



**BOARD OF ZONING APPEALS
MEETING MINUTES
JUNE 1, 2023**

CALL TO ORDER/ROLL CALL

Randy Duncan, Vice-Chair called the June 1, 2023 meeting of the Board of Zoning Appeals to order at 6:30 p.m. Board Members in attendance included; Ryan Brickner, Don DePalma and Randy Duncan. Board Member Tyler Herrmann arrived immediately after roll call and Chairman Jim Hrivnak was absent. Staff in attendance included: Elise Schellin, Development Planner; and Jason Nahvi, HR Manager.

HEARING OF VISITORS FOR ITEMS NOT ON THE AGENDA

Vice-Chair Duncan opened the floor for visitors to address the Board with items not on the agenda. Hearing none, he closed public comment.

NEW STAFF MEMBER INTRODUCTION

Ms. Schellin introduced Taylor Casey, the Planning Intern placed by MORPC, who will be a senior this fall at Cleveland State University and is working on her degree in Urban and Regional Planning.

APPROVAL OF MEETING MINUTES

May 4, 2023 Meeting Minutes
[05042023 BZA_Draft_Min.pdf](#)

MOTION: Board Member Brickner moved to approve the minutes of May 4, 2023. Board Member DePalma seconded.

Vice-Chair Duncan requested roll call for passage: Randy Duncan, abstain; Don DePalma, yes; Ryan Brickner, yes; and Tyler Herrmann, yes. Motion passed.

VOTE: Y – 3 N – 0 AB – 1

VARIANCE REQUEST (2023-15V)

Applicant: Donald and Marlena Taynor

Location: 402 Ashmoore Circle East

Zoning: PR - Planned Residence District

Request: Review and approval of a variance to Code Section 1147.06(b)(2) to reduce the required easement setbacks for swimming pools from twelve feet to two feet from the eastern drainage easement and from twelve feet to seven feet from the northern drainage easement.

1. [Taynor Pool - BZA Staff Report.pdf](#)
2. [5.9.2023_Taynor Sheet Set.pdf](#)

Ms. Schellin, presented the Staff Report and reviewed the seven (7) standards the Board considers when reviewing a variance request. Staff recommends the approval of both variances to Code Section 1147.06(b)(2).

Board Member DePalma said staff has done a tremendous job with the rationale for the variance. He feels the pool is well hidden and it's a great plan for this family.

Board member Brickner agrees the presentation was very well put together with staff's assessment and he confirmed with staff that all appropriate notices were sent out.

Board Member Duncan said he agreed with the assessment staff provided in their report reviewing the seven standards.

Board Member Herrmann said understanding there is no magic number of standards to be met he continues to consider 6 out of 7 a good passing score.

MOTION: Board Member Herrmann moved to approve the variance to Code Section 1147.06(b)(2) to reduce the required easement setback for swimming pools from 12-feet to 2-feet from the eastern drainage easement. Board Member DePalma seconded.

Vice-Chair Duncan requested a roll call for passage: Don DePalma, yes; Ryan Brickner, yes; Tyler Herrmann, yes; and Randy Duncan, yes. Motion passed.

VOTE: Y – 4 N – 0 AB – 0

MOTION: Board Member Board Member DePalma moved to approve the variance to Code Section 1147.06(b)(2) to reduce the required easement setback for swimming pools from 12-feet to 7-feet from the northern drainage easement. Board Member Herrmann seconded the motion.

Vice-Chair Duncan requested a roll call for passage: Don DePalma, yes; Ryan Brickner, yes; Tyler Herrmann, yes; and Randy Duncan, yes. Motion passed.

VOTE: Y – 4 N – 0 AB – 0

OTHER BUSINESS

Ms. Schellin discussed updating the code as it relates to swimming pool setbacks from easements. They would update it so that only a setback to the actual property line is required and not to the easements. There have been many variance request regarding this, and clearly this is an issue. Staff wanted the BZA to be aware of a possible change, which would go through the Planning & Zoning Commission and then City Council for a legislative change.

