

A regular meeting of the Board of Zoning Appeals was called to order at 7:30 p.m. on Tuesday, March 21, 1995 by the Chairman, Carmelo Milia.

PRESENT: Michael Alaimo
Christopher Fejes
John Lovio
Carmelo Milia
Jerald Sosnowski
Eldon Thompson

ITEM #1 Approval of February 21, 1995 minutes.

Motion by Thompson
Supported by Fejes

MOVED, to approve the February 21, 1995 minutes as written.

Yeas: Alaimo, Fejes, Lovio, Milia, Thompson
Abstain: Sosnowski

MOTION TO APPROVE CARRIED

ITEM #2 RENEWAL REQUESTED: Kmart, 100 E. Maple, for relief to display and sell plants and flowers within a designated area.

Mr. Shripka explained that the petitioner is requesting renewal of a variance granted, by this Board, which allows for outdoor display in front of K mart along the north side of the fenced area and in a 4 foot section the sidewalk adjacent to the building. This 4 foot section is at the west end of the main building. The display will be used for plants and flowers. This relief has been granted on a yearly basis since 1980. The length of time that the request is valid for is usually through the months of April to July. Conditions remain the same, we have no objections or complaints on file.

Mr. Lovio expressed concerns regarding safety of customers. Mr. Lovio stated that he feels the displays go beyond the area permitted, causing people on the sidewalk to go into the drive adjacent to the walk.

Dave Haluska, Manager of Kmart, was present and stated that he understands the concerns, but was not aware of a problem and would work with the City regarding a solution.

Motion by Lovio
Supported by Sosnowski

MOVED, to table the request of Kmart, 100 E. Maple, until the next regular meeting (April 18, 1995) to give the petitioner and the City the opportunity to work out a solution that would allow the display and solve the question of safety to customers.

Yeas: All 6

MOTION TO TABLE UNTIL THE NEXT REGULAR MEETING (APRIL 18, 1995) CARRIED.

ITEM #3 RENEWAL REQUESTED: Muffler Man, 34835 Dequindre, for relief to maintain a dumpster within a required parking space.

The chairman moved this item to the end of the agenda (Item #16) to give the petitioner the opportunity to be present.

ITEM #4 RENEWAL REQUESTED: St. George Orthodox Church, 2160 E. Maple, for relief of the 4'6" high masonry wall required along the south, east and west sides of off-street parking.

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, in February 1993 which allowed for the construction of a 5 foot high landscaped berm along the south and east property lines in lieu of the 4'6" high masonry wall and relief of the 4'6" masonry wall required along the west property line. The variance was originally granted, based on the fact that the property to the west is non-residential under a Consent Judgement and the neighbors preferred a berm in lieu of the wall. Conditions remain the same, we have no objections or complaints on file. This items was tabled at our last regular meeting to give the petitioner the opportunity to be present.

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ITEM #4

Father Joseph Antypas was present and had nothing to add.

Motion by Sosnowski
Supported by Thompson

MOVED, to grant St. George Orthodox Church, 2160 E. Maple Road, a one year renewal of their variance for relief to maintain the landscaped berm along the south and east sides of off-street parking, in lieu of the 4'6" high wall, and relief of the 4'6" high wall required along the west side of off-street parking:

1. Conditions remain the same.
2. There are no complaints or objections on file.

Yeas: All 6

MOTION TO RENEW VARIANCE FOR ONE YEAR CARRIED.

ITEM #5 APPROVAL REQUESTED: Satellite Depot, 2741 Whitehall, for relief to maintain a 7-1/2' satellite dish.

Mr. Shripka explained that the petitioner originally appeared before this Board at the January 17, 1995 meeting. At that time the request was for approval, from the Board, to maintain a satellite dish erected without a permit. The satellite dish is 7-1/2 in diameter, 14 feet high and is located at the northwest corner of the rear yard. The Zoning Ordinance requires Board of Zoning Appeals approval for satellite dishes exceeding 24 inches in diameter. At that meeting, this item was tabled for 60 days to give the Planning Commission time to work on proposed revisions to the ordinance and also give the petitioner the benefit of a full board. Mr. Shripka further explained that the Planning Commission has approved revisions to the ordinance regarding satellite dishes and it will now go to City Council for consideration.

Michael Zaremski of Satellite Depot was present and noted that his satellite meets the criteria of the new proposed ordinance.

Motion by Thompson
Supported by Fejes

MOVED, to table the request of Satellite Depot, 2741 Whitehall, until the next regular meeting (April 18, 1995).

Yeas: All 6

MOTION TO TABLE UNTIL THE NEXT REGULAR MEETING (APRIL 18, 1995) CARRIED.

ITEM #6 VARIANCE REQUESTED: Maple Lane Acquisition Limited Liability Co., 1497 Maple Lane, for relief to exceed total lot coverage and relief of the rear yard setback.

Mr. Shripka explained that this was a variance requested from Maple Lane Acquisition Limited Liability Co., 1497 Maple Lane. Originally the petitioner was requesting relief of the Zoning Ordinance to exceed the total lot coverage and relief of the rear yard setback. Since that original request, the petitioner has now submitted plans indicating that the site is in total compliance with the Zoning Ordinance. No action is required on this request.

ITEM #7 VARIANCE REQUESTED: Thomas J. Stafford, 1614 Witherbee, for relief of the front and side yard setbacks.

ITEM #7

Mr. Shripka explained that this request was originally before this Board at their January 17, 1995 meeting. At that time the petitioner requested relief of the Zoning Ordinance to remove an existing carport and construct an attached garage. The site plan shows the proposed garage addition would result in a 22.13 foot front setback and a 3.66 foot setback from the west lot line. The Zoning Ordinance requires a 30 foot front yard setback and a 10 foot side yard setback. At that January meeting, this item was tabled to give the petitioner the benefit of a full board. At the February meeting, the petitioner requested this item be tabled again until the March meeting due to the fact he would be unable to attend the February meeting.

Nathaniel Abbate was present to represent Mr. Stafford. Mr. Abbate indicated that the proposed removal of the deteriorating carport and construction of the garage would place the garage only 8" further into the side setback. Mr. Abbate stated that the proposed construction would not obstruct the view and is in line with many other garages in the area. He felt that the proposed addition would not diminish property values in that it gets cars off the street, which improves the traffic safety in the area. Because the garage addition follows the same line as the existing carport it will not be any closer to the neighboring structure to the west. There is a substantial buffer between the properties. The affected neighbors approve of the proposed addition. A one car carport does not meet today's needs for more than one vehicle, nor does it meet today's building standards and it would be an aesthetic improvement.

Motion by Fejes

Supported by Lovio

MOVED. to grant Thomas J. Stafford, 1614 Witherbee, a variance, as requested, for relief to remove an existing carport and construct a garage resulting in a 22.13 foot front setback and a 3.66 foot side yard setback from the west lot line:

1. The variance is not contrary to public interest.
2. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
3. The variance relates only to the property described in the application.
4. The addition allows the petitioner full use and enjoyment of the subject property.
5. The petitioner has a hardship because of the odd shape of his lot.

Yeas: Sosnowski, Fejes, Alaimo, Thompson, Lovio

Nays: Milia

MOTION TO APPROVE REQUEST CARRIED

ITEM #8 VARIANCE REQUESTED: Steven James Edwards, E. 128' of Lot #50, (proposed 351 Hartland), for relief of the rear yard setback.

Mr. Shripka explained that the petitioner originally appeared at this Board at their February 1995 meeting to request relief of the Zoning Ordinance to construct a 100'x24' single family residence. The plot plan shows the proposed construction would result in 26 foot rear yard setback. The Zoning Ordinance requires a 35 foot rear yard setback. At that meeting, the Board moved to table the request from the petitioner to give the petitioner the benefit of a full board and the opportunity to review his plans and submit an alternative plan.

Steven Edwards was present and stated that he more than meets the side yard setbacks, meets the front yard setback and to construct a home of a size that meets the minimum ordinance requirements, he needs a rear yard variance. Mr. Edwards stated that the living area of the home is 74'x24' and there is a 3 car attached garage. Mr. Edwards pointed out that he feels he would not have an impact on neighboring property to the rear as it is a existing legal non-conforming use. Also, there is no additional property available to purchase giving him additional lot size.

Motion by Alaimo

Supported by Sosnowski

ITEM #8

MOVED, to grant Steven James Edwards, E. 128' of Lot #50, 351 Hartland, a variance, as requested, for relief to construct a 100'x24' single family residence, resulting in a 26 foot rear yard setback where 35 feet is required:

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use within the Zoning District.
3. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to the property described in the application for variance.
5. Conforming is unnecessary burdensome given the size and configuration of the property in question. The lot is not buildable without a variance.

Yeas: Fejes, Alaimo, Thompson, Sosnowski
Nays: Lovio, Milia

MOTION TO APPROVE REQUEST CARRIED

ITEM #9 VARIANCE REQUESTED: Ionel Chirla, 604 Sylvanwood, for relief of the front yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to split a lot and construct a single family residence facing Somerton. The plot plan shows the proposed construction would result in a 22.02 foot front yard setback. The Zoning Ordinance requires a 30 foot front yard setback.

Ionel Chirla was present and stated that he proposes to split his lot at 604 Sylvanwood and construct a new, much larger home to meet his needs. Mr. Chirla noted that to construct the home desired and to meet the front yard setback, he would encroach 8 feet into the rear yard. He also noted that he would be willing to split the encroachment between the front yard and rear yards, encroaching only 4 feet into each. To construct the size home desired, he requires a variance. Mr. Chirla noted that this would be the only house facing Somerton so there would be no concerns in keeping it in line with existing properties, all other homes face Sylvanwood.

The chairman opened the public hearing.

Daniel Craig, 575 Sylvanwood, was present and objected, noting that all lots in the area are larger, have a country-like atmosphere and that was their reason for purchasing on this street.

Harriett Stephens, 624 Sylvanwood, was present and stated that she objects for the same reasons, also noting she is next door and feels it will decrease her property value.

Walter Mikiczenko, 625 Sylvanwood, was present and objected, stating that his father was involved in the development of the subdivision and that lot splits and second homes on the lot was not permitted in the subdivision development agreements.

There were no further comments and the chairman closed the public hearing.

There were 4 objections on file.

Motion by Lovio
Supported by Fejes.

MOVED, to deny the request of Ionel Chirla, 604 Sylvanwood, for relief to split a lot and construct a new home resulting in a 22.02 front yard setback where a 30 foot setback is required:

1. The petitioner has not demonstrated a practical difficulty or hardship.
2. There are a number of objections on file.

ITEM #9

Yeas: All 6

MOTION TO DENY REQUEST CARRIED.

ITEM #10 VARIANCE REQUESTED: Henry & Barbara Ford, 857 Bridge Park, for
relief of the rear yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 10'x11' enclosed patio. The plot plan shows the proposed addition would result in a 31.6 foot rear yard setback. The Zoning Ordinance requires a 35 foot rear yard setback.

Henry and Barbara Ford were present. Mr. Ford stated that the proposed addition is a three-season sun room they propose to construct over an existing raised patio. They have the approval of their neighbors and feel that a 3.4 foot variance is not excessive. Mrs. Ford stated that she is a sculptress and that she will use the sun room to work in because of the natural light. Their home is a quad level home and there is very little natural light.

The chairman opened the public hearing.

James Frenchi, 825 Bridge Park, was present, stated he lives next door to the petitioner and approves of the request.

There was no else who wished to be heard and the chairman closed the public hearing.

There were 7 approvals on file.

Motion by Sosnowski
Supported by Thompson

MOVED, to grant Henry & Barabara Ford, 857 Bridge Park, a variance, as requested, for relief to construct a 10'x11' sun room addition, resulting in a rear yard setback of 31.6 feet where 35 feet is required:

1. The variance is not contrary to public interest.
2. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
3. The variance relates only to the property described in the application.
4. The petitioner has shown that added natural light is a big benefit for her to sculpture.
5. There are a number of approvals and no objections on file.

Yeas: All 6

MOTION TO APPROVE REQUEST CARRIED

ITEM #11 APPROVAL REQUESTED: Paul Piscopo, 3129 Alpine, for relief to
maintain a 7' satellite dish.

Mr. Shripka explained that the petitioner is requesting approval from this Board to maintain a satellite dish, 7 foot in diameter. The Zoning Ordinance requires Board of Zoning Appeals approval for any satellite dish exceeding 24 inches in diameter.

Paul Piscopo was present and stated that his property is 220 feet deep and 100 foot wide. The dish was erected 11 feet from the side lot line and 100 feet or more from the rear lot line. The dish is 8 to 12 feet high and would meet the proposed new ordinance. Mr. Piscopo also presented the board with approvals from 3 neighbors.

The chairman opened the public hearing and there was no one who wished to be heard.

The chairman closed the public hearing.

Motion by Sosnowski
Supported by Thompson

ITEM #11

MOVED, to grant Paul Piscopo, 3129 Alpine, approval, as requested, for relief to maintain a 7 foot diameter satellite dish, less than 14 feet high:

1. The dish is on a large piece of property.
2. There are 3 approvals and no objections on file.

Yeas: All 6

MOTION TO APPROVE REQUEST CARRIED

ITEM #12 VARIANCE REQUESTED: James Repke, 6741 Barabeau, for relief of the front yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 24'x32' addition to the south side of an existing residence. The plot plan shows the proposed addition would result in 19'6" front yard setback. The Zoning Ordinance requires a 25 foot front yard setback.

James Repke, his wife and Jeff Hobson, the builder were present. Mr. Hobson stated that the property in question is on a dead end street and the property on the south side of Mr. Repke's property is owned by the Mt. Elliott Cemetery. The house is a block home with approximately 750 square feet of living area. There is no basement, no garage, and additional living area is needed by the Repkes. The proposed addition is designed to keep the same rear roof line and to allow them to keep a center hallway. The proposed addition has been designed around the architecture of the existing home.

The chairman opened the public hearing and there were no comments from the audience.

The chairman closed the public hearing.

Motion by Lovio
Supported by Sosnowski

MOVED, to grant James Repke, 6741 Barabeau, a variance, as requested to construct a 24'x32' addition to the south side of their home, resulting in a 19'6" front yard setback where 25 feet is required:

1. The variance is not contrary to public interest.
2. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
3. The variance relates only to the property described in the application.
5. This is a small home and the variance permits the petitioner the full use of his property

Yeas: All 6

MOTION TO APPROVE REQUEST CARRIED

ITEM #13 VARIANCE REQUESTED: Gulf Construction Company, 4015 Keats (proposed address), for relief of the required setback from Wattles.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 2400 square foot single family residence. The plot plan shows the proposed home would have a 47.74 foot setback from Wattles. The Zoning Ordinance requires a 50 foot setback.

Gary Tadian was present and stated that to construct a home of the same size as those in the remainder of the subdivision, a variance is needed. The variance results in only a 2.26 foot encroachment into the required setback from Wattles. To keep continuity in the homes, a 53 foot wide home is proposed. To construct a home smaller than those in the remainder of the subdivision, would make the home difficult to market.

The chairman opened the public hearing. Patrick Piscopo, 1369 E. Wattles was present and objected, stating it would block the view down the street, a smaller home could be constructed.

ITEM #13.

There were no further comments and the chairman closed the public hearing.

There was one approval on file.

Motion by Thompson
Supported by Lovio

MOVED. to grant Gulf Construction, 4015 Keats, a variance, as requested, to construct a 2400 sq. ft. single family residence, resulting in a 47.74 foot setback from Wattles where a 50 foot setback is required:

1. The variance is not contrary to public interest.
2. The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
3. The variance relates only to the property described in the application.
4. The petitioner has complied with the wishes of the Board to seek an alternative variance from that previously requested.

Yeas: All 6

MOTION TO APPROVE REQUEST CARRIED.

ITEM #14 VARIANCE REQUESTED: Graham & Pauline Hills, 1944 Kirkton, for relief of the side yard setback.

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 20'x26' detached garage. The plot plan shows the proposed garage would have a 3 foot side yard setback from the north lot line. The Zoning Ordinance requires a 6 foot side yard setback.

Graham Hills was present and stated that the distance from his home to the north property line is 19 feet and to meet the setback or to move the garage would result in the following difficulties: To construct the garage at the same setback, at 6 feet from the property line, it would overlap the house in the rear causing difficulty in maneuvering from the garage. He can not move the garage back further on the lot because of large trees. And if he could build the garage further back on the lot he would still have to maneuver to the driveway because he can only construct it in the north side yard. He would like to keep the location the same as his neighbors.

The chairman opened the public hearing. Larry Wagner, 1971 Kirkton, was present and stated he lives across the street approved of the request.

There were no further comments and the chairman closed the public hearing.

There were 2 approvals on file.

Motion by Alaimo
Supported by Sosnowski

MOVED. to grant Graham and Pauline Hills, 1944 Kirkton, a variance, as requested, for relief to construct a 20'x26' garage, 3 feet from the north lot line:

1. The variance is not contrary to public interest.
2. The variance does not establish a prohibited use within the zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity of zoning district.
4. The variance relates only to the property described in the application.
5. The petitioner has demonstrated a practical hardship with the land and the difficulty to build within ordinance requirements.

Yeas: All 6

MOTION TO APPROVE REQUEST CARRIED.

The chairman indicated that he would take item #16 (Item #3) out of order.

ITEM #16 (ITEM #3) RENEWAL REQUESTED: Muffler Man, 34835 Dequindre, for relief to maintain a dumpster within a required parking space.

ITEM #16

The petitioner was not present.

The chairman tabled this item until the next regular meeting (April 18, 1995) to give the petitioner the opportunity to be present.

ITEM #15 Request from Paula & Robert Azzo, 4688 Pier Ct. to be heard before a full board.

Mr. Shripka explained that Paula & Robert Azzo are requesting to be heard before a full board. Mr. Shripka further indicated that Mrs. Azzo has contacted the Building Department indicating that the neighbors who objected to the variance request now approve and he has asked Mrs. Azzo to present him with documentation on this.

Motion by Lovio
Supported by Fejes

MOVED, to grant Paula & Robert Azzo, 4688 Pier Ct. a new public hearing after the petitioner has provided the Building Department with evidence that substantiates a change in the opinion of the neighboring property owners who objected to the variance.

Yeas: Sosnowski, Fejes, Alaimo, Thompson, Lovio
Nays: Milia

MOTION CARRIED

The Board of Zoning Appeals meeting adjourned at 9:15 p.m.

GAS/ddb

