

**MINUTES
LOUISVILLE ZONING BOARD OF APPEALS
SEPTEMBER 11, 2007**

Louisville Zoning Board of Appeals met in regular session with Chairman Campbell presiding. The meeting was called to order at 6:30 P.M.

MEMBERS PRESENT

Guy Guidone
John Phillippi
John Campbell, Chairman
William Ferrell
Ken Grosswiller

CITY PERSONNEL PRESENT

E. Thomas Ault, City Manager
Cynthia Kerchner, Mayor-Council Member
Sue Mendenhall, Deputy City Clerk
Deborah Sanborn, Director of Planning & Development

MINUTES OF THE AUGUST 14, 2007 MEETING

MEMBER GUIDONE MOVED, MEMBER PHILLIPPI SECONDED, and the Motion carried to approve the Minutes of the August 14, 2007 meeting as presented. The vote: All yea.

Chairman Campbell swore in those in attendance planning to speak before the board.

NEW BUSINESS

AB 07- 21 SAINT JOSEPH CARE CENTER, 2308 RENO DRIVE, VARIANCE OF SECTION 1129.05 FOR A BUILDING IN EXCESS OF THE ALLOWED 35 FT IN HEIGHT (42 FT PROPOSED).

Director of Planning & Development, Deborah L. Sanborn presented the following staff report. The site contains an assisted living facility and nursing home.

Parcel: R-3
North: R-1 (Township)
South: R-3
East: R-1
West: R-1 (Township)

- The applicant proposes to construct a 36,000 sf addition to their assisted living facility to accommodate up to 32 additional residents
- In July 2007 the site plan was approved for the addition
- The proposed addition exceeds the maximum height for buildings in an R-3 zoning district - - 35 ft (42 ft proposed)

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- 42 ft is necessary in order to maintain the slope between the existing building and the addition due to the fact the addition is wider than the existing building

DISCUSSION

- Variances are intended to alleviate a situation in which, for no public reason, zoning for an area more stringently burdens one parcel of land than others. *The zoning requirements do not impact the subject lot more stringently than others.*
- Conditions justifying a variance arise from the characteristics of the property itself, not the personal situation of the owner. *The variance is needed in order to maintain a common roof slope between the existing building and the addition*
- The standard to use in determining the merits of an area variance is whether the denial of the variance would result in “practical difficulties” for the property owner. The following questions need to be examined in considering an area variance:
 1. Can there be a beneficial use of the property without the variance? *Yes. The variance is requested in order to maintain a common roof slope between the existing building and the addition; however, this does not prevent the addition from being designed in a different manner.*
 2. Is the variance substantial? *The proposed height is 42 ft while the allowed height is 35 ft. a 20% increase.*
 3. Will the essential character of the neighborhood be substantially altered or adjoining properties suffer a substantial detriment? *The immediate area is vacant land much of which is owned by St. Joseph Care Center. The property to the north consists of single family homes on large lots. The property to the south is the ball field at Eastgate School.*
 4. Did the property owner purchase the property with knowledge of the zoning restriction? *Unknown, the nursing home facility was built in 1975.*
 5. Can the problem be solved by some other manner other than the granting of a variance? *The addition could be designed in such a way as to not exceed the height limit, but it may not have a common appearance with the existing building.*

Rodney Lamberson, of Strollo Architects of Youngstown, shared several elevations of the existing building and the proposed addition.

MEMBER GROSSWILLER MOVED, MEMBER GUIDONE SECONDED, and the Motion carried to approve the variance request. The vote: all yea.

Having no further business, the meeting was adjourned at 6:39 P.M.

Respectfully submitted,

Sue Mendenhall
Deputy City Clerk