



## Board of Zoning Appeals

October 7, 2020

6:00 p.m.

Due to the coronavirus (COVID-19) pandemic, Whitehouse Village Council is urging citizens to access public meetings remotely. You may do so by phone by dialing **1-408-418-9388**. You will then be prompted to press the following access code **132-154-1786**. The Password will be **0206**. To help minimize background noise, **please make sure that you mute your microphone.**

Notice is hereby given that the Whitehouse Board of Zoning Appeals will meet on Wednesday, October 7, 2020, at 6:00 PM. This meeting will be held over the phone.

### AGENDA

1. Call to Order.
2. Approve Minutes of the September 2, 2020 meeting.
3. Review, discuss and finalize a ruling regarding Appeal #07-2020 submitted by Great Day Improvements, on behalf of Angela Brennan, homeowner, for construction of a front porch.
4. Any other business as appropriate under the Village Charter.
5. Adjourn.

Tiffany Bachman  
Planning Administrator

**VILLAGE OF WHITEHOUSE  
BOARD OF ZONING APPEALS MINUTES  
September 2, 2020**

Board members present: Leroy Ryerson, Tom Spears, Julie Studer and Mike Walters. Also present was Matthew Johnson, Mr. Nix, Joe from Colonial Signs and Planning Administrator Tiffany Bachman.

The Board of Zoning Appeals (BZA) meeting was called to order by Mike Walters at 6:00 p.m.

First order of business is to approve minutes from the June 3, 2020 meeting. Motion made by Tom Spears, seconded by Leroy Ryerson to accept. Motion passed 5-0

Second order of business is to review, discuss and finalize a ruling regarding Appeal #05-2020 submitted by Wesley Farms Homeowners Association. Joe, with Colonial Signs stated the sign will be placed behind the stop sign, 42" off the ground, so as not to block the view for traffic exiting or entering. Motion made by Mike Walters to approve the sign, seconded by Leroy Ryerson. Motion passed 5-0.

Third item of business is to review, discuss and finalize a ruling regarding Appeal #06-2020 submitted by Matthew Johnson for a variance on a setback for a detached garage. It would be for a side yard setback of 15' instead of 35'. Mr. Johnson would like to place it at the end of the existing driveway. Motion made by Leroy Ryerson to grant the variance, seconded by Mike Walters. Motion passed 5-0.

Tom Spears made a motion to adjourn, seconded by Mike Walters. Motion passed 5-0. Meeting adjourned at 6:12 pm

Respectfully submitted,

Tiffany Bachman  
Planning Administrator

**STAFF REPORT**  
**BOARD OF ZONING APPEALS #07-2020**  
**October 7, 2020**

**Applicant:** Great Day Improvements on behalf of Angela Brennan, homeowner

**Date Appeal Filed:** September 14, 2020

**Subject Property:** 11446 Waterville Street, Whitehouse, OH

**Request:** Applicant is requesting a variance to construct a five (5) foot by eighteen (18) foot enclosed front porch.

**Adjacent Zoning:** To the east: R-2  
To the north, south, west: S-1

**Adjacent Uses:** To the east and west: Single family home  
To the south and north: Farmland

**CONSIDERATIONS:**

1. A zoning permit was requested on September 1, 2020, to build an enclosed front porch at 11446 Waterville Street.
2. The applicant was sent an email the same day denying the request for a zoning permit due to the lack of the required fifty (50) foot front yard setback. Applicant submitted an appeal for a variance to the Board of Zoning Appeals on September 14, 2020.
3. Section 1242.03 (B) of the Zoning Code sets forth the powers and jurisdiction of the BZA as follows:

**Variiances.** To authorize, upon appeal, a variance from the practical difficulties of strict application of the terms of this Zoning Ordinance, where the landowner would be deprived of reasonable return or beneficial use of property by reason of exceptional narrowness, shallowness or shape or exceptional topographic conditions or other extraordinary situation or condition of a lot, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent of the Zoning Ordinance, and provided further that no variance shall be granted unless the Board specifically finds that all of the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.

2. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.

3. The condition from which relief or a variance is sought did not result from action by the applicant.

4. The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the health, safety, convenience or general welfare of the inhabitants of the Village.

Respectfully submitted

Tiffany Bachman  
Tax Commissioner



PETITION  
Before the Board of Zoning Appeals  
REQUEST FOR VARIATION  
Docket No. \_\_\_\_\_

DO NOT WRITE IN THIS SPACE – FOR OFFICE USE ONLY

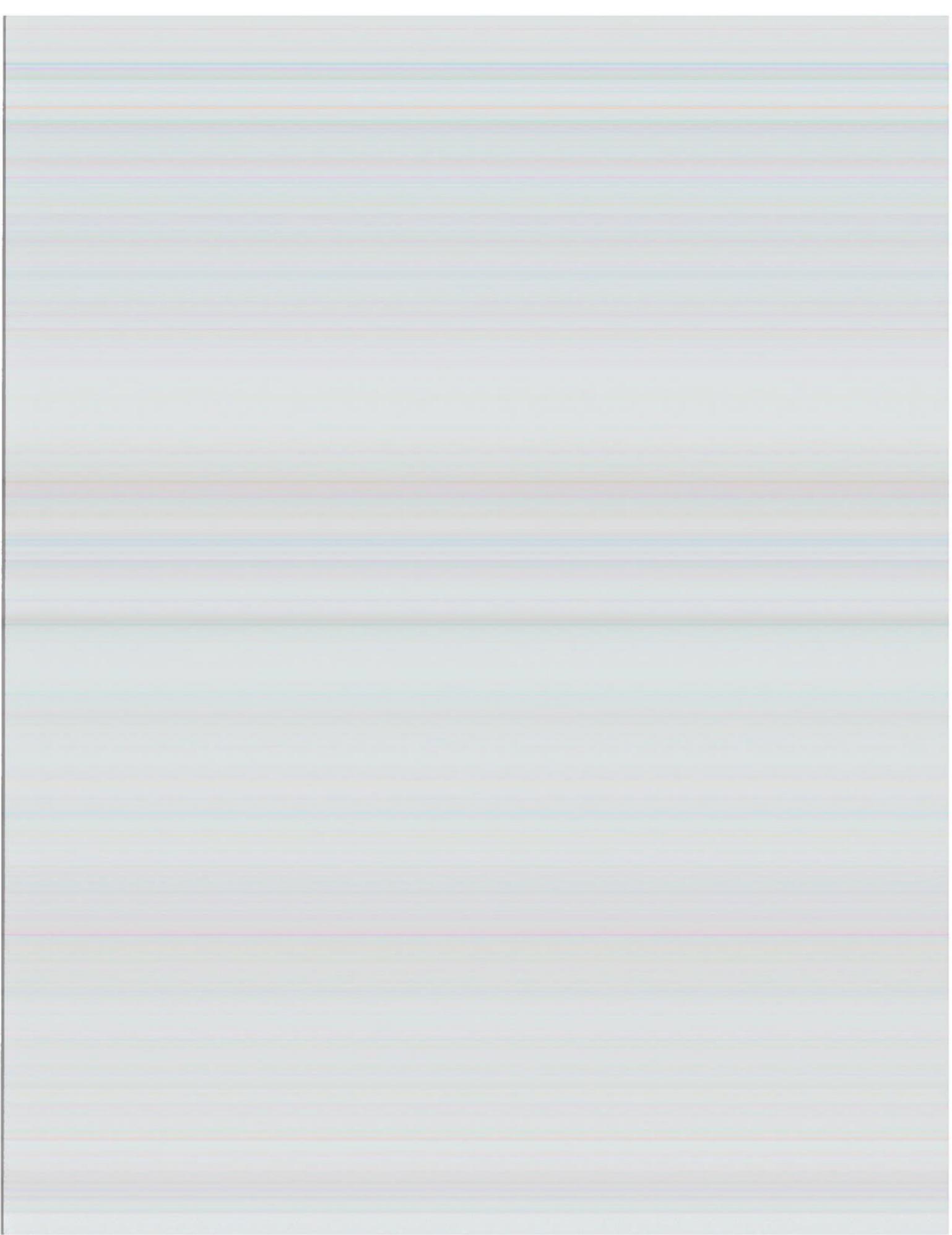
Date Filed: \_\_\_\_\_ Time: \_\_\_\_\_  
Date set for Hearing: \_\_\_\_\_ Time: \_\_\_\_\_  
Fee Paid on: \_\_\_\_\_ Amount: \_\_\_\_\_  
Comments: \_\_\_\_\_

**NOTICE TO APPLICANTS**

A Variation is a zoning adjustment which permits minor changes of district requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of Variation is limited to the minimum change necessary to overcome the inequality inherent in the property. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

A variation recognizes that the same district requirements do not affect all properties equally; it is used to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance.

You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district.



You must file this Petition along with the following: The filing fee established by the Village of Whitehouse; an 11 x 17 inch Site Plan and a 24 x 30 inch Site Plan giving dimensions and scale; a Legal Plat of Survey; proof of ownership; and a copy of any rough building plans giving dimensions and scale. You may also be required to submit additional information.

You must complete the following questions (if additional space is needed, attach extra pages to this Application).

1) Name of owner(s): BRENNAN

2) If Land Trust, name(s) of all beneficial owners: \_\_\_\_\_

3) Name of Applicant(s): GREAT DAY IMPROVEMENTS

4) Address of Applicant(s): 700 E HIGHLAND RD.  
MALEDONIA, OH 44056

5) Applicant(s) phone number: Home \_\_\_\_\_ Office 216 304 2078  
Home \_\_\_\_\_ Office \_\_\_\_\_

6) Property interest of Applicant:

- Owner
- Contract purchaser
- Attorney of owner
- Other (describe) CONTRACTOR FOR HOMEOWNER

7) Address of property in question: 11446 WATERVILLE ST.

8) Size of parcel: \_\_\_\_\_

9) Present zoning category:

<input type="checkbox"/> A	<input type="checkbox"/> R-4	<input type="checkbox"/> C-4
<input checked="" type="checkbox"/> S-1	<input type="checkbox"/> R-5	<input type="checkbox"/> M-1
<input type="checkbox"/> R-1	<input type="checkbox"/> C-1	<input type="checkbox"/> M-2
<input type="checkbox"/> R-2	<input type="checkbox"/> C-2	<input type="checkbox"/> B.P.
<input type="checkbox"/> R-3	<input type="checkbox"/> C-3	

10) Adjacent Zoning:

To the North: \_\_\_\_\_

To the South: \_\_\_\_\_

To the East: \_\_\_\_\_

To the West: \_\_\_\_\_

11) How is the property in question presently improved? \_\_\_\_\_

12) Present Use:

Commercial

Industrial

Residential

Other

(Describe) \_\_\_\_\_

13) Adjacent Uses:

To the North: \_\_\_\_\_

To the South: \_\_\_\_\_

To the East: \_\_\_\_\_

To the West: \_\_\_\_\_

14) A VARIATION is requested in conformity with the powers vested in the Board of Zoning Appeals to permit the FRONT SETBACK OF

50' TO 37' TO ENCLOSE PORCH on the  
(insert use of construction proposed)

property described above.

15) Permit applied for and denied:

Yes

No

16) Is the property in question currently in violation of the Zoning Ordinance?

Yes

No

If yes, how? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

17) Is the property in question presently subject to a variation?

- Yes  No

If yes, list each date and ordinance granting the variation(s). \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18) From what zoning and/or sign ordinance are you requesting a variation? FRONT SETBACK OF 50'

\_\_\_\_\_

19) ATTACH LEGAL DESCRIPTION AS IT APPEARS ON THE DEED.

20) What characteristics of your property prevent it being used for any of the uses permitted in your zone?

- |                                      |   |
|--------------------------------------|---|
| <input type="checkbox"/> Too narrow  | <input type="checkbox"/> Shape                      |
| <input type="checkbox"/> Too small   | <input type="checkbox"/> Soil                       |
| <input type="checkbox"/> Too shallow | <input type="checkbox"/> Subsurface                 |
| <input type="checkbox"/> Elevation   | <input checked="" type="checkbox"/> Other (Specify) |
| <input type="checkbox"/> Slope       |   |

PROPERTY WAS BUILT WITH 37' SETBACK

21) Describe the items checked, giving dimensions where appropriate. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

22) How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning Ordinance? ENCLOSURE OF

EXISTING FRONT PORCH

\_\_\_\_\_

23) Are the conditions on your property the result of other man-made changes (such as relocation of a road or highway)?

Yes

No If so, describe \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

24) Which of the following types of modifications will allow you a reasonable use of your land?

- Setback requirement
- Side yard restriction
- Area requirement
- Lot-coverage requirement
- Off-street parking requirement
- Other (describe) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

25) To the best of your knowledge, are the conditions of hardship for which you request a Variation true only of your property?

- Yes
- No If no, how many other properties in your immediate vicinity to the best of your knowledge are similarly affected? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

26) Explain why in your opinion the grant of the Variation requested will be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance. (Use additional pages if necessary)

HOME WAS BUILT IN 1887, WELL  
BEFORE ZONING CODE OF 50' FRONT  
SETBACK. THE EXISTING FRONT PORCH IS  
THE PROPOSED PROJECT LOCATION AND  
CANNOT BE MOVED.

\_\_\_\_\_

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my (our) knowledge and belief.

I (we) consent to the entry in or upon the premises described in this application by any authorized official of the Village of Whitehouse for the purpose of securing information, posting, maintaining and removing such notices as may be required by law.

\_\_\_\_\_  
(Signature) Owner

\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
(Signature) Applicant

09/14/2020  
(Date)

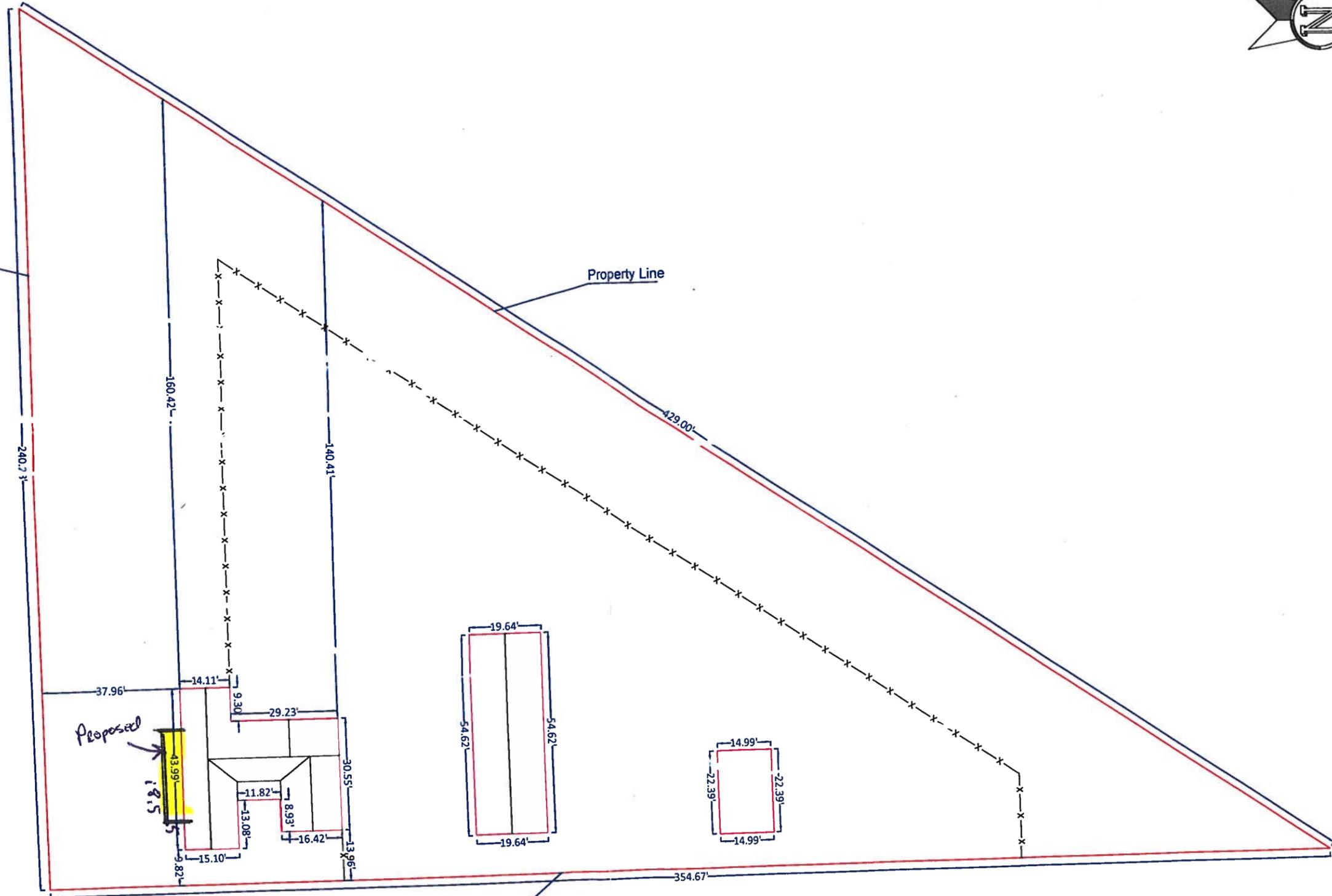
Tol 10020-01



Property Line

Property Line

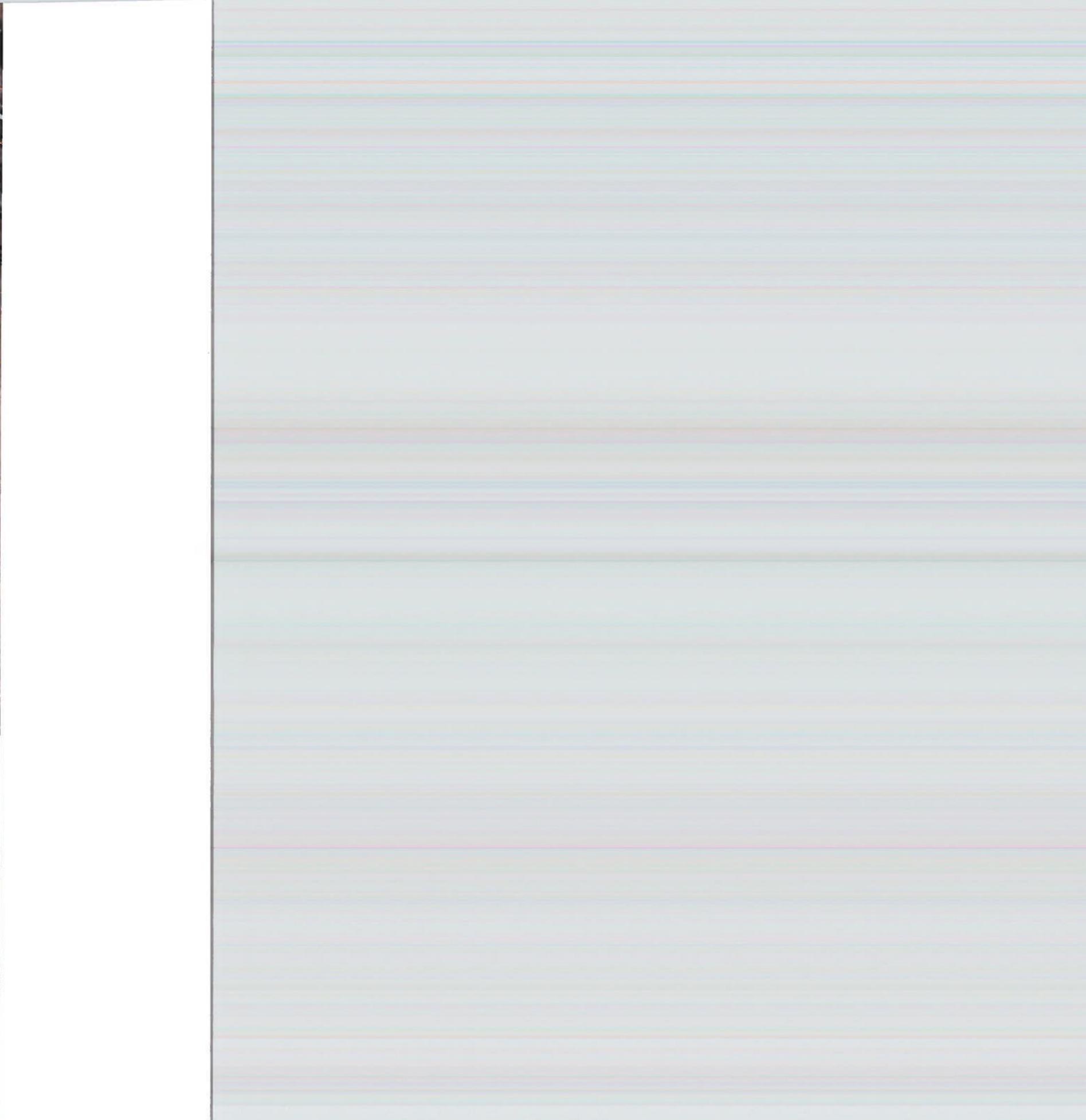
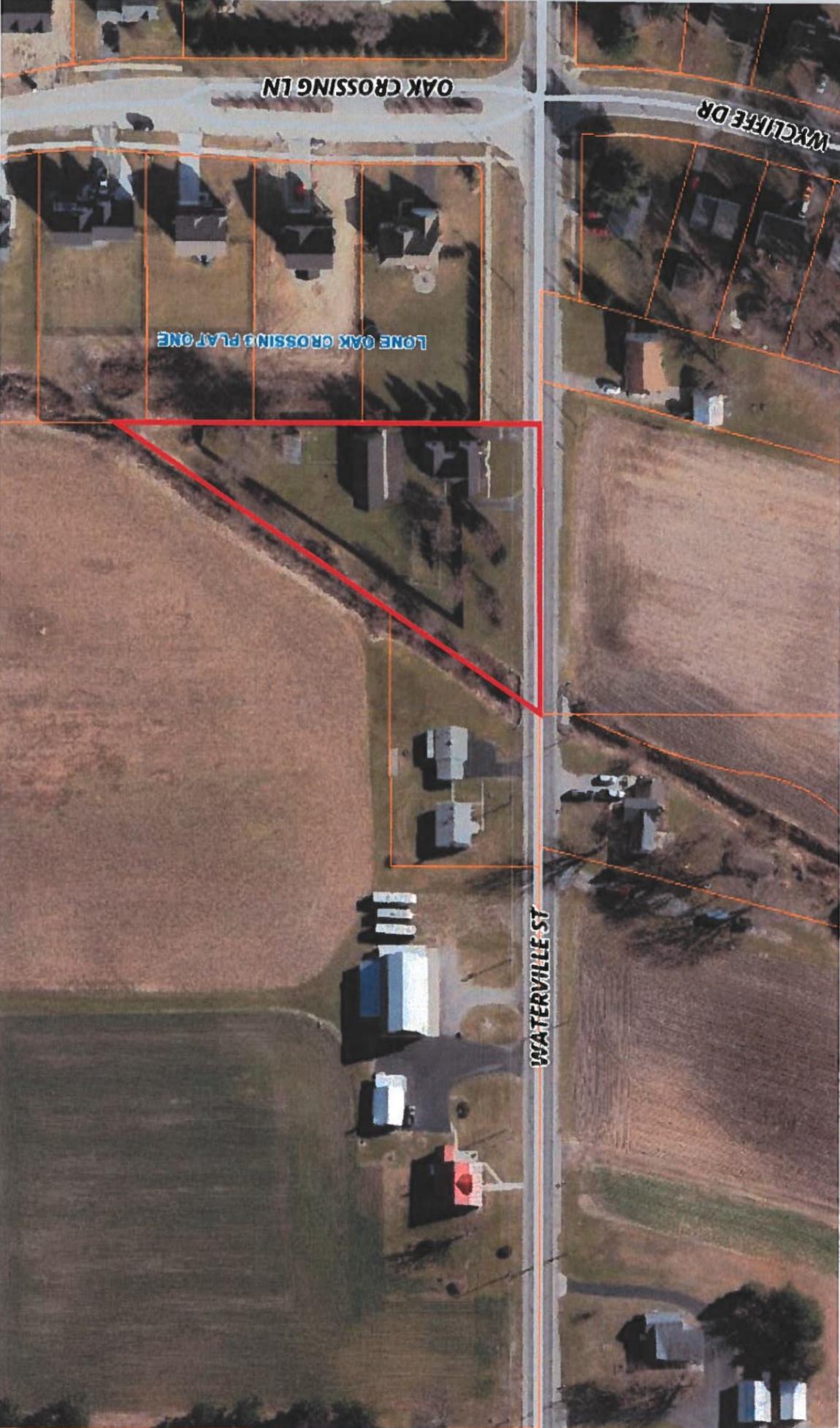
Property Line



Proposed



11446 Waterville St  
Whitehouse, OH 43571  
Scale: 1"=30'





# APPLICATION FOR A ZONING PERMIT

The undersigned hereby applies for a Zoning Permit for the following use and or building, to be issued on the basis of the information contained herein, including attached plot plans and drawings, all of which applicant says are true.

Subdivision: \_\_\_\_\_ Lot # \_\_\_\_\_ Address of Parcel: 11446 WATERVILLE ST  
 Owner: BRENNAN Phone # \_\_\_\_\_ Email: WHITEHOUSE, OH  
 Contractor: GREAT DAY IMPROVEMENTS Phone # \_\_\_\_\_  
 Address: 700 E HIGHLAND RD Email: RYAN.BELL@GREATDAYIMPROVEMENTS.COM  
MACEDONIA, OH 44056  
 Lot size: \_\_\_\_\_' x \_\_\_\_\_' Type of lot: Inside  Corner

Check all that apply: New dwelling  Remodel  Addition   
 Garage  Shed  Deck  Other  PORCH ENCLOSURE

### Fill in all that apply:

Dwelling: # of Families 1 Square footage (including garage and basement) \_\_\_\_\_  
 Building size: \_\_\_\_\_' x \_\_\_\_\_' Height: \_\_\_\_\_ Stories: \_\_\_\_\_ Roof pitch \_\_\_\_\_  
 Eave overhang \_\_\_\_\_ Construction value: \$ 15,000

Remodel: Size of Area: \_\_\_\_\_ Explain changes: \_\_\_\_\_  
 Addition: Size: \_\_\_\_\_' x \_\_\_\_\_' Location: Front  Back  Side   
 Garage: Size: \_\_\_\_\_' x \_\_\_\_\_' Square footage: \_\_\_\_\_ Height: \_\_\_\_\_ Use: \_\_\_\_\_  
 Shed: Size: \_\_\_\_\_' x \_\_\_\_\_' Square footage: \_\_\_\_\_ Height: \_\_\_\_\_ Use: \_\_\_\_\_  
 Deck: Size: \_\_\_\_\_ Location: Front  Back  Side

Remarks: OTHER 59" x 223"

By signing below, I understand that Whitehouse is required to obtain National Pollution Elimination System (NPDES) general permit coverage for Municipal Separate Storm Sewer Systems under the purview of the Clean Water Act. I also understand that I must comply with certain regulations as outlined in the attached letter dated December 27, 2016. I hereby acknowledge that I have received a copy of the information and will abide by such regulations while working in Whitehouse.

The undersigned states that this Application is true, accurate and complete with all required documentation. Whitehouse relies on the completeness, relevancy, and accuracy of the Application for Zoning Permit. I have read the foregoing application and agree. Any certificate issued upon a false statement of any fact, which is material to the issuance hereof, shall be void.

Signature: [Signature] Date: 9/1/2020

Submitted by (Please Print): RYAN BELL

OFFICE USE ONLY: Date Received: \_\_\_\_\_ Fee paid: \_\_\_\_\_ Check # \_\_\_\_\_ Receipt # \_\_\_\_\_

RE: 11446 Waterville St.

Ryan Bell <Ryan.Bell@greatdayimprovements.com>

Tue 9/1/2020 3:05 PM

To: Jill Gundy <jgundy@whitehouseoh.gov>

Thank you. I will get back to you with a plan of action.

**Ryan Bell**

Installation Supervisor

CLEVELAND OFFICE:

700 E. Highland Rd. | Macedonia, OH 44056

Main: 888-468-0700

[Ryan.Bell@greatdayimprovements.com](mailto:Ryan.Bell@greatdayimprovements.com)



[greatdayimprovements.com](http://greatdayimprovements.com) | [patioenclosures.com](http://patioenclosures.com) | [stanekwindows.com](http://stanekwindows.com) | [hccscreens.com](http://hccscreens.com)

**WE'RE GROWING!** [Apply today](#) to join our team.

---

**From:** Jill Gundy <jgundy@whitehouseoh.gov>

**Sent:** Tuesday, September 1, 2020 2:54 PM

**To:** Ryan Bell <Ryan.Bell@greatdayimprovements.com>

**Cc:** Tiffany Bachman <tbachman@whitehouseoh.gov>

**Subject:** Re: 11446 Waterville St.

Mr. Bell,

Thank you for submitting the zoning application. While reviewing the request for the patio room addition, I have found an issue. This property is zoned S-1 which requires a 50 ft front yard setback. It appears the house is only 37' back from the front which means it was built prior to the current zoning code or it received a variance at the time of construction.

Due to the current code requirement being 50', I am unable to approve the zoning permit for the addition. There is always the option to apply for a variance to have the addition built. I have attached the application needed to appear before the Board of Zoning Appeals. There is a \$100.00 application fee to appear before the Board. The next Board of Zoning Appeals meeting is scheduled for October 7, 2020. Application and filing fee would need to be received by September 18, 2020 in order to get on the agenda for that meeting. Please talk to the homeowner and let me know how you would like to proceed. I am happy to answer any questions you may have.

Respectfully,

Jill Gundy

Account Clerk

Village of Whitehouse