



**BOARD OF BUILDING AND ZONING APPEALS
MINUTES OF THE PROCEEDINGS OF THE PUBLIC HEARING
JANUARY 27, 2026**

The hearing was called to order at 7:30 P.M. by Vice Chairman Swisher

PRESENT: Robert Swisher, Karen Alfred, Lauren Falcone
ABSENT: Bryan Baesel, Cynthia Nolde
ALSO PRESENT: Clerk of Commissions Nicolette Sackman and Assistant Law Director
Dean Valore

Ms. Sackman advised that only three of the five members on the board were present and for any variance to pass, three affirmative votes are needed.

DOCKETS

Peter Norris 2026-01

27715 Bassett Rd., PP#21231006, Ward 4

*Appealing the decision of the Director of Inspections to install a 192 sf utility building. §1211.04(k): a utility building shall be permitted in a rear yard provided that the maximum building size on lots 20,000 to 40,000 sf is 160 sf in area; a **32 sf area variance**.*

Correspondence:

- 1/20/26 Mr. Norris requests to be tabled to 2/24/26 when potentially all 5 members are present
- 1/24/26 Henry and Jacqueline Nackowicz, 2545 Glenmore Dr. – in support
- 1/25/26 Mark and Frances Zimmerman, 2546 Glenmore Dr. – in support

Motion: Ms. Falcone moved, seconded by Ms. Alfred to table the case to the February 24, 2026 hearing.

Yeas: Swisher, Alfred, Falcone

Nays: None, motion carried

Anthony Caparso 2026-02

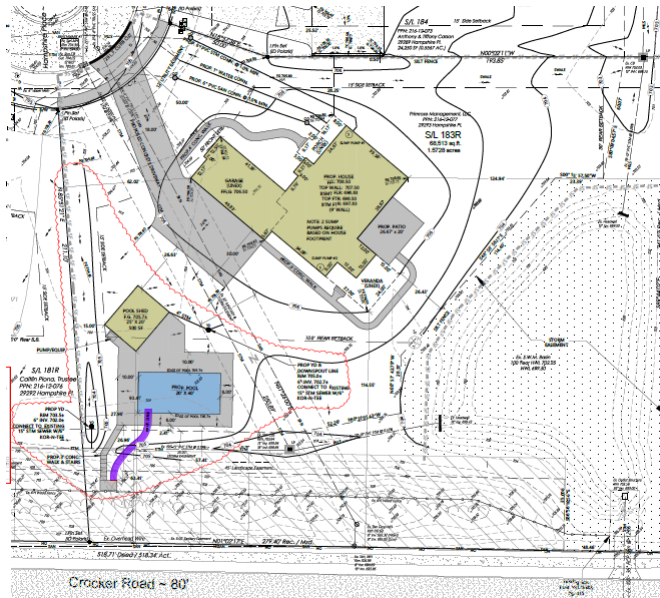
29293 Hampshire Place, PP#21612077, Ward 6

*Appealing the decision of the Director of Inspections to install a swimming pool and pool equipment in the side yard of the property. §1211.04(g)(2)(B): the pool and all mechanical equipment used in conjunction therewith is to be located in the rear yard and is not less than 10' from any lot line; a **variance to locate the swimming pool and pool equipment in the side yard**. Additionally, requesting to install a 500 sf pool house in the side yard. §1211.04(g)(4): pool house shall be located in the rear yard and §1211.04(k): a pool house is permitted provided on lots from 60,000 to 80,000 sf if is not larger than 300 sf; a **variance to locate the pool house in the side yard** and a **200 sf area variance**.*

Correspondence:

- Letter received in application signed by Anthony Carson, 29289 Hampshire Place – in support
- Letter received at 1/27/26 hearing signed by Greg Plona, 29292 Hampshire Place – in support
- Letter received at 1/27/26 hearing from Lawrence Management that the homeowners association approved the request

Mr. Pavicic and Mr. Caparso were sworn in by Mr. Valore. Mr. Pavicic stated that he was the developer of The Estates, Phase 8, a nine-lot subdivision that includes Mr. Caparso's 1.67-acre lot, and that he had built the applicant's home as well as the neighboring homes. He explained that both adjacent neighbors, Mr. Carson to the right and Mr. Plona to the left, who also serves on the HOA board, had no objection to the proposed project, and that the homeowners' association (HOA) likewise raised no concerns. Letters from the neighbors and from Lawrence Management, the HOA management company, indicated their approval of the request.



Mr. Pavicic described site constraints and hardships arising from the subdivision's sanitary and storm sewer lines, which run in the rear yard and require the pool and associated mechanicals to be placed to the side of the home rather than behind it. He also noted the presence of a pond (retention basin for the subdivision) to the rear of the property, stating that placing the pool closer to the pond would require extensive engineering and was not advisable. On behalf of the applicant, he emphasized that drainage had been engineered for the overall subdivision and would be further reviewed by the project engineer to ensure no negative impact on neighboring

properties.

Mr. Caparso then addressed the Board regarding the hardship and the specific request. He stated that the pool is intended for physical therapy for his two children, both of whom have a chronic medical condition. He explained that because of the pond and utility line locations, the pool must be located in the side yard, and the associated pool house/shed is proposed to be larger than typically permitted in order to accommodate therapy-related equipment as well as a bathroom and changing area. While there was some initial confusion about the square footage, discussion clarified that the City ordinance allows 300 square feet, and that the proposed structure would exceed that limit.

Board members questioned the extent of the increase in square footage and the justification for the variance. They acknowledged that the side-yard location of the pool was understandable given the lot configuration and utilities and expressed no objection to that element. However,

concerns were raised that the requested increase in pool house size was significant and noted that variances are generally granted based on physical lot constraints rather than broader personal or privacy-based reasons. Discussion ensued that the area variance was substantial, noting that the request is 200 square feet more than what is typically allowed.

In response, Mr. Caparso elaborated that the larger structure was intended both to provide privacy for his family and the neighborhood, shielding views of a planned 20' x 40' pool from Crocker Road, and to house therapy-related equipment and facilities. He stated that, despite existing mounding and fencing, people from the busy street frequently walk or bike through the area and sometimes mistakenly assume the pond is public, entering the property and attempting to fish there. He reiterated that the larger pool house would improve privacy for both his family and surrounding residents, while also supporting the medical needs of his children by providing space for therapy activities in close proximity to the pool, as well as a restroom and changing space. Mr. Caparso requested that the case be tabled to the next hearing.

Motion: Ms. Falcone moved, seconded by Ms. Alfred to table the case to the February 24, 2026 hearing.

Yeas: Swisher, Alfred, Falcone

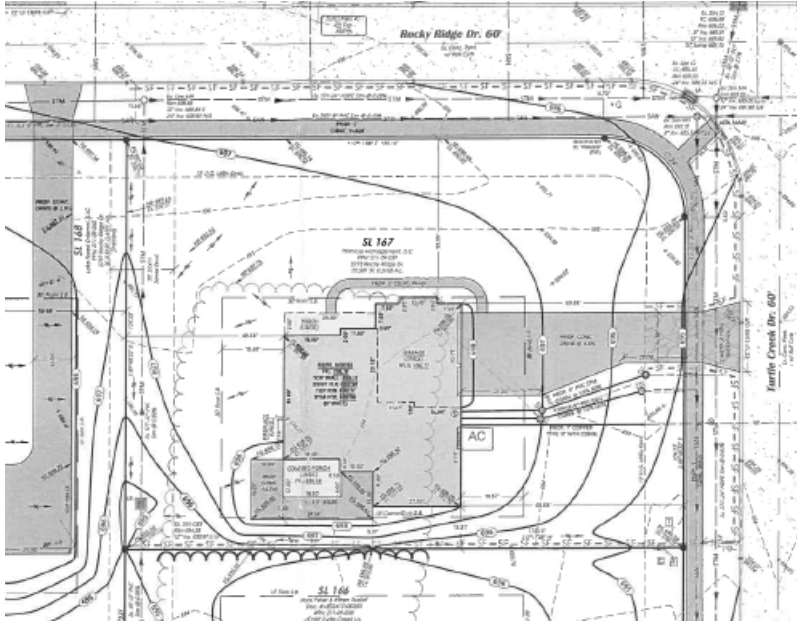
Nays: None, motion carried

Primrose Management LLC 2026-03

2773 Rocky Ridge Dr., PP#21109059, Ward 6

*Appealing the decision of the Director of Inspections to install an air conditioner in the front yard of a corner lot (Turtle Creek Dr. side). §1211.20(e): central air conditioner may be located in the side yard of a lot providing such units shall be no closer than 20' from the front building line, 10' from the side lot line and is not visible from the street on which the lot fronts; a **variance to locate the air conditioner in the front yard.***

Mr. Pavicic, sworn in by Mr. Valore, reviewed his request for the placement of an air conditioning unit on a corner lot located on Rocky Ridge Drive (with frontage also on Turtle). He stated that he owns multiple lots in the area and had obtained building and HVAC permits in June, after which all rough inspections were completed, including inspections of the AC line, plumbing, and electrical. He stated that the house, intends to serve as a model home for the next two years, and is essentially a “house on an island,” with no immediate neighbors behind or beside it, and that the issue arose only when a building inspector working across the street noticed the AC unit being installed in what is considered the front yard under the city’s zoning ordinance. He emphasized that there was confusion over which sides of the lot constituted the front, side, and rear yards due to the corner configuration, the Rocky Ridge address, and the side-loaded garage, and asserted that the building and permit review process, including use of an out-of-town plan reviewer, contributed to what he characterized as an administrative oversight rather than an intentional violation.



Using the site plan, Mr. Pavicic described the current location of the AC unit at the corner of Rocky Ridge and Turtle and noted that, in his view, this location makes the most sense functionally and in relation to future neighboring homes, as placing the unit in the alternative locations would likely put it too close to adjacent residences or windows once those lots are developed. He indicated he was willing to screen the equipment with landscaping or fencing as required. Board members discussed the matter, with Mr. Swisher noting discomfort with

allowing an AC unit in the front yard. It was clarified that under the city's zoning code, air conditioning units are not permitted in the front yard, and that the front yard is determined by the geometry and depth-to-width ratio of the lot, not merely by the mailing address or orientation of the front door.

Ward 4 Councilman Todd Lavec, sworn in by Mr. Valore asked whether the zoning restriction was specific to the front yard as defined by the lot configuration; staff confirmed that AC units are not permitted in the front yard regardless of where the building faces.

Mr. Pavicic reiterated that he had relied on the issued permits, had never previously encountered such an issue in Westlake or other cities, and that relocating the AC unit and rerouting the associated mechanical systems at this stage would cost tens of thousands of dollars. He expressed reluctance to pursue litigation, preferring an administrative resolution, but also concern about proceeding to a vote if it appeared unlikely that the required three affirmative votes would be obtained. After discussion, it was suggested that the matter be tabled to allow consideration by a fuller board.

Motion: Ms. Falcone moved, seconded by Ms. Alfred to table the case to the February 24, 2026 hearing.

Yeas: Swisher, Alfred, Falcone

Nays: None, motion carried

Deidre Soltesz 2026-04

31547 Hunters Creek Dr., PP#21604028, Ward 6

*Appealing the decision of the Director of Inspections to install a generator 7' off the side property line. §1211.20(e): Central air conditioner, heat pump, etc. may be located in the side yard of a lot providing such units shall be no closer than 10' from the side lot line; a **3' side yard setback variance.***

Correspondence:

- 1/23/26 Ms. Soltesz requests to be tabled to 2/24/26 when potentially all 5 members are present
- 1/22/26 Robert M. Rohweder, 31531 Hunters Creek Dr. - opposed

Motion: Ms. Falcone moved, seconded by Ms. Alfred to table the case to the February 24, 2026 hearing.

Yeas: Swisher, Alfred, Falcone

Nays: None, motion carried

MISCELLANEOUS - None

APPROVAL OF MINUTES

Motion: Ms. Falcone moved, seconded by Ms. Alfred to approve the minutes of the November 25, 2025 Board of Building and Zoning Appeals hearing.

ROLL CALL:

Yeas: Swisher, Alfred, Falcone

Nays: None, motion carried

ADJOURNMENT

Mr. Swisher adjourned the meeting at 8:00 P.M.

Robert Swisher

Robert Swisher, Chairman

Nicolette Sackman

Nicolette Sackman, MMC, Clerk of Commissions

Approved: *February 24, 2026*