



**Board of Zoning Appeals Meeting Minutes
Wednesday, September 22, 2021
6:27 p.m.**

BOARD OF ZONING APPEALS

Ed Kancler called to order the regularly scheduled meeting of the Board of Zoning Appeals for the City of Twinsburg at 6:30 p.m.

ROLL CALL

Present: E. Kancler, T. Brown, G. Wilner, C. Griffith

Absent: M. Jamison

Also Present: Greg Bellan, Council Representative; Keith Foulkes, Building Commissioner

The board recited the Pledge of Allegiance.

Mr. E. Kancler made a plea to City Council and Mayor Ted Yates to consider simplifying the zoning code so that people don't have to spend \$150 for minor variances and that the building department and Building Commissioner be granted discretion on these type of items.

WORK SESSION:

Appeal #06-2021 - Variance Requested: Section 1143.09

Mr. William Keen homeowner at 2617 Bronsons Way presented a request for a 3' yard setback variance to his 50 foot setback requirement due to some practical difficulties resulting from the way the builder oriented the house on the lot to accommodate his side load garage. His house was set back further than all of the other houses along that side of the street. Mr. Keen stated that he is in the process of putting on an addition to the house which has been approved by the Architectural Review Board. One of the features of the addition of the back of the house is a little wraparound porch that has to be cut short just a little on the backside of the house in order to make the 50-foot setback. Therefore, the request is for a 3-foot variance so that there is not an abnormally short covered porch. Mr. Keen confirmed that it is a hardship and practical difficulty to not be able to build the addition as proposed due to the 3-foot error made years ago by the builder. Mr. Keen stated he discussed the addition with all affected neighbors as well as informed them of the Zoning meeting. None of the neighbors voiced a concern or appeared for the meeting today.

Appeal #07-2021 - Variance Requested: Section 1164.01(a)(7)

Mrs. Laura Rapp and Mr. Justin Rapp, homeowners at 1671 Glenwood Drive presented a request for a variance to erect a solid vinyl fence. A request for the variance is for the privacy, safety and security of a pool that will be erected in November. The front and rear enclosure of the pool will not require a variance and their current request is for the side where they butt up against other homeowners. Two of three homeowners around the property have their own fencing and they plan to erect new fencing on their own property. Mrs. Rapp confirmed that they felt entitled to the same amount of privacy and safety (for family and guest) as their neighbors and other people that have swimming pools.

The Zoning Board discussed the 1-5/8 inch requirement between boards established in section 1164.01(a)(7) of the zoning code and felt that the wrong code had been identified for this appeal. The Zoning Board stated that because the homeowner is not placing a fence around their property, but solely around an in ground pool then the allowance of a privacy fence did not require a variance. The Zoning Board stated that the correct code should have been 1164.07 and that under building code 1164.03, one of the exceptions to 1164.01 is fences serving as enclosures to the pool.

Mr. Foulkes stated that if it is the exception to that specific code then it would qualify as an exception to the 1-5/8" requirement and therefore allow that type of privacy fence to enclose the pool.

The Zoning board stated that the only requirement the homeowner had to meet under section 1164 was that there had to be 42 inches and no more than 48 inches around the pool. The homeowner confirmed this requirement. It was then stated by the Zoning Board that they can indeed erect a solid fence based on the statement given by the Building Commissioner just prior and the building code exemption in 1164.03

REGULAR MEETING:

Appeal #06-2021 - Variance Requested: Section 1143.09

There was no further public participation.

William Keen was sworn in and confirmed that his representation of the variance was the whole truth.

MOTION: To approve appeal #04-2020.

Tom Brown moved, Gary Wilner seconded, motion passed unanimously

Appeal #07-2021 - Variance Requested: Section 1164.01(a)(7)

There was no further public participation.

Laura and Justin Rapp were sworn in and confirmed that their representation of the variance was the whole truth.

MOTION: To correct the variance appeal #07-2021

Chris Griffith moved, Tom Brown seconded, Motion passed unanimously

APPROVAL OF MINUTES: March 24, 2021

MOTION: Approve March 24, 2021 as submitted.

Tom Brown moved, Chris Griffith seconded. Motion passed unanimously

EXCUSE ABSENT MEMBERS

MOTION: Excuse Michael Jamison

Tom Brown moved, Gary Wilner seconded. Motion passed unanimously

Request by Keith Foulkes was made to have a special BZA meeting for Wednesday, October 13, 2021 to hear two variance request that came in after the deadline for today's meeting. The BZA board agreed to research schedules and notify the building department of any conflict in scheduling.

ADJOURNMENT:

There being no further business to come before the Board of Zoning Appeals, the meeting unanimously adjourned at 6:42 p.m.

MOTION: To Adjourn Meeting

Gary Wilner moved, Chris Griffith seconded. Motion passed unanimously

Ed Kancler, Chairman

LaSonya Pennington, Administrative Assistant