Oakwood, Ohio
July 9, 2015

The Zoning Board of Appeals met in session this date at 4:30 o'clock p.m., in the council chambers of the City of Oakwood, 30 Park Avenue, Oakwood, Ohio 45419. The Chair, Mr. Kip Bohachek, presided and the Recording Secretary, Ms. Lori Stacel recorded.

Upon call of the roll, the following members of the Board responded to their names:

MR. KIP BOHACHEK .....PRESENT
MR. DAN DEITZ.....ABSENT
MR. GREG LAUTERBACH .....PRESENT
MR. KEVIN HILL .....PRESENT
MRS. LINDA WEPRIN .....PRESENT

The following officers of the city were present:

Mr. Jay A. Weiskircher, Assistant City Manager
Mr. Robert F. Jacques, City Attorney
Ms. Lori Stacel, Clerk of Council

The following visitors registered:

Trisha Duff, 313 E. Thruston Blvd.
Brad Gibson, 1140 Ridgeway Road
John Stachler, Legal Counsel
Dan DeVol, Builder
Jon Barhorst, 1155 Ridgeway Road
Kinsey Barhorst, 1155 Ridgeway Road
Debbie Stephenson, 1135 Ridgeway Road
Chris Conard, Legal Counsel
Amy Blankenship, Legal Counsel
Kevin Woods, 118 E. Dixon Avenue
Joanne Cronin, 140 E. Dixon Avenue
Henry Maimon, 1101 Ridgeway Road
Marlene Maimon, 1101 Ridgeway Road

Mr. Bohachek moved to excuse the absence of Mr. Deitz. The motion was seconded by Mr. Hill.

Mr. Bohachek asked the members of the Board if any discussion was warranted regarding the minutes from the April 9, 2015 meeting which was slated for approval. There being no further discussion, Mrs. Weprin moved that the minutes from the April 9, 2015 be approved. Mr. Hill seconded the motion and it was so ordered.

Mr. Bohachek reviewed the meeting procedure with all in attendance.

Application #15-3, a request by Randy and Trisha Duff to vary the rear yard setbacks to construct a 430 sf bi-level, wood deck at 313 E. Thruston Blvd., was introduced.

Mr. Jacques proceeded to swear in the visitors that plan to testify in regard to this application.

Mr. Bohachek opened the public hearing.

Mrs. Trisha Duff, property owner at 313 E. Thruston Blvd., shared that she is requesting a rear yard variance to build a wood deck. She explained that they considered shortening the deck by 4 feet, but that would make the deck too narrow. The deck will be placed between the house and garage.

Mr. Lauterbach asked if a site survey could be submitted. He explained that it is challenging to determine the dimensions from the sketch that was provided.

Mrs. Duff responded that she will submit a site survey. She added that the staff comments in the Board of Zoning Appeals memo states that it does not appear that the minimal encroachment into the rear yard setback will have any impact on the adjoining property owners.

Mr. Bohachek explained that he was confused by the drawing that was submitted. The drawing is not to scale and the dimensions do not add up.

Mr. Hill asked what type of materials will be used to build the proposed deck.

Mrs. Duff answered that pressure treated wood will be used, which is similar to the neighbor's deck.

There being no further public testimony offered, the public hearing was closed and the Board of Zoning Appeals began its deliberations.

Mr. Bohachek shared that with the absence of an accurate plot plan, the application may need to be tabled until further information is available.

Therefore, it was moved by Mr. Bohachek and seconded by Mr. Hill that application #15-3, the request to vary the rear yard setbacks to construct a 430 sf bi-level, wood deck at 313 E. Thruston Blvd., be tabled pending submission of an accurate certified plot plan to scale, including elevation dimensions. Upon a viva voce vote on the question of the motion, same passed unanimously and it was so ordered.

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Tabled application #15-2, a request by Brad and Whitney Gibson to vary the front and north side yard setbacks for a new home to be constructed at 1140 Ridgeway Road, was introduced.

Mr. Bohachek reviewed the meeting procedure with all in attendance.

Mr. Jacques proceeded to swear in the visitors that plan to testify in regard to this application.

Mr. Weiskircher referenced a PowerPoint and explained that this application involves variance requests submitted by Dr. Brad Gibson and Dr. Whitney Sharp for the front and north side yard setbacks for a proposed new home. The front yard setback being proposed is 50 feet where 70 feet is required. The driveway is one foot from the north side lot line where 5 feet is required, and the chimney along the north side yard encroaches approximately 2 feet into the 20 foot side yard setback. The width of the home has been reduced by approximately 5.5 feet from its previous design, and coupled with a reduction in building height, has eliminated the need for the south side yard variance. To summarize the plan changes, the height of house, as defined by the Zoning Code, has been reduced by 7 feet to 25 feet; the width of the house has been reduced by 5.4 feet; the south side yard variance has been eliminated; and, the A/C units have been relocated from the north side yard to the rear yard. In regards to the front yard setback being requested, he noted that the west side of Ridgeway Road has setbacks of 100 feet or more, while the east side of Ridgeway Road has an average setback of 54 feet (not including 1100 Ridgeway Road) or 62 feet (including 1100 Ridgeway Road). He noted that setback averaging is provided for in the Zoning Code and has been applied in this manner dating back to Jim Gould's tenure as Law Director.

Mr. Hill asked if the setback examples that were shown on the PowerPoint were all front yard setbacks.

Mr. Weiskircher indicated that 1100 Ridgeway is a side yard setback because the home faces Harman Avenue. 1430 Raleigh is also a side yard setback.

Mr. Bohachek opened the public hearing.

Dr. Brad Gibson, property owner at 1140 Ridgeway Road, shared that many adjustments were made to the plan since the last BZA meeting in April. Several changes were made to the design while still embracing the style of Oakwood homes. The new proposal allows for a lot of greenspace which is desirable for his family allowing the kids to play in the yard without worrying about the traffic on Ridgeway Road.

Mr. Lauterbach asked Dr. Gibson to provide more detail on the changes that were made to the roof and elevation of the house.

Dr. Gibson shared that it was a redesign from the original proposal, while keeping the proposed home as aesthetically pleasing as possible. The roof was reduced 7 feet in elevation, the garage was reduced, the width and height of the home was reduced which eliminated the need for the south side yard variance.

Mr. Hill asked if the front setback on the original property design was moved.

Dr. Gibson responded that it was not moved and stayed the same. The south setback went away to 20 foot conformity. It is difficult to get away from the front setback. The home wouldn't fit with the symmetry and architectural style.

Mr. Lauterbach asked if a portion of the roof is flat and asked to see a roof plan, if possible.

Mr. Dan DeVol, builder for 1140 Ridgeway Road, shared a roof plan and added that the slope on the front and back of the roof is less than the side of the house. He approached the dais and showed drawings to the Board.

Mr. Chris Conard and Ms. Amy Blankenship, Legal Counsel for opponents of the application, also approached the dais to review the drawings. Mr. Conard commented that the new site plan shows a width of 73 feet, another plan shows a width of 72 feet. A different dimension was shown as 101 feet on one plan and 100 feet on the other. He shared that he didn't understand the difference in the plans. He asked to have an exhibit marked and everyone returned to their seats.

Mr. John Stachler, Legal Counsel for Dr. Gibson and Dr. Sharp, asked if he could go ahead with his presentation, which the chair approved. Mr. Stachler noted that the 1140 Ridgeway property is not unaccustomed to dealing with problems. In 2012, the prior owners presented an application to the Planning Commission for a proposed home on this same lot and a lot of opposition was recorded. Dr. Gibson and Dr. Sharp have the right to build on their property. They are asking for a front yard setback that would line up with the other homes on the east side of Ridgeway. Mr. DeVol was asked to build a home that matched the character of other Oakwood homes and to make the home look like it has always been there. After the April BZA meeting, Dr. Gibson went above and beyond by revising the original plan and then sharing the revised plan with the neighbors during a recent informal meeting. The continued opposition leads him to believe that the neighbors simply do not want any home built on the vacant lot. He noted that this home is smaller and requires fewer special approvals than the Longs' plan, previously submitted and approved in 2012 for the same lot. In the materials submitted by Mr. Conard, he repeatedly states that the Gibsons should not be granted a variance because the property was purchased with knowledge of the zoning ordinance and that means they can't ask for a variance. Mr. Stachler stated that is not the law. The law says that for an area variance you balance the Duncan factors. He discussed the size and height of the home, its site location, and how it compares similarly to all of the surrounding homes. He discussed the Duncan factors and stated he believes that the Gibsons have shown sufficient evidence to have the variances granted as requested.

Mr. Bohachek asked if the Board had any questions for Mr. Stachler, or if anyone else wanted to testify on the applicants' behalf.

Mr. DeVol approached the dais to clarify questions about the roof height. He was quickly joined by Mr. Stachler, Mr. Conard and Ms. Blankenship.

A lengthy discussion was had at the dais concerning the drawings. Mr. Lauterbach noted that his questions over the height of the roof and the accuracy of the roof plan were not yet resolved. The calculations in the roof plan that was provided are not adding up and if the measurements are inaccurate, it would change the calculations of the elevations.

Mr. Hill agreed that there is question as to the accuracy of the front elevation as it relates to the plot plan and site plan given the explanation of the roof plan.

Mr. DeVol provided a new roof rendering showing the front elevations to clarity the roof dimensions.

Mr. Lauterbach reviewed the roof rendering provided and shared that the measurements made more sense.

A number of exhibits were marked and everyone returned to their seats.

Mr. Conard asked the Board members to considering tabling this application due to confusion with the provided drawings which would give the applicant more time to provide accurate renderings.

Mr. Hill shared that he does feel there is some discrepancy with the drawings that were submitted that may require tabling the application. He added that he was still interested to hear the opponents, which may also be helpful to the applicants if the decision is made to table the application again.

Mr. Stachler noted that there is an affidavit that was submitted on behalf of an architect, which would create an issue if the application was tabled. Also, the Gibsons have already lost a lot of time when the application was tabled in April and asked that it not be tabled again.

Ms. Blankenship explained that he neighbors are not requesting that the application be tabled based on an affidavit of the Gibson's architect. The neighbors are asking for it to be tabled at this point based on plan submitted by the designers that don't add up.

Mr. Stachler said he would prefer to proceed and his clients were willing to accept an approval conditioned on maintaining a maximum 25 foot roof height.

Mr. Conard said he was prepared to go forward if the Board wants to hear more. The chair approved. Mr. Conard introduced one of his clients, Mr. Jon Barhorst.

Mr. Jon Barhorst, 1155 Ridgeway Road, shared that the absence of other neighbors should not be confused with them being in favor of this application. He explained that at the April meeting, it was communicated that the next meeting would be scheduled at a time that would allow everyone to be present, but that wasn't the case. Unfortunately, many of the other neighbors that spoke in opposition of this application are out of town and unable to attend. Mr. Barhorst shared that his family has lived in Oakwood for the past 18 years. He and his wife previously lived on Garden Road and moved to Ridgeway because their family grew out of the home on Garden. They looked into the possibility of adding on to the home on Garden Road, but they decided that maintaining the integrity of the design and respecting the neighbors was more important, so they looked at different areas of Oakwood and moved to Ridgeway Road. He shared that the Wright family owned his lot originally, and it is very important to him to maintain the integrity of his neighborhood. He said that he didn't understand why the Deering property, 1100 Ridgeway Road, should be excluded when averaging the setbacks along Ridgeway Road. The Weinstein's home, at 1160 Ridgeway Road, fronts Raleigh Road and the side yard that was measured to get the front yard setback was actually off the side "cubby" structure and not the main structure of

the house. He asked that the city and Board members appreciate the significance of this variance and understand the long-term adverse outcomes. Chris Schairbaum and Amy Askins, who submitted a letter to the BZA, have experienced large variances being granted in other communities outside of Ohio and the charm of the neighborhood changed drastically. Mr. Barhorst explained that is not an accurate statement that neighbors do not want a home built on this lot. It is a distinct neighborhood where setbacks are significant. He asked the Board of Zoning Appeals to protect the existing homeowners and understand that this is not a minor request and should not be considered because it is out of proportion and will have a negative impact on the neighbors.

Mrs. Debbie Stephenson, 1135 Ridgeway, shared that her family moved from Boston and made a conscious effort to get a larger home on a large property. The area reminds her of where she grew up in New England. She is very excited to have a house built on this property and to have little kids in the neighborhood. She has experienced living in a community where people built larger homes on smaller properties and the neighborhood went from charming to disjointed. She is concerned that if the door is opened in granting a 20 foot variance, it will be very hard to shut that door in the future.

Mr. Stachler asked Mrs. Stephenson if she wants a house built on the property.

Mrs. Stephenson answered yes, as long as the house is proportionate to the size of the lot.

Mr. Stachler asked if Mrs. Stephenson felt it was important for the house to be in line with the other homes on the street.

Mrs. Stephenson answered that the home is not in line due to the Deering's home at 1100 Ridgeway Road.

Mr. Stachler asked Mrs. Stephenson if it is important to her that the houses be in line when driving up Ridgeway Road.

Mrs. Stephenson answered that it needs to be in accordance to the law.

Mr. Stachler asked Mrs. Stephenson if she agrees that there are trees on the north side of the lot.

Mrs. Stephenson answered yes but she was concerned that they could be removed.

Mr. Conard asked if he could ask Mr. DeVol a few questions. The chair approved.

Mr. Conard asked Mr. DeVol is he would characterize the home as being a custom design.

Mr. DeVol answered yes.

Mr. Conard shared that when the building concepts were incorporated into a design, would the shrubs and trees that Mr. Stachler referenced need to be trimmed or removed.

Mr. DeVol answered that no, not all of the trees and shrubs would need to be trimmed and/or removed. Anything within the 20 foot south side yard setback would need to be removed.

Mr. Conard asked Mr. DeVol if he met with Oakwood before the proposed design.

Mr. DeVol answered that he met with former inspector, Dave Bunting, and the Gibsons on the lot.

Mr. Conard then addressed the Board and said that the real issue is identifying the standards under the Zoning Code and Ohio law as it relates to granting variances. Variances exist as an escape valve to help out property owners when application of the zoning requirements prevent a permitted use of a person's property. The question with this application is, is the property owner deprived of a reasonable use of the property. That is a legal standard, and the answer is no. This

is a redesign that made no attempt to deal with the front setback issue of 29%. The rigidity of the design shows a relative unwillingness to comply to the mandates that the code requires. The Oakwood Comprehensive Code addresses this clearly stating that the city should ensure that residential improvements and new developments complement existing character. The issue with this application is whether or not the proposed home is appropriate on the size of the lot. Oakwood Zoning Code Section 106.2 states that variances afford a property owner the opportunity for relief from a particular hardship or practical difficulty that the regulations of this ordinance impose upon a particular parcel of land which make compliance with the regulations extraordinarily difficult or impossible. Any reasonable person would believe that compliance with the zoning code on this lot would be difficult. The lot is actually conforming for the R-1 zoning district in the sense that it is 143 feet wide. It is somewhat misleading when information states that this lot is nonconforming. Reasonable use of the property is not denied and the practical difficulty is created by the owner. Ohio law requires that the applicants must show that they are unreasonably deprived of the use of their property. The design of the home has created the need for these variances. Based on this condition which is the basic tenant of Ohio variance law, the variance requests should be denied. The burden is on the applicants to show what the practical hardship is. The elevation needs to be clarified before the BZA should consider granting a conditional variance to move forward given that uncertainty. There is also question about the front yard setback calculations and the homes that were used with the calculation. The reality is that when a new home was built on Ridgeway, when you look at the Stevenson and the Barhorst properties, which are directly across the street, those properties would be most impacted by the lack of the appropriate setback on the property. When you look at the overall aesthetics, the impact across the street cannot be ignored. The code clarifies what a block is and the appropriate setback is actually more than the 70 feet based on what those two properties are because the average would be 81 feet. For purposes of this hearing, even though the neighbors do not have a problem with the variance request for the driveway or chimney, an objection will be made but the focus of the objection is the front setback. The need to preserve the historic aspect of the R-1 zoning district cannot be denied.

Mr. Conard returned to his seat and Mr. Stachler asked if he could offer a clarification. The chair approved.

Mr. Stachler stated that the law being given by Mr. Conard is not the law in the state of Ohio. The information he is citing is from use cases, and this request is not for a use variance. He noted that the law says in an area variance case, prior knowledge of a zoning restriction is not determinative. You have to balance many factors and that's what this case is about.

Ms. Blankenship clarified that use variance cases were previously cited because the cases are Ohio Supreme Court case law explaining that a self-created variance will not lie. She agreed that the Duncan factors and zoning ordinance are meant to be balanced but believes that many factors weigh in favor of denying the variance.

Mr. Conard provided photographs of the lot as it currently exists showing a 70 foot setback on the property. The picture was submitted to show that when one compares the distance of the 70 foot stake to where the tree in the photograph is, the setback had to virtually exist by implication of where the tree is sitting. He also discussed that the previous home, which was demolished, may have had a 70 foot setback. He asked Mr. Barhorst to speak on that issue.

Mr. Barhorst shared that he used to visit the previous owner. The tree was to the right side of the courtyard when you walked to the front of the house. You had to pass the tree on your right to get to the front door. This means the house was at least 70 feet away from the road.

Mr. Lauterbach asked Mr. DeVol how the lot would be graded. Mr. DeVol explained that there is a ridge or hump that may need to be cut off or graded out.

Mr. Lauterbach asked why the Gibsons decided not to change the front yard setback when they revised the plan.

Mr. DeVol explained that if they changed the front yard setback, it would push everything back and scrunch the design to where it would no longer work. This was why the previous owners, the Longs, had to do a design with a detached garage at the rear of the lot, requiring a special use approval. The lot has an odd shape that affects what you can do with the design. They tried to design something that was consistent with Oakwood homes in elevation, materials, everything, and they felt it lined up with the street.

Mr. Bohachek asked about the difficulty with accessing the garage if the house was moved back further on the lot. He added that he didn't understand that because it if was moved back further, it shouldn't affect he use of the garage.

Mr. DeVol shared that everything has to be scrunched down, which affects the design. The Longs realized that in order to get their house on the lot, they would have to do a detached garage in the rear.

Mr. Hill asked Mr. DeVol if he felt the revised plot plan, including the footprint, and revised elevation are fully coordinated and accurate.

Mr. DeVol stated that they were accurate. The front porch shown on the drawing needs to be cut off, but that doesn't encroach on anything. The width and depth are accurate.

Mr. Hill asked if the idea to move further back into the island was discussed in the meeting with the Gibsons and the neighbors.

Mr. Stachler shared that the issue with that idea is that it would create a side yard encroachment toward the Weinstein's property to the south.

Dr. Gibson added that he didn't believe it was discussed at the meeting, but it wasn't an option because of the need to eliminate the south side encroachment.

Mr. Barhorst added that the meeting didn't get to that point.

Mr. Conard asked if there was any reason why the home couldn't be designed smaller.

Mr. DeVol answered that he could put a tiny home on the lot, but that is not what the Gibsons want. They looked at adjacent properties, lined it up, and feel that it's the right fit for the neighborhood.

Mr. Conard asked what the total square foot of the proposed home will be.

Mr. DeVol wasn't certain but said that it should be approximately 5,400 to 5,600 square feet.

Mr. Lauterbach asked about the discrepancy on how the roof height is being calculated.

Mr. Weiskircher answered that the city uses the same height calculation that was used by the Gibson's designer, rather than the calculation submitted by Ken Seidl on behalf of the neighbors.

Mr. Hill asked if the height in this application based on the calculations is 25 feet.

Mr. Weiskircher confirmed yes that it would be 25 feet.

Mrs. Weprin asked if there were more complaints in 2012 when the Longs submitted their application, due to going further into the rear yard. Mr. Weiskircher answered that Mr. Dunlevy was concerned because the detached garage was much closer to his home than what the Gibsons are proposing, but some of the same issues raised today were raised then as well.

Mr. Conard asked if all exhibits could be entered into the record. The attorneys conferred and marked several additional exhibits. Mr. Jacques confirmed that the previous minutes and staff report were already part of the record.

There being no further public testimony offered, the public hearing was closed and the Board of Zoning Appeals began its deliberations.

Mr. Hill shared that he was surprised that moving the home back toward the east wasn't considered.

Mr. Bohachek asked staff to clarify how far the setback is from the rear.

Mr. Weiskircher shared that the plot plan shows the back of the home is well beyond the minimum 60 foot setback.

Mr. Bohachek said that 60 foot is required and they would have at least 50 feet to be exact, so there is plenty of room to move the house back without requiring any additional variance to the rear yard.

Mrs. Weprin noted that if the home is pushed back, it would then encroach on the south side.

Mr. Bohachek commented that besides the front yard setback, he doesn't think pushing the house back would affect the use of the garage, although it would still cause issues on the south side.

Mr. Hill stated that it is a unique lot in a unique neighborhood and he feels the proposed setback is in line with what currently exists on that side of the street.

Mr. Bohachek agreed with Mr. Hill and asked for clarification about how setback averaging works.

Mr. Jacques explained there are R-1, R-2, and R-3 zoning districts in the Zoning Code, each with its own section of the code, 601, 602, 603. 600 applies to all residential zoning districts. The actual setback is the least, or lowest number as between the specific figure given for each district and the alternative calculation methods provided under Section 600.3. The alternative calculation methods include the majority setbacks in the area or the average setbacks in the area. He reiterated that the applicable setback for any particular area is the lesser of the specific number that is set out in that zoning district section of the code or what you find through the averaging and majority calculations under Section 600.3. He added that there is some question as to whether this area falls within a block or not. A block is defined in the zoning code as being an area bounded by streets, but historically that has always been interpreted to mean generally rectangular areas bounded by streets that have corners and sidewalks such as what is seen on the east side of Far Hills Avenue. The west side of Far Hills Avenue is not really divided into blocks. The key difference between the two areas is that on the east side, there are the 100 block, the 200 block, the 300 block, the 400 block, and the house numbers all correspond with that. That will not be found on the west side of Far Hills. On this stretch of Ridgeway the house numbers go 1300, 1400, 1500, and then the cross street punctuates that run. The definition of a block does not apply here, which is why Mr. Weiskircher did the alternative calculations. He took the setbacks 400 feet to the north and south of the property, on the same side of the street, and did an averaging. He did not figure a majority setback because it came out 3 and 3 so there was no majority. But the average setback was calculated as roughly 62 feet including the Deering property, 54 feet not including the Deering property. This variance is not really a variance from 70 to 55 feet, but a variance from 62 or 54 feet down to 55 feet.

Mr. Conard asked why 400 feet is used in both directions, as he didn't see it anywhere in the code.

Mr. Jacques explained that it was in Section 600.3 and read: "If the lot is not within a block, the alternative standards of averaging and majority front yard or corner side yard setbacks shall be measured in an area of 400 feet on each side of the lot and on the same side of the street."

Mr. Bohachek asked if that definition includes the 1100 Ridgeway property.

Mr. Jacques stated that it would fall within the 400 feet.

Mr. Bohachek asked if per the Code, this request is not for a variance of 20 feet, but a variance of 12 feet, from 62 feet to 50 feet.

Mr. Jacques said that he believes that is a fair reading of the Code.

Mr. Lauterbach added that he is concerned with the height of the house. The height has been listed at 28 feet and 25 feet. If the house gets too large and sits above other houses, it has more of an impact.

Mr. Bohachek asked if the roof height is 25 feet and inquired again about the method of calculating it. Mr. Weiskircher confirmed that the customary method of measuring roof height gives a result of 25 feet.

Mr. Jacques added that a condition could be added to the motion stating that the height may not exceed 25 feet.

Mr. Bohachek stated that while the house could have been designed to fit the setback, the proposed setback fits with the neighborhood and lines up with the other houses.

Mr. Hill shared that this is a unique property in the sense that its own boundary even though it is in an R-1 district, there is a distinct change of the lot sizes on one side of the road to the other. He noted that if he were to build a home on this lot for himself that was fully compliant, it would not be in the character of the estate homes that the neighborhood wants to preserve.

Mr. Bohachek said that the concern is that by shrinking the design or altering the design by making it fully complaint, the character of the houses is destroyed.

Mr. Hill made a motion to table the application due to the questions of elevations and not having an accurate plot plan.

Mr. Conard stated that he was open to tabling the application.

Mr. Stachler stated his concern that moving the home's footprint would cause an encroachment on the 20 foot south setback and the neighbor wouldn't allow it.

Mr. Hill clarified that he only wanted to table the application to get an up to date set of drawings.

Mr. Bohachek said he understood that the applicants are anxious to move forward so if the application is tabled, the time element needs to be as brief as possible.

Dr. Gibson shared that the plot plan that was submitted is accurate. The only difference is due to a change with the porch that was selected. There is no change in the home design or measurements; the plot plan just shows one option that wasn't selected.

Mrs. Weprin added that she would rather move forward with the application versus tabling once again. She did not think that updating a minor detail on the drawings would change the outcome either way. She added that the proposed home fits in with the existing homes.

Mr. Bohachek agreed, but he also stated that he shared Mr. Hill's concern that it is hard to approve or deny something when the plan hasn't been provided to us. He asked the Board if they wanted to move forward.

Mr. Lauterbach asked Mr. Bohachek what his concerns were.

Mr. Bohachek explained that he is not concerned at all with the north side setback or the driveway. He feels that something may have to be modified on the south in order to push the proposed house further back. There have already been significant modifications to the width of the house and the height of the house. The house will complement the neighborhood, but the need for the variance is part of the design. It could be designed differently but he was not sure it would resolve the problem because changing the design or moving the house back might destroy the neighborhood character.

Mrs. Weprin added that she believes the house fits in well with the existing homes. Mr. Bohachek agreed and noted the similarity of mass, size, and style.

Therefore, it was moved by Mr. Hill and seconded by Mr. Lauterbach that tabled application #15-2, the request to vary the front and north side yard setbacks for a proposed new home at 1140 Ridgeway Road, be approved pending submission of fully coordinated drawing and that the material nature and the character is preserved as documented in the application.

Mr. Bohachek asked Mr. Jacques whether a voice vote was needed. Mr. Jacques agreed that a voice vote was appropriate and asked if the motion should also include a request to have counsel prepare written findings of fact and conclusions of law consistent with the Board's deliberations.

Mr. Hill stated that he would amend the motion to direct counsel to prepare written findings of fact and conclusions of law, to be submitted to the Board for review at its next meeting. Mr. Lauterbach seconded the amendment.

Mr. Bohachek reiterated that the motion was for approval of the application.

Upon call of the roll on the question of the motion, the following vote was recorded:

MR. KIP BOHACHEK ..... YEA
MR. GREG LAUTERBACH ..... YEA
MR. KEVIN HILL ..... YEA
MRS. LINDA WEPRIN ..... YEA

There being four (4) YEA votes thereon, said motion carried. Application #15-2, the request by Brad and Whitney Gibson to vary the front and north side yard setbacks for a new home to be constructed at 1140 Ridgeway Road, was approved, subject to conditions noted herein.

Following the hearing, Mr. Weiskircher introduced the city's new Code Enforcement Officer, Ethan Kroger, to the BZA. Mr. Weiskircher added that Ethan has his bachelors and master's degree from the University of Toledo and began work nearly three weeks ago. The city is pleased to have Ethan on board.

There being no further business, the meeting concluded at 7:25 p.m.

K. Bohachek
CHAIR

ATTEST:

Lori Stacel
RECORDING SECRETARY