

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, DECEMBER 7, 2021, 4:00PM**

Docket 1346

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, December 7, 2021.

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann
Mr. Dan Welsh

Also present were David Streubel, acting City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; Andrea Sukanek, City Planner; Lori Wrobel, Deputy City Clerk; and Mayor Nancy Spewak.

Chairman Forshaw called the meeting to order at 4:00 P.M.

Approval and Adoption of the Agenda and Minutes

Mr. Welsh made a motion to adopt the agenda. Mr. Rottmann seconded the motion. All those present were in favor.

Ms. Panke made a motion to adopt the Minutes of the October 5th, 2021 meeting. Mr. Rottmann seconded the motion. All those present were in favor.

Docket 1346

Petition submitted by John Odon on behalf of James Steele for the property located at 1 Barclay Woods Drive. The petitioner is requesting relief from the Building Commissioner denying a pool house due to encroachment into the rear yard setback which is in violation of Ordinance #1175, Section V-B-2.

Mr. Stewart reported the request for a variance to replace the pool house in the "A" zoning district was declined due to a proposed 10'8" encroachment in the required 75' front yard setback. Mr. Stewart stated that lot has three front yards. The proposed location of the pool house is to the rear of the house, but that area is technically a front yard. The plans have the Architecture Review Board approval.

Chairman Forshaw introduced the following exhibits to be entered into the record:

- Exhibit A – Zoning Ordinance 1175, as amended;
- Exhibit B – Public Notice of the Hearing;
- Exhibit C – Letter of Denial dated October 11, 2021;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated October 19, 2021;

Exhibit F – Entire file relating to the application

John Odon, project architect, took the oath and addressed the Board. Mr. Odon stated that the Architecture Review Board has approved both the house renovation and the pool house. Placement of the pool house is limited by the location of the existing pool. The pool is technically located in a front yard due to an unused, unimproved “fictitious” platted right-of-way called Deer Creek Hill bordering the Deer Creek Club. The practical difficulty is the unused road creating a third front yard with a 75’ setback. The proposed pool house would be well within a rear yard setback, which is 50’ in this district (i.e. the applicable setback were it not for the platted but unused right-of-way). The pool house is big enough to serve as a guest house but its encroachment would be less than 200 square feet or 11% of its total footprint. There is no other suitable location for a pool house on this lot. Mr. Odon believes there are no plans to construct a road on the platted right-of-way.

The Board members discussed the required 75’ setback for all three front yards, which sharply limits the buildable area; the non-utilization of the platted road; and the efforts made to stay in line with the existing footprint of the house and pool.

After discussion of the facts presented, including three front yards with a 75’ setback requirement, and the alignment with the existing house, it was determined that practical difficulties exist. Ms. Long made the motion to overturn the decision of the Building Commissioner and grant the variance. Mr. Rottmann seconded the motion. The vote was as follows:

Chairman Liza Forshaw	“approve”
Ms. Laura Long	“approve”
Ms. Elizabeth Panke	“approve”
Mr. Lee Rottmann	“approve”
Mr. Dan Welsh	“approve”

With five (5) votes in favor and zero (0) against, the motion passed, the ruling of the Building Commissioner was overturned, and the variance was granted.

Adjournment

At 5:48 p.m. Ms. Long made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1346

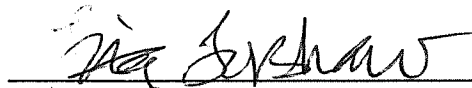
DATE OF HEARING December 7, 2021

NAME John Odon

DESCRIPTION OF PROPERTY 1 Barclay Woods

CAUSE FOR APPEAL Petitioner is requesting relief from the Building Commissioner denying a pool house due to encroachment into the rear yard setback which is in violation of Ordinance #1175, Section V-B-2.

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds that practical difficulties exist. The decision of the Building Commissioner is overturned, and the variance is granted.

A handwritten signature in black ink, appearing to read "Liza Forshaw", written over a horizontal line.

Ms. Liza Forshaw, Chairman