

CITY OF CLEVELAND HEIGHTS
BOARD OF ZONING APPEALS
MINUTES OF THE MEETING
March 23, 2022

MEMBERS PRESENT: Gayle Lewin
Benjamin Hoen Vice Chair
Thomas Zych Chair
Dennis Porcelli
Gayle Lewin

MEMBERS ABSENT: Liza Wolf

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

CALL TO ORDER

Mr. Zych called the regular meeting to order at 7:02 p.m. at which time all members were present, except for Liza Wolf.

APPROVAL OF THE MINUTES

Mr. Hoen motioned to approve the February 16, 2022 Minutes, the motion was seconded and the Minutes were approved.

Mr. Zych welcomed Gayle Lewin as a new member of the Board of Zoning Appeals. Mr. Crumrine administered the Oath of Office to Ms. Lewin.

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 the 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 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
March 23, 2022

CALENDAR NO. 3542

L. & T. Menstell, 2975 Lincoln Blvd., A Single-Family, proposing front porch addition requests a variance to Sect. 1121.12(b) to permit the front yard on Lincoln Blvd. to be less than the established front yard (required minimum) and to permit a portion of a deck to extend more than 6' into the required corner side yard on Euclid Hts. Blvd.

Ms. Knittel was sworn in by Mr. Crumrine.

Mr. Zych asked that the staff report dated March 15, 2022, be entered into the record, hearing no objection it was entered.

Karen Knittel's PowerPoint Presentation of the staff report was as follows:

Context

This is a single-family house zoned 'A' Single-Family. The property is surrounded by single-family houses, zoned 'A' Single-Family. She stated that the Master Plan Future Land Use Map shows this area as continuing to be used for single-family detached houses.

Project

The applicant proposes front porch addition facing Lincoln Boulevard and a deck that would face Euclid Heights Boulevard. Both extend further into the front/corner side yard than the zoning code permits.

Facts

- In terms of parcel area and width, this is a code conforming parcel as it is 10,560 square feet in area and is approximately 102 feet in width at the building line. Per Section

1121.06 in the 'A' Single-Family district the minimum lot area is 7,500 square feet and the minimum lot width at the building line is 50 feet.

- This is a pie-shaped parcel with one side of the parcel facing Lincoln Boulevard and a side facing Euclid Heights Boulevard. The third side is the property line along 2981 Lincoln Boulevard.
- The unusual shape location of the house results in the parcel having large front and corner side yards and a small triangular-shaped rear yard.
- The proposed single-family house has a 25' front yard. Schedule 1121.08 states that the minimum front yard depth is 25' except as regulated in subsection (a).
 - Subsection (a) Front Yards on Partially Built-up Blocks states that where 40% or more of a block face was occupied by two or more dwellings, then the required front yard is established by the existing conditions:
 - Item (1) considers all of the setbacks on the block face. If the furthest dwelling from the public right of way and the closest dwelling from the public right of way have no more than a 10' difference then an average of the existing front yards is used. This is a long block face and it was found that the difference in this measurement was just over 10 feet and so item 1 does not apply.
 - Item (2) states that if there are adjacent houses 100' or less from the proposed house, a line connecting the adjacent houses is drawn, establishing the front yard.
 - Item (3) states that where neither subsections (a) (1) or (2) hereof are the case, and the lot is within 100 feet of an existing dwelling on one side only, then the front yard is the same as that of the existing adjacent dwelling.
- This parcel's situation causes us to follow subsection (a)(3) to establish the required minimum front yard.
- The adjacent house, 2981 Lincoln Blvd. is set back approximately 41.63 feet from the right of way (measured on myplace.cuyahogacounty.us)
- The existing house is setback 37'1" from the public right-of-way. The addition extends 11'4" in front of the existing house and requires a variance.
- This front addition would be set back 25'9" from the Lincoln Boulevard right-of-way.
- Lincoln Boulevard intersects with Woodward Avenue and then intersections with Euclid Heights Boulevard and this results in a larger 'tree-lawn' area in front of the applicant's property facing Lincoln Boulevard.
- Section 1103.03(119) defines the corner side yard as the yard between the principal building and the side lot line adjacent to the street and extending from the front yard to the rear lot line.
- A triangular portion of the proposed deck extends into the corner side yard. The maximum depth the proposed deck extends into the corner side yard is approximately 4 feet. At the closest point, the proposed deck is 9'8" from the Lincoln Boulevard right-of-way.
- The driveway for the adjacent property, 2981 Lincoln Boulevard connects to Euclid Heights Boulevard next to the applicant's property.
- The 2981 Lincoln Boulevard detached garage is located between the applicant's house and the next residential house, 2990 Euclid Heights Boulevard.

In concluding her presentation, she stated the conditions that might be included:

1. Variance 3542 is granted to permit the front yard to be less than the established front yard as shown on the site plan submitted with this BZA application and to permit a portion of the deck to extend into the corner side yard as shown on the site plan submitted with the BZA application;
2. Approval of the Architectural Board of Review;
3. Receipt of a Building Permit; and
4. Complete construction within 24 months of the effective date of this variance.

She stated that the applicant and her representative were present and prepared to briefly review their project and Statement of Practical Difficulty.

Mr. Zych asked Ms. Knittel if the configuration of this particular parcel combined with the siting of the house and the zoning code's definition of yards were causing the difficulty.

Ms. Knittel responded that this was correct.

Because of technical difficulties, the applicant indicated that her representative would present information. The applicant's representative was sworn in by Mr. Crumrine.

The applicant's representative Mr. Gary Neola, Cornerstone Architecture stated his address was 1151 Sheerbrook Dr. South Russell, Ohio.

Mr. Zych asked Mr. Neola if to the best of his knowledge, the content of the application dated February 16, 2022, was true and correct. Mr. Neola responded that it was.

Mr. Neola reviewed the project and the statement of practical difficulty submitted with the BZA application.

There were no members of the public wishing to comment on this case.

Mr. Porcelli stated that regarding Calendar No. 3542, L. & T. Menstell, 2975 Lincoln Blvd., he moved to grant the application for a variance with conditions to Section 1121.12(b) to permit the front yard on Lincoln Blvd. to be less than the established front yard (required minimum) and to permit a portion of a deck to extend more than 6' into the required corner side yard on Euclid Hts. Blvd. After reviewing the application and other submissions, hearing the evidence under oath, the Board finds and concludes: that there are special conditions and circumstances that are peculiar to this land and structure in that this property has an unusual shape, having a triangular shape resulting in the geometry of the site and the yard definition result in a difficulty; the property in question would not yield a reasonable return without the variance and the proposed additions would add value to the house and neighborhood; the variances are insubstantial; the essential character of the neighborhood would not be substantially altered as a result of the

variance, and the variance would not adversely impact the delivery of government services. If granted, the variance shall have the following conditions:

1. Variance 3542 is granted to permit the front yard to be less than the established front yard as shown on the site plan submitted with this BZA application and to permit a portion of the deck to extend into the corner side yard as shown on the site plan submitted with the BZA application;
2. Approval of the Architectural Board of Review;
3. Receipt of a Building Permit; and
4. Complete construction within 24 months of the effective date of this variance.

Mr. Hoen seconded the motion. The motion carried 4-0.

Ms. Lewin stated that out of an abundance of caution she would recuse herself from the next three cases.

Mr. Zych commented that there would still be a quorum of members present to hear the cases.

Ms. Knittel was sworn in by Mr. Crumrine.

Mr. Zych also mentioned that two public comments were received from the public one dated March 19, 2022, via email and a letter dated February 9, 2022. That will also be entered into the record.

Ms. Knittel's PowerPoint Presentation was as followed:

Cal. No. 3543 Beaumont School, 3301 North Park Blvd., AA Single-Fam., proposes renovation to athletic field requests variance Sect. 1121.12(i)(6) to permit chain link fences in the North Park Blvd. front yard.

Context: The school is located on the former Painter Estate between North Park and Fairmount Boulevards and Lee and Shelburne Roads. It is in an "AA" Single-Family District, with the Ruffing Montessori School and single-family homes in the "AA" Single-Family district to the east, the former Carmelite Monastery site to the west, and homes in an "A" Single-Family district along Fairmount Boulevard to the north, and Shaker Lakes Park to the south.

Project: The Beaumont School proposes to replace the existing track and soccer field with an Ohio High School Athletic Association (OHSAA) regulation-sized soccer and lacrosse field. The soccer/lacrosse field is mostly in the same footprint as the current field and will include the area taken up by the track to meet the size regulation. The project includes chain-link fencing around the field.

Facts:

- Beaumont School is a conditionally permitted use in this zoning district, therefore, the Planning Commission reviewed and approved this field renovation project at their March 9, 2022 meeting with the condition that the required variances be granted.

- The entire Beaumont campus is a designated Cleveland Heights Landmark. Structures that still exist from the original estate include the Painter mansion, outbuildings along Fairmount Boulevard, and a carriage house (17412 Shelburne, part of the Ruffing Montessori School campus), and a stone wall that surrounds much of the block described in the context paragraph.
- The Landmark Commission reviewed and approved the project at their March 15, 2022 meeting.
- The Architectural Board of Review reviewed and approved the project at their March 15, 2022 meeting.
- Chain-link fencing is typically used around school athletic fields.
- The zoning Code fence regulations for the residential district do not take into consideration conditionally permitted uses such as schools and athletic fields.
- Trees along North Park Boulevard are being maintained and will buffer the view of the 4-foot tall fence.
- Across North Park Boulevard is the Shaker Lakes parkland.

The applicant has submitted a Statement of Practical Difficulty with their application and it is attached to this staff report.

If approved, conditions should include:

5. Variance 3543 Sect. 1121.12(i)(6) is granted to permit 4-foot tall chain-link fences in the North Park Blvd. front yard as shown in the drawings submitted with the BZA application.
6. Fencing shall be installed to preserve the trees along North Park Blvd. with the Zoning Administrator's review and approval required for any tree removal;
7. Receipt of a fence permit;
8. Complete construction within 24 months of the effective date of this variance.

Mr. Zych asked if there were any questions for Ms. Kittle. There were none.

Lee Crumrine Do you swear that the testimony you're about to give in this matter now, at this hearing is the truth the whole truth, and nothing but the truth.

Susan Franklin and Bruce Wharton responded, "I do".

Susan Frankl 25300 Cedar Road Beachwood, Ohio. Ms. Franklin stated that she was the representative for Beaumont School.

Bruce Wharton 1127 Euclid Ave Cleveland, Ohio. Mr. Wharton stated that he was the architect for the Beaumont Project.

Mr. Zych stated that there was an application that was submitted on February 15, 2022, if either of you could confirm that the contents of that application are true and correct to the best of your knowledge.

Ms. Franklin "Yes"

Mr. Zych stated that after hearing and seeing no objection this application shall be entered into the record.

Mr. Wharton went on to further explain the placement of the new field and the need for the renovation of the field. Mr. Wharton went on to explain how this would better sever the Beaumont school and its athletic teams as well as neighbors surrounding the school. Mr. Wharton also mention that this would also add extra security to the school as well as the players.

Ms. Franklin concurred with Mr. Wharton, she just added that the need for the chain link fence is further enhancing safety for the students as well as the community. She added that chain link also allows for onlookers to observe games and for additional safety reasons they didn't want to have a fence where people wouldn't be able to see through to the field.

Mr. Zych asked if there were questions for the applicant's representatives there were none. Mr. Zych asked if there were any questions from the public at this time. The public hearing was now closed.

Mr. Hoen said that regarding Calendar No. 3542 Beaumont School, 3301 North Park Blvd., he moved to grant the application for a variance with conditions to Section 1121.12(i)(6) to permit chain link fences in the North Park Blvd. front yard. After reviewing the application and other submissions, hearing the evidence under oath, the Board finds and concludes that there are special circumstances that exists, first and foremost this is a conditionally permitted use of a school in a single-family district, the school like other schools in our neighborhoods requires a security fence around the athletic field as we have done so and there is precedence of where variances were granted for schools to erect security fences, acknowledge that this fence being a chain-link fence and not a solid fence is desirable as this is around an athletic field and therefore people will be watching games and a solid fence would hinder the ability for people to watch the game, the character of the neighborhood would not be changed because the fence is partially hidden from the street and it does not have any impact on the neighbors, the fence would not hinder the spirit or intent of the zoning code, it will not confer any special privileges on the applicant and it would not adversely impact government services. If granted the variance should have the following conditions:

1. Variance 3543 Sect. 1121.12(i)(6) is granted to permit 4-foot tall chain-link fences in the North Park Blvd. front yard as shown in the drawings submitted with the BZA application.
2. Fencing shall be installed to preserve the trees along North Park Blvd. with the Zoning Administrator's review and approval required for any tree removal;
3. Receipt of a fence permit;
4. Complete construction within 24 months of the effective date of this variance.

Mr. Porcelli seconded the motion. The motion was approved 3-0.
Karen Knittel's PowerPoint Presentation was as followed:

Cal. No. 3544 Start Right CDC, 833 Nelaview Rd., A Single-Fam., proposes constructing new house requests variances to Sect. 1121.08 to permit N. side yard to be less than 5' required minimum.

Context

This vacant lot is zoned 'A' Single-Family. The properties to the east, west, and south are all zoned 'A' Single Family. The adjacent property to the north is zoned S-2 Mixed-Use with the Greyton Court Condominiums on it.

Project

The applicant proposes to build a new single-family house on this vacant lot.

Facts

- This is a nonconforming lot in terms of both lot width and lot area. It is 40 feet wide and is 4,800 square feet in area. A code conforming 'A' Single-Family parcel is a minimum of 50 feet wide and has a minimum of 7,500 square feet in area. (Section 1121.06)
- Code Section 1121.09 states that the minimum floor area of a dwelling unit in an 'A' Single-Family district is 1,500 square feet. This house has 1,500 square feet and conforms to this regulation.
- Code Section 1161.03 (a)(1) requires 2 enclosed parking spaces. The proposed house is code conforming as it includes a 2 car garage.
- Code Section 1121.08 establishes minimum dimensions for front yards, side yards, and rear yards.
- The proposed single-family house has a code conforming rear yard. Code requires a minimum of 30 feet and the site plan shows the rear yard is 30 feet.
- The proposed single-family house has one side yard that is a code conforming 5 feet and is requesting a variance to permit the north side yard shared with 829 Nelaview to be 3 feet.
- The proposed single-family house has a 25' front yard. Schedule 1121.08 states that the minimum front yard depth is 25' except as regulated in subsection (a).
 - Subsection (a) Front Yards on Partially Built-up Blocks states that where 40% or more of a block face was occupied by two or more dwellings, then the required front yard is established by the existing conditions:
 - Item (1) considers all of the setbacks on the block face. If the furthest dwelling from the public right of way and the closest dwelling from the public right of way have no more than a 10' difference then an average of the existing front yards is used. This is a long block face and it was found that the difference in this measurement was just over 10 feet and so item 1 does not apply.
 - Item (2) states that if there are adjacent houses 100' or less from the proposed house, a line connecting the adjacent houses is drawn, establishing the front yard.
 - Item (3) states that where neither subsections (a) (1) or (2) hereof are the case, and the lot is within 100 feet of an existing dwelling on one side only, then the front yard is the same as that of the existing adjacent dwelling.
- As the Greyton Court Condominium is located in a different zoning district, the applicable subsection to establish the required minimum front yard is subsection (a)(3). The house to the south has a front yard of 23.49 feet and to the north is 829 Nelaview, and a variance front yard setback variance is not required.
- Code Section 1121.12(d)(3) provides design standards for private parking garages. Subsection

(3)(a) states that any attached garage shall be located at least five (5) feet behind the front façade of the primary structure. The proposed attached garage is code conforming.

The applicant has submitted a Statement of Practical Difficulty with their application and it is attached to this staff report.

If approved, conditions should include:

9. Variance 3544 to Section 1121.08 to permit the north side yard to be less than 3' as shown on the site plan submitted with the BZA application;
10. Approval of the Architectural Board of Review;
11. Receipt of a Building Permit;
12. Complete construction within 24 months of the effective date of this variance;
13. A requirement to return to the Board of Zoning Appeals for another variance should the property owner consider modifications that would increase the addition's height or length.

Lee Crumrine Do you swear that the testimony you're about to give in this matter now, at this hearing is the truth the whole truth, and nothing but the truth.

Thomas Stone and W. Daniel Bickerstaff both affirmed.

Thomas Stone, 3047 Berkley Road Cleveland Heights, Ohio, stated that he was the Project Manager for the Star Right Project

W. Daniel Bickerstaff, 3443 Lee Road, Shaker Heights, Ohio, stated that he was the architect for this project.

Mr. Zych stated an application dated March 20, 2022, was submitted and asked if they could confirm that the application is true and correct to the best of your knowledge.

Both Mr. Stone and Mr. Bickerstaff confirmed.

The application was submitted into the record after hearing no objections.

Mr. Bickerstaff thanked Ms. Knittel for her help and her presentation, he went on to further explain the need for the variance regarding this project. Mr. Bickerstaff further explained how this variance would allow for this project to move forward in the best possible way that would benefit the developers as well as the City of Cleveland Heights community. Mr. Bickerstaff added that they received approval from the Architectural Board of Review on March 15, 2022. He went on to say that they wanted to stick with what the community had expressed they wanted in having a modern-style home built within the area.

Mr. Stone echoed Mr. Bickerstaff regarding the Project.

Mr. Zych asked if there were any questions by the Board for the applicant's representatives. He said there were no public comments. Mr. Zych asked if there was a motion.

Mr. Hoen said that regarding Calendar No. 3544 Start Right CDC, 833 Nelaview Rd., he moved to grant the application for a variance with conditions to Section 1121.08 to permit the north side

yard to be less than the 5' required minimum. After reviewing the application and other submissions, hearing the evidence under oath, the Board finds and concludes that special conditions and circumstances at this property, the property is a nonconforming parcel itself causes the practical difficulty, the project itself is otherwise conforming, if the house were to be reduced in order to avoid this variance the result would in the project having no reasonable return and create the need for other variances, the variance itself is insubstantial, this is an enhancement to the essential character of the neighborhood, the variance would not adversely affect the delivery of government services and is not the result of actions of the applicant, the predicament cannot be resolved in a method other than the variance if the lot were a code conforming lot the variance would not be necessary. If granted, the variance shall have **the following conditions:**

1. Variance 3544 to Section 1121.08 to permit the north side yard to be less than 3' as shown on the site plan submitted with the BZA application;
2. Approval of the Architectural Board of Review;
3. Receipt of a Building Permit;
4. Complete construction within 24 months of the effective date of this variance;
5. A requirement to return to the Board of Zoning Appeals for another variance should the property owner consider modifications that would increase the addition's height or length.

The motion was seconded and approved. (3-0)

Mr. Porcelli second. Approved 3-0.

Mr. Zych asked that the staff report dated March 16, 2022, be entered into the record. Karen Knittel's PowerPoint Presentation was as followed:

Cal. No. 3544 Start Right CDC, 833 Nelaview Rd., A Single-Fam., proposes constructing new house requests variances to Sect. 1121.08 to permit N. side yard to be less than 5' required minimum.

Context

This vacant lot is zoned 'A' Single-Family. The properties to the east, west, and south are all zoned 'A' Single Family. The adjacent property to the north is zoned S-2 Mixed-Use with the Greyton Court Condominiums on it.

Project

The applicant proposes to build a new single-family house on this vacant lot.

Facts

- This is a nonconforming lot in terms of both lot width and lot area. It is 40 feet wide and is 4,800 square feet in area. A code conforming 'A' Single-Family parcel is a minimum of 50 feet wide and has a minimum of 7,500 square feet in area. (Section 1121.06)
- Code Section 1121.09 states that the minimum floor area of a dwelling unit in an 'A' Single-Family district is 1,500 square feet. This house has 1,500 square feet and conforms to this regulation.
- Code Section 1161.03 (a)(1) requires 2 enclosed parking spaces. The proposed house is code

- conforming as it includes a 2 car garage.
- Code Section 1121.08 establishes minimum dimensions for front yards, side yards, and rear yards.
 - The proposed single-family house has a code conforming rear yard. Code requires a minimum of 30 feet and the site plan shows the rear yard is 30 feet.
 - The proposed single-family house has one side yard that is a code conforming 5 feet and is requesting a variance to permit the north side yard shared with 829 Nelaview to be 3 feet.
 - The proposed single-family house has a 25' front yard. Schedule 1121.08 states that the minimum front yard depth is 25' except as regulated in subsection (a).
 - Subsection (a) Front Yards on Partially Built-up Blocks states that where 40% or more of a block face was occupied by two or more dwellings, then the required front yard is established by the existing conditions:
 - Item (1) considers all of the setbacks on the block face. If the furthest dwelling from the public right of way and the closest dwelling from the public right of way have no more than a 10' difference then an average of the existing front yards is used. This is a long block face and it was found that the difference in this measurement was just over 10 feet and so item 1 does not apply.
 - Item (2) states that if there are adjacent houses 100' or less from the proposed house, a line connecting the adjacent houses is drawn, establishing the front yard.
 - Item (3) states that where neither subsections (a) (1) or (2) hereof are the case, and the lot is within 100 feet of an existing dwelling on one side only, then the front yard is the same as that of the existing adjacent dwelling.
 - As the Greyton Court Condominium is located in a different zoning district, the applicable subsection to establish the required minimum front yard is subsection (a)(3). The house to the south has a front yard of 23.49 feet and to the north is 829 Nelaview, and a variance front yard setback variance is not required.
 - Code Section 1121.12(d)(3) provides design standards for private parking garages. Subsection (3)(a) states that any attached garage shall be located at least five (5) feet behind the front façade of the primary structure. The proposed attached garage is code conforming.

The applicant has submitted a Statement of Practical Difficulty with their application and it is attached to this staff report.

If approved, conditions should include:

14. Variance 3544 to Section 1121.08 to permit the north side yard to be less than 3' as shown on the site plan submitted with the BZA application;
15. Approval of the Architectural Board of Review;
16. Receipt of a Building Permit;
17. Complete construction within 24 months of the effective date of this variance;
18. A requirement to return to the Board of Zoning Appeals for another variance should the property owner consider modifications that would increase the addition's height or length.

Mr. Bickerstaff stated this is the 3rd of 3 houses they are looking to build during the 2022 construction season. He went on to further detail the plan for this project. He went on to discuss how they have eliminated issues that were found. MR. Bickerstaff, went on to give to explain why this variance was needed to further ensure that they would provide the best quality of homes for future buyers as well as to enhance the City of Cleveland Heights.

Mr. Stone Echoed Mr. Bickerstaff's comments.

Mr. Zych asked if there were any questions for the applicant's representatives, if not was there a motion on the floor.

Mr. Hoen said that regarding Calendar No. 3545 Start Right CDC, 924 Greyton Rd., he moved to grant the application for a variance with conditions to Section 1121.08(a)(2) to permit the front yard to be less than the established front yard (required minimum) and to Sect. 1121.08 to permit north side yard to be less than 5' required minimum. After reviewing the application and other submissions, hearing the evidence under oath, the Board finds and concludes that special conditions and circumstances at this property, the nonconforming lot itself cause the practical difficulty, in regard to the front yard variance, a 25-foot front yard is otherwise code conforming yard however the required minimum as a result of the average of the house setbacks on the block increase the required minimum to 26.75 feet and therefore there is a 1.75-foot variance necessary, that variance would be insubstantial, if this plan were to be redesigned to avoid this variance it would cause the house to be moved back on the parcel and would result in the need for a rear yard variance, the rear yard is code conforming, the variance request on the north side yard is also insubstantial, this is an otherwise code conforming project, the lot size is non-code conforming and is causing the practical difficulty and a variance is required. If granted, the variance shall have **the following conditions:**

1. Variance 3545 to Section 1121.08(a)(2) to permit the front yard 25' and to Section 1121.08 to permit the north side yard to be less than 3' as shown on the site plan submitted with the BZA application;
2. Approval of the Architectural Board of Review;
3. Receipt of a building permit; and
4. Complete construction within 24 months of the effective date of this variance.

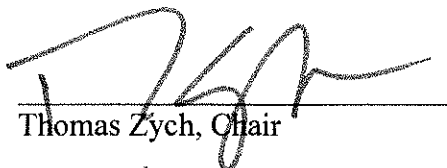
The motion was seconded by Mr. Porcelli and was approved. (3-0)

OLD BUSINESS

NEW BUSINESS

ADJOURNMENT The meeting adjourned at 8:18 pm.

Respectfully Submitted,



Thomas Zych, Chair



Karen Knittel, Secretary