan submitted with the BZA variance application.
2. Approval of a Landscape Plan by the Planning Director, this includes a tree preservation and replacement plan as required by Code Section 1166.11.
3. Receipt of a Building Permit; and
4. Complete construction within 24 months of the effective date of this variance.

Ms. Fliegel seconded the motion motioned carried 5-0

**Cal. No. 3533 G. Mueller, 3370 Meadowbrook Blvd.,** A Single-Family, request variances to (A) Section 1121.12(b) to permit new front porch to extend into the required front yard more than maximum 6' permitted; and (B) Section 1121.12(d)(1) to permit the garage to cover more than 20% rear yd.

Ms. Knittel and the applicants were sworn in by Mr. Harrison

Mr. Zych asked that staff report dated November 12, 2021

Ms. Knittel Power Point Presentation was as follows:

Cal. No. 3533 G. Mueller, 3370 Meadowbrook Blvd., A Single-Family, request variances to (A) Section 1121.12(b) to permit new front porch to extend into the required front yard more than maximum 6' permitted; and (B) Section 1121.12(d)(1) to permit the garage to cover more than 20% rear yd.

#### Context:

This is a single-family house located in an 'A' Single-family district.

The property is surrounded by single-family houses in an 'A' Single-family district.

The Master Plan Future Land Use Map shows this area as continuing to be used for single-family housing.

#### Project:

The applicant proposes to construct a new front porch that extends 8 feet in front of the house and to build a new 24' by 24' two-car detached garage in the rear yard.

#### Facts

- The parcel is a nonconforming parcel in width and area as it is 45' wide and 6,030 square feet in area. Code Section 1121.06 states that in an <sup>G</sup> A' Single-family district the minimum lot width is 50 feet and the minimum lot area is 7,500 square feet.
- Code Section 1121.12(b) permits unenclosed porches in the front yard to extend a maximum of twelve (12) in front of the building provided it does not extend more than six (6) feet into the required front yard.
- Code Section 1121.08(a) states that the minimum front yard is 25 feet, except on blocks that are partially built up where the established building line defines the depth of the front yard.
- The established building line in this area of Meadowbrook Rd. is approximately 38 feet. (as measured on myplace.cuyahoga.us)
- The applicant's house is approximately 38' from the public right of way, therefore to be code conforming the front porch could only be 6 feet deep.
- The applicant is requesting a variance to permit a front porch that is 8 feet deep. • The rear yard of this parcel is a very steep slope with the highest elevation at the rear lot line and the lowest at the Meadowbrook Blvd. right-of-way.
- The applicant is proposing to reconstruct a 24' by 24' two-car garage that would be located the required 3' feet from the side property line and would be a minimum of 12' 9" from the rear lot line.
- The current 370 square foot two-car garage is a nonconforming structure as it is less than 3 feet from the side property line.
- Code Section 1121.12(d)(1) permits accessory buildings to cover a maximum of 20% of the rear yard.
- The rear yard of this property is approximately 2682 square feet (measured on myplace.cuyahoga.us).
- The 576 square foot garage covers 21.48% of the rear yard,

- The Architectural Board of Review approved this project at their November 2, 2021 meeting.

If approved, conditions may include:

1. Cal. No. 3533(A) variance to Section 1121.12(b) is granted to permit a new front porch to extend into the required front yard more than permitted as shown on the site plan and drawings submitted with the BZA variance application;
2. Cal. No. 3533(B) variance to Section 1121.12(d)(1) to permit a new 24' by 24' detached two-car garage to cover more than 20% of the rear yard as shown on the site plan and drawings submitted with the BZA variance applications;
3. Receipt of a Building Permit; and
4. Complete construction within 24 months of the effective date of this variance.

Ms. Knittel said the applicant is present and prepared to review his statement of practical difficulty.

Mr. Zych asked if there were any questions, Mr. Zych proceeded to ask was it correct the parcel is short being actual conforming size by 1500 square foot so presuming if it were a code conforming lot the 1% over coverage would disappear.

Ms. Knittel responded that this probable is true.

Mr. Zych asked if the applicant or the applicant representative would come forth.

Don Plunket stated that he was with Studio One Design Group 2451 Stratford Rd, Cleveland, Oh 44118.

Mr. Zych asked if he was aware of the application submitted on October 14, 2021, and October 20, 2021, if to the best of his knowledge it is true and correct.

Mr. Plunket responded that it was.

Mr. Zych said that hearing and see no objection, he asked that the application be entered into the record

Mr. Plunket explained and detailed the request for a variance regarding the front porch and garage. He stated that the new addition of the porch would not diminish the character of the home or the neighborhood considering that other homes surrounding the property have front porches. He added that they would like to make use of their home and enjoy sitting outside in the warm month to enjoy the sights of the community. He went on to further explain why they would like to have the garage, and how this would increase the usage of the back yard as well as add additional value to the home and the entire property.

Mr. Zych asked if there were any questions, there were none he stated that the public hearing was now closed. Mr. Zych asked if there was a motion.

Mr. Hoen said that he was surprised that the zoning code limits front porches to only 6 feet considering this is a city of beautiful homes and front porches which certainly exceed six feet so if there's ever any consideration to amending the code this needs to be reviewed.

Mr. Zych made note that four new photographs given to the Board by the applicant will be also entered into the record.

Mr. Porcelli moved regarding approval for **Cal. No. 3533 G. Mueller, 3370 Meadowbrook Blvd.**, A Single-Family, request variances to (A) Section 1121.12(b) to permit new front porch to extend into the required front yard more than maximum 6' permitted; After hearing the evidence under oath, I find that there are special conditions and circumstances that exist at this property particular with other porches being larger then what the current code allows it's an insubstantial variance in that its conform to the size of porches on other homes and it would not alter the character of the neighborhood, the variance will not result in or affect the delivery of governmental services in any way. It also meets the spirit and intent of the code, particularly that it seems that the code needs to be updated. So, if granted the following conditions would apply

1. Cal. No. 3533(A) variance to Section 1121.12(b) is granted to permit a new front porch to extend into the required front yard more than permitted as shown on the site plan and drawings submitted with the BZA variance application;
2. Receipt of a Building Permit; and
3. Complete construction within 24 months of the effective date of this variance.

Mr. Hoen seconded the motion and it was approved 5-0.

Mr. Porcelli moved regarding approval for **Cal. No. 3533 G. Mueller, 3370 Meadowbrook Blvd.**, A Single-Family, request variances to (B) Section 1121.12(d)(1) to permit the garage to cover more than 20% rear yd. After hearing the application and evidence under oath, find that there are special conditions and circumstances that exist at this property and that we would be replacing a nonconforming existing garage and creating a more practical two-car garage which would be built into the slope of the rear yard which is basically unusable due to such a high degree of slope and its insubstantial in that the garage would be set into the slope of the land and the reasonable distance from the house would be maintained. The essential character of the neighborhood would not be adversely affected, delivery of governmental services in any way would not be affected. The spirit and intent of the neighborhood would be altered. If granted the following conditions would apply:



1. Cal No.3533(b) is granted to permit a new front porch to extend into the required front yard more than permitted as shown on the site plan and drawings submitted with the BZA variance application;
2. Receipt of a Building Permit; and
3. Complete construction within 24 months of the effective date of this variance.

Ms. Fliegel seconded the motion; the motion carried 5-0

**Cal. No. 3534 S. Smith dba Oak Tree Veterinary Hospital, 1794, 1788 & 1784 S. Taylor Rd., C-2 Local Retail, proposes new veterinary hospital bldg. requests variances to**  
**(A) Sect. 1131.08(a)(2) to permit parking in the front yard. along South Taylor Rd and corner side yard along Desota Ave. (not permitted);**  
**(B) Sect. 1161.03(b)(1) to provide fewer parking spaces than the 28 spaces required;**  
**(C) Sect. 1166.06(b)(1) to permit the parking lot perimeter landscape areas to be less than min. 15' width required; &**  
**(D) Sect 1166.06 (c)(2) to permit 11 contiguous parking spaces with no landscape island (required between 10 spaces).**

Ms. Knittel and the applicants were sworn in by Mr. Harrison

Mr. Zych asked that the staff report dated November 12, 2021. Ms. Knittel PowerPoint Presentation was as follows:

**Cal. No. 3534 S. Smith dba Oak Tree Veterinary Hospital, 1794, 1788 & 1784 S. Taylor Rd., C-2 Local Retail, proposes new veterinary hospital bldg. requests variances to**  
**(E) Sect. 1131.08(a)(2) to permit parking in the front yard. along South Taylor Rd and corner side yard along Desota Ave. (not permitted);**  
**(F) Sect. 1161.03(b)(1) to provide fewer parking spaces than the 28 spaces required;**  
**(G) Sect. 1166.06(b)(1) to permit the parking lot perimeter landscape areas to be less than min. 15' width required; &**  
**(H) Sect 1166.06 (c)(2) to permit 11 contiguous parking spaces with no landscape island (required between 10 spaces).**

**Context:**

1794 South Taylor Road is located at the corner of South Taylor Road and Desota Ave. Oak Tree Veterinary Hospital (north building) and parking lot are on this parcel. 1788 and 1784 South Taylor Rd. currently there is a two-family house on each of these properties. All are zoned 'C-2' Local Retail. The properties north on S. Taylor are zoned 'C-2' Local Retail. Across South Taylor Road is Masterworks Automotive that is zoned 'C-2' Local Retail. To the rear of the property, the housing is zoned 'B' Two-family.

The Master Plan Future Land Use Map shows this section of South Taylor Road as attached or multi-family.

**Project:**

The applicant currently operates the Oak Tree Veterinary Clinic out of two buildings on South Taylor Road both at the corner of Desota Avenue. The applicant needs a larger animal hospital and is proposing a new building north of Desota Avenue. The applicant proposes to purchase the two properties north of the current 1794 S. Taylor building and consolidate the three commercial properties north of Desota Ave. into one parcel, and to construct a new and larger veterinary hospital. The proposed location of the new veterinary hospital allows the business to continue in operation in the current building during construction. After the new building is completed, the current building would be demolished and a parking lot installed at the corner of South Taylor Road and Desota Ave. The building and parking lot south of Desota Ave would continue to be used by the business.

#### Facts

- Code Section 1131.01(b) states that the purpose of the 'C-2' Local Retail District is to provide standards for the continued operation of small neighborhood commercial establishments and to concentrate new retail businesses in buildings that typically locate side by side in order to encourage pedestrian activity. Parking and driveways are generally located so as not to disrupt pedestrian activity.
- Animal clinics and veterinary offices are conditionally permitted uses in the 'C-2' district (Section 1131.02(b)(5)).
- Section 1131.04(c) states that the minimum development area for commercial use in a C-2 district is 10,000 square feet and the minimum lot width at the building line is 70 feet.
- 1794 South Taylor Rd. (current location) is 10,500 square feet and is 67 feet wide.
- 1788 South Taylor Rd. is 7,200 square feet and is 48 feet wide.
- 1784 South Taylor Rd. is 6,000 square feet and is 46 feet wide.
- The proposal to combine these three lots into one results in a code conforming parcel that would be 23,700 square feet in area and would have 161 feet of frontage along South Taylor Road.
- The proposed new 8,230 square foot building is code conforming in terms of its location;
- The proposed new building will be designed to have an entry from South Taylor Road (shown on the site plan) and the required windows per Code Section 1131.075;
- Code Section 1161.03(b)(1) requires the veterinary hospital to provide one parking space for every 300 square feet of building space; a total of 28 spaces are required;
- A parking lot with 20 spaces on site is proposed and the applicant proposes dedicating 7 spaces for the new veterinary hospital use at their South building's existing parking lot across Desota Avenue, providing a total of 27 off-street parking spaces;
- The existing south building has 1450 square feet and is required to provide 5 off-street parking spaces. The existing parking lot includes parking for 12 vehicles (5 for this building and 7 spaces for the new building).
- A parking lot is proposed at the south end of the development site that would result in parking being located in front of the building line on South Taylor Road

- and in front of the building on Desota Avenue;
- Code Section 1131.08(a) permits parking on the same lot or on a separate lot;
- Code Section 1131.08(a)(2) states that parking shall not be permitted in the front or corner-side yards or between a principal building and a public right-of-way;
- The current veterinary hospital has parking in the front and corner side yard with no landscape buffer along Taylor Road or along Desota Avenue;
- Masterworks Automotive across South Taylor Road has parking in front of the commercial building;
- Section 1166.06(b)(1) requires the perimeter landscape area of a parking lot to be a minimum of 15 feet wide;
- The proposed site plan shows the perimeter landscape area as 5 feet wide along South Taylor Road and 10 feet wide along Desota Ave.;
- Section 1166.06(b)(2) requires a landscape island to be located between 10 contiguous parking spaces.
- The proposed parking lot has 11 contiguous parking spaces with no landscape island between parking spaces.
- Increasing the landscape area by widening the perimeter landscaping and adding a landscape island would result in reducing the number of parking spaces.
- Parking along the south side of Desota Avenue is allowed;
- No parking is permitted on this block of South Taylor Road.

If approved, conditions may include:

5. Cal. No. 3534 (A) variance to Sect. 1131.08(a)(2) to permit parking in the front yard. along South Taylor Rd and corner side yard along Desota as shown on the site plan submitted to BZA with this variance application;
6. Cal. No. 3534 (B) variance to Sect. 1161.03(b)(1) to provide 27 parking spaces (20 on-site and 7 across Desota in the south building parking lot) as shown on the site plan submitted to BZA with this variance application;
7. Cal. No. 3534 (C) variance to Sect. 1166.06(b)(1) to permit the parking lot perimeter landscape areas to be 5' wide along South Taylor Road and 10' wide along Desota Ave. as shown on the site plan submitted to BZA with this variance application; &
8. Cal. No. 3534 (D) variance to Sect 1166.06 (c)(2) to permit 11 contiguous parking spaces with no landscape island as shown on the site plan submitted to BZA with this variance application;
9. Approval of Planning Commission of the lot resubdivision to join the three parcels;
10. Approval of the Planning Commission for a revised conditional use permit;
11. Approval of final landscape plan by the Planning Director;
12. Approval of the Architectural Board of Review;
13. Receipt of a Building Permit; and
10. Complete construction within 24 months of the effective date of this variance.

Ms. Knittel said the applicant is present and prepared to review his statement of practical difficulty.

Mr. Zych asked if there were any questions for staff.

Dr. Scott Smith co-owner of Oak Tree Veterinary Hospital 1808 S. Taylor Rd Cleveland Heights, Ohio

Susan Allen of TC Architect 30 Grant Street, Akron, Ohio.

Mr. Zych stated that there was an application dated October 20, 2021, that was submitted and asked if that application was true and correct.

Ms. Allen and Dr. Smith responded yes.

Mr. Zych seeing and hearing no objection the application shall be entered into the record.

Dr. Smith went on to further explain why they have decided to have the additional parking placed as it has been presented. He went on to say that they spent a considerable amount of time to ensure that this wouldn't alter the character of the neighborhood nor would it limit the access to the hospital for its patients. Also, this will allow comfortable parking for staff as well. Dr. Smith reviewed his Statement of Practical Difficulty submitted with his application.

Ms. Allen added that this would clean up some non-conforming sites that Cleveland Heights has currently, she gave the example of the two residential sites along Taylor Road. She went on to point how this property being a corner property has hurdles to overcome in zoning requirements.

Mr. Zych asked if there were any additional questions at this time.

Mr. Hoen moved approval regarding **Cal. No. 3534 S. Smith dba Oak Tree Veterinary Hospital, 1794, 1788 & 1784 S. Taylor Rd.,** C-2 Local Retail, proposes new veterinary hospital bldg. requests variances to Section 1131.08(a)(2) to permit parking in the front yard. along South Taylor Rd and corner side yard along Desota Ave. (not permitted); After reviewing the application and submission and hearing the evidence under oath I find and conclude that there are special conditions and circumstances that exist, which warrant finding of practical difficulty consider this is going to be a well-designed commercial conforming building the applicant has indicated that they are inquiring to purchase the lots next to the property to extend the total footprint of their location the best layout of the building was to have it at the side of the combined lot in order to allow the existing hospital to remain open during the construction period. The building itself which is a building that fits into the general character of the neighborhood, there are many other businesses within the neighborhood that have similar parking in the front and side lot and therefore this particular variance would be substantial, therefore I do recommend passage of this particular partition of the variance with the following conditions:

**Cal. No. 3534 S. Smith dba Oak Tree Veterinary Hospital, 1794, 1788 & 1784 S. Taylor Rd.,** C-2 Local Retail, proposes new veterinary hospital bldg. requests variances to

(A) Sect. 1131.08(a)(2) to permit parking in the front yard. along South Taylor Rd and corner side yard along Desota Ave. (not permitted);

1. Approval of Planning Commission of the lot resubdivision to join the three parcels;
2. Approval of the Planning Commission for a revised conditional use permit;
3. Approval of final landscape plan by the Planning Director;

4. Approval of the Architectural Board of Review;
5. Receipt of a Building Permit; and
6. Complete construction within 24 months of the effective date of this variance.

Mr. Porcelli seconded the motion; the motion was approved 5-0

Mr. Hoen Moved to approve Cal. No. 3534 (B) variance to Sect. 1161.03(b)(1) to provide 27 parking spaces (20 on-site and 7 across Desota in the south building parking lot) as shown on the site plan submitted to BZA with this variance application; After reviewing the application and submission and hearing the evidence under oath I find and conclude that there are special conditions and circumstances that exist, the applicate has layout a plan that would allow for 27 parking spaces, the code would require 28 parking spaces when considering other zoning requirements this was the least intrusive way to layout the parking lot, therefore, to grant the approval with the following conditions

1. Cal No 3534 B variance to Section 1161.03(b)(1) to provide 27 parking spaces (20 on-site and 7 across Desota in the south building parking lot) as shown on the site plan submitted to BZA with this variance application;
2. Approval of Planning Commission of the lot resubdivision to join the three parcels;
3. Approval of the Planning Commission for a revised conditional use permit;
4. Approval of final landscape plan by the Planning Director;
5. Approval of the Architectural Board of Review;
6. Receipt of a Building Permit; and
7. Complete construction within 24 months of the effective date of this variance.

Mr. Porcelli seconded the motion; the motion carried 5-0.

Mr. Hoen moved to grant approval of Cal. No. 3534 (C) variance to Sect. 1166.06(b)(1) to permit the parking lot perimeter landscape areas to be 5' wide along South Taylor Road and 10' wide along Desota Ave. as shown on the site plan submitted to BZA with this variance application; after reviewing the application and submission and hearing the evidence under oath I find and conclude that there are special conditions and circumstance that exist, the current layout of the building doesn't provide sufficient landscaping, this plan offers a substantial landscape plan higher structure with the parking lot. Consideration is also given to the homeowners that are west of the building the additional landscaping would reduce the footprint of the building thus making the project itself unsustainable therefore I suggest that the spirit and intent of the zoning code is met, any additional landscaping would also reduce the amount of parking thus making the prior variance null and void, I ask that we grant the variance with the following conditions:

1. Cal No 3534 C variance to Sect. 1166.06(b)(1) to permit the parking lot perimeter landscape areas to be 5' wide along South Taylor Road and 10' wide along Desota Ave. as shown on the site plan submitted to BZA with this variance application;
2. Approval of Planning Commission of the lot resubdivision to join the three parcels;
3. Approval of the Planning Commission for a revised conditional use permit;
4. Approval of final landscape plan by the Planning Director;
5. Approval of the Architectural Board of Review;
6. Receipt of a Building Permit; and

6. Complete construction within 24 months of the effective date of this variance.

Mr. Porcelli seconded the motion; the motion carried 5-0.

Mr. Hoen moved to grant approval of Cal. No. 3534 (D) variance to Sect 1166.06 (c)(2) to permit 11 contiguous parking spaces with no landscape island as shown on the site plan submitted to BZA with this variance application; after reviewing the application and submission and hearing the evidence under oath I find and conclude that there are special conditions and circumstances that exist, which warrant a finding of practical difficulty this particular request would hinder the follow of traffic if the applicate was asked to include an island, which I feel would be desirable however spirit and intent of the zoning code would be for a larger parking lot with many more spaces, and with this being a smaller lot it's less necessary it would be closely situated with the landscape would apart of the landscape project. It would also cause a reduction of parking and the number of spaces which would impact the previous request I request that we grant this variance with the following conditions.

1. Cal. No.3534 (D) variance to Sect 1166.06 (c)(2) to permit 11 contiguous parking spaces with no landscape island as shown on the site plan submitted to BZA with this variance application
2. Approval of Planning Commission of the lot resubdivision to join the three parcels;
3. Approval of the Planning Commission for a revised conditional use permit;
4. Approval of final landscape plan by the Planning Director;
5. Approval of the Architectural Board of Review;
6. Receipt of a Building Permit; and
7. Complete construction within 24 months of the effective date of this variance.

Mr. Porcelli seconded the motion; the motion carried 5-0.

New Business there will be a meeting next month on December 15, 2021.

Old Business Zoning Code was approved by City Council and updated copies will be provided to the Board.

Meeting Adjourned at 8:21 pm.

Respectfully Submitted,

  
Thomas Zych, Chair

  
Karen Knittel, Secretary