

WICKLIFFE BOARD OF ZONING APPEALS  
January 22, 2009

Chairman Bennett called the meeting to order at 7:30 P.M.

ROLL CALL: Present: Bennett, Bello, Guhde, Levar, Nicholas

Chairman Bennett said this is the first meeting of the year, an organizational meeting. We will elect the officers for the present year. He requested nominations for the position of Chairman. Mr. Guhde made a motion to nominate Keith Bennett for Chairman. Mr. Bello seconded the motion. There were no further nominations and a vote was taken.

AYES: Bennett, Bello, Guhde, Levar and Nicholas

NAYS: None

MOTION CARRIED

Chairman Bennett asked for nominations for the position of Vice Chairman. He moved to nominate Joe Nicholas as Vice Chairman and Mr. Guhde seconded the motion. There were no further nominations and a vote was taken.

AYES: Bennett, Bello, Guhde, Levar and Nicholas

NAYS: None

MOTION CARRIED

Chairman Bennett stated the minutes from June 26, 2008 had to be approved. He asked if there were any additions or corrections. There were being none he made a motion to approve the minutes and Mr. Guhde seconded the motion.

AYES: Bennett, Bello, Guhde, Levar and Nicholas

NAYS: None

MOTION CARRIED

Chairman Bennett said CASE NO. 2009-101, William Johnson for The Greens of Mapledale is on the agenda tonight as follows:

Section 1307.30 (3) (6) Yard, Area, Height Requirements states in part, that the minimum distance between the sidewalks of any two groups of attached cluster units or between a group of attached cluster units and single family unit in the same development shall be thirty (30) feet.

There are several calculations that we will get into specifically. The variance percentage is calculated as follows:  $\frac{\text{Required Proposed} \times 100}{100}$

100

Chairman Bennett asked if Commissioner Ray Sack had anything to add at this time. Mr. Sack said he was at Planning Commission regarding matter and this is a conditional use permit for this project. They had all the units together and most of them were doubles. They changed them to single units. No variances given, just changed conditional use so they would be single. It was passed okay. People want single units instead of doubles. Chairman Bennett referred to the chart and explained that the box with the diagonal lines

is an existing home. If you look at Units 2 and 3 you will see a line that encloses those two houses. They appeared before us approximately 2 yrs. ago for some other variances. Mr. Sack explained further that they got a variance for units one through eleven. The engineer explained that the variances you see on the right under site data, those were all taken care of through Planning Commission approval.

Mr. Guhde questioned the drawing and the engineer said what is clouded is what is being changed.

Chairman Bennett had a legal question of Mr. Stempuzis. Is it one request for a variance that covers a lot and can that be approved in total or in part? Mr. Stempuzis said either way. Preferably it would be specifically.

Mr. Stempuzis swore in William Johnson & Kevin, Engineer.

Mr. Johnson explained that people like single units as opposed to double units and that is why they are asking for the variances.

Mr. Levar wanted to know how many units had been sold. Mr. Johnson said all in the shaded areas except for two have been sold. When did you notice that buyers wanted singles opposed to doubles? Mr. Johnson said about one year ago. Mr. Levar wanted to know how many are in the process of being sold right now.

Mr. Johnson said one, subplot 25. There are several people who might do something if the units are separated.

Chairman Bennett asked if the Board would like to go through the different categories and talk about the different buildings. Mr. Guhde said his personal feelings are that he would rather have a smaller space between the units than no space. In the long run, in these types of developments, that had been a proven case. They would rather have some space in between than being right up against each other. Then you get a little more privacy.

Chairman Bennett agreed and felt in the case of a fire, that might be a better way to go.

Mr. Levar asked what the distance was between the houses. Mr. Guhde said it was supposed to be 25' and not to be any firewalls/drywall. Mr. Sack said he wasn't sure he agreed with that. We have R1-50 lots that have 3 ft. on one side and 5 ft. on the other side. You are six feet away from your neighbor. We don't require them to have a firewall. That is not a State requirement and it is not for these units either. When you have a double/duplex you have to have a 2 hr. fire rated wall. Mr. Levar added his comments.

Mr. Johnson said Lt. Leovic of the Fire Dept. looked at these plans and he had no additional comments.

Mr. Sack said he was at the meeting and said they want more single units, they like the encapsulated area of senior living, but if they have single units, it is more homey to them. Chairman Bennett said the only one that stands out is one with a 50 ft. requirement and that is because of the existing house.

Chairman Bennett asked if there was a desire to go through these section by section or if there was a pretty good feel for what is in front of us.

Mr. Guhde asked if we are looking for six variances. Chairman Bennett said he made a notation on the drawing and if you look at it that way, it's thirteen. There was further discussion on the number of units.

Mr. Nicholas made suggestions on how the matter should be handled.

Chairman Bennett asked for a motion.

Mr. Nicholas made a motion to approve the requested variance for Case No. 2009-101.

Mr. Guhde second the motion. There being no further discussion, a vote was taken.

AYES: Bennett, Bello, Guhde, Levar and Nicholas

NAYS: None

**MOTION CARRIED**

Meeting adjourned at 7:55 PM

Respectfully submitted,

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Sue Iafelice, Acting Secretary

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Keith Bennett, Chairman