

The Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order in Council Chambers, at 7:30 P.M., on Tuesday, January 20, 2004.

PRESENT: Kenneth Courtney
 Marcia Gies
 Michael Hutson
 Matthew Kovacs
 Mark Maxwell

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
 Carolyn Glosby, Assistant City Attorney
 Pamela Pasternak, Recording Secretary

ABSENT: Christopher Fejes
 Mark Vleck

Motion by Maxwell
Supported by Gies

MOVED, to excuse Mr. Fejes from this meeting as he is out of town.

Yeas: 5 – Gies, Hutson, Kovacs, Maxwell, Courtney
Absent: 1 – Vleck

MOTION TO EXCUSE MR. FEJES CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF DECEMBER 16, 2003

Motion by Courtney
Supported by Hutson

MOVED, to approve the minutes of the meeting of December 16, 2003 as written.

Yeas: 5 – Gies, Hutson, Kovacs, Maxwell, Courtney
Absent: 2 – Fejes, Vleck

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #5

Motion by Courtney
Supported by Gies

MOVED, to approve Items #4 and #5 in accordance with the suggested resolutions printed in the Agenda Explanation, and to approve Item #3 for a period of nine (9) months.

ITEM #2 – con't.

ITEM #3 – RENEWAL REQUESTED. BRB PROPERTIES JOINT VENTURE, 1655 W. BIG BEAVER, for relief of the Zoning Ordinance to have a 6' high wood fence in lieu of the 6' high screening wall required along portions of the south property line.

The petitioner is requesting relief of portions of the 6' high masonry-screening wall required by Section 39.10.01 of the Zoning Ordinance along the south property line where the site abuts residentially zoned property. The petitioner has constructed a 6' high wood fence in lieu of the masonry wall in certain areas where they are trying to preserve trees. This Board has granted this relief on a yearly basis since January 1984. This item last appeared before this Board at the meeting of January 2001 and was granted a three (3) year renewal at that time. Mr. Stimac further stated that the trees for which the variance was originally granted are no longer on the site.

MOVED, to grant BRB Properties Joint Venture, 1655 W. Big Beaver, a nine (9) month renewal of relief of portions of the 6' high masonry-screening wall required by Section 39.10.01 of the Zoning Ordinance along the south property line where the site abuts residentially zoned property.

- To allow the petitioner the opportunity to install the 6' high screening wall required along portions of the south property line.
- Trees are no longer on the site.

ITEM #4 – RENEWAL REQUESTED. CATS BUILDING, 2100 W. BIG BEAVER, for relief of the 6' high masonry-screening wall required along the north end of the west property line.

The petitioner is requesting relief of the requirement to erect a 6' high masonry-screening wall along the west property line at the north end of this site. The northern 73' of this property abuts residential zoning to the west and a 6' high masonry-screening wall is required along that portion of the property by Section 39.10.01 of the Zoning Ordinance. This Board originally granted relief for this wall in 1983, based on the fact that the adjacent land was undeveloped and used as a retention pond. In January 2001, this Board granted a three (3) year renewal of this variance. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant CATS Building, 2100 W. Big Beaver, a three (3) year renewal of a variance for relief of the required 6' high masonry-screening wall required along the north end of the west property line.

- Variance is not contrary to public interest.
- Variance will not cause an adverse effect to surrounding property.

ITEM #5 – RENEWAL REQUESTED. FAITH APOSTOLIC CHURCH, 6710 CROOKS, for relief of the 4'-6" high masonry screening wall required along the north, east and south sides of off-street parking area, which abut residentially zoned property.

The petitioner is requesting renewal of a variance granted by this Board since July 1981, for relief of the 4'-6" high masonry wall required by Section 39.10.01 of the Zoning Ordinance on the north, east and south sides of their off-street parking areas, which abut residential zoned property. This item last appeared before this Board at the meeting of January 2001 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file.

MOVED, to grant Faith Apostolic Church, 6710 Crooks, a three (3) year renewal of a variance for relief of the 4'-6" high masonry screening wall required along the north, east and south sides of off-street parking areas, which abut residentially zoned property.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 5 – Hutson, Kovacs, Maxwell, Courtney, Gies
Absent: 1 – Vleck

MOTION TO APPROVE ITEMS #3 THROUGH #5 CARRIED

ITEM #6 – VARIANCE REQUESTED. JOHN POTVIN, 5648 CLEARVIEW DR., for relief of Section 30.10.02 of the Zoning Ordinance to construct a family room addition, which would result in a 28' rear yard setback where 45' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a family room addition. The site plan submitted indicates a family room addition at the rear of the home with a proposed 28' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoned Districts.

This item last appeared before this Board at the meeting of November 18, 2003 and was postponed to allow the petitioner the opportunity to meet with his builder and determine if this addition could be made smaller; and also, to allow the petitioner the opportunity to explore the possibility of constructing this addition along the north wall of this home. The petitioner has submitted a revised plan, which indicates a smaller addition resulting in a 32' rear yard setback.

Mr. Potvin was present and stated that this was his third appearance before the Board and he had worked with his architect and determined that this location was the best place for this addition, and also was able to make it smaller. They had determined that the addition could not be placed on the north wall. Mr. Potvin said that he believes he has a hardship with the land due to the fact that when his home was constructed it was setback as far as possible from the front of his lot, and therefore, he does not have a

ITEM #6 – con't.

large setback at the back of the lot. Mr. Potvin also indicated that he wished to put in this addition to provide a TV room for his family.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There is one (1) written objection on file.

Mr. Hutson stated that he thought Mr. Potvin had a beautiful home; however, he did not feel that there was a hardship with the land, which would justify such a large variance.

Mr. Potvin stated that he had received approval from the Beach Forest Association for this addition.

Mr. Maxwell asked Mr. Potvin what would be unique with the conformation of his property. Mr. Potvin stated that he feels that the hardship is due to the fact that his home was constructed approximately 70' from the roadway, and therefore, does not allow for a large amount of space at the back of his property.

Mrs. Gies stated that she also felt this was a very large variance request and did not see a hardship with the land and also pointed out that there was not a full board present.

Mr. Maxwell asked Mr. Potvin if he wished to table this request to allow for the opportunity of a full board, but Mr. Potvin stated he would rather proceed with this request.

Mr. Kovacs stated that he thought Mr. Potvin had a magnificent home; however, could not find a reason in the special findings to justify such a large variance request.

Motion by Kovacs
Supported by Hutson

MOVED, to deny the request of John Potvin, 5648 Clearview Drive, for relief of Section 30.10.02 of the Zoning Ordinance to construct a family room addition, which would result in a 32' rear yard setback where 45' is required.

- Petitioner did not demonstrate a hardship running with the land.
- Unable to find any special findings, which would support this variance request.

Yeas: 4 – Kovacs, Courtney, Gies, Hutson
 Nays: 1 – Maxwell
 Absent: 1 – Vleck

ITEM #6 – con't.**MOTION TO DENY REQUEST CARRIED****ITEM #7 – VARIANCE REQUESTED. HARRY & SUNNIE KWON, 38921**

DEQUINDRE, for relief to install a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property. The 6' high screen wall is required by Section 39.10.01 of the Zoning Ordinance.

Mr. Stimac explained that the petitioner is requesting relief to install a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property. This portion of the site has an underground pipeline easement. The 6' high screen wall is required by Section 39.10.01 of the Zoning Ordinance.

This item was heard before this Board at the meeting of September 17, 2003 and was denied based on a determination of the City Attorney's office that the "right of way" agreement did not prohibit the construction of a structure on this easement. On December 16, 2003 the Board voted to reconsider this item based upon some new easement documents that were found. At the December 16, 2003 meeting action on this item was postponed to allow for the publication of a new Public Hearing based on the vote to reconsider. New hearing notices have been sent out regarding the request.

Mr. Kwon was present and stated that he is willing to comply with the Zoning requirements and will abide by the decision of this Board. Mr. Kwon also said that he would have put up the wall; however, Sun Oil would not allow the construction of a permanent structure in the easement. Sun Oil has agreed to allow Mr. Kwon to put up a 6' high fence as long as this section could be removed if they had to have access to the pipeline.

Mr. Hutson asked Mr. Kwon about the construction of the fence. Mr. Kwon informed Mr. Hutson that originally they wished to put up a landscaped berm, but Sunoco would not allow a berm in the easement.

The Chairman opened the Public Hearing.

Michael Sucharski attorney for the development company of the land behind this property was present. Mr. Sucharski stated that they object to this variance due to the fact that the developer does not feel a wood fence in the middle of the masonry wall would be aesthetically pleasing and also expressed concern over the maintenance of the wood fence. Mr. Sucharski stated that a brick wall would be on either side of the wood fence, and feels that the future owner of the lot backing up to this property would object to the looks of this fence. Mr. Sucharski also suggested that perhaps footings could be put in on either side of the pipeline and then perhaps the brick wall could be put in supported by some type of beam.

ITEM #7 – con't.

Mr. Kovacs asked for clarification regarding what Mr. Sucharski is looking for regarding aesthetics. Mr. Sucharski said that they would like to see one look on this property rather than two different types of fencing. Mr. Sucharski was concerned because they would have approximately four (4) lots, which would back up to this wall and he felt that it would not be aesthetically pleasing.

Mr. Maxwell asked if this Board could recommend a landscaped berm along the entire property. Mr. Stimac indicated that although he was not involved in the original negotiations with Sun Oil, he thought that a landscaped berm was one of the options investigated that Sun Oil would not allow on this easement.

Mr. Kwon said that Sun Oil would not allow a berm in this easement because Sun Oil perceives this as a permanent structure. Mr. Kwon further stated that the wooden fence was agreeable to Sun Oil, and would be able to be removed if Sun Oil needed to get to this pipeline. Mr. Kwon also said that they were going to attempt to make this wooden fence match the masonry wall as much as possible, and stated that this was the final resolution agreed upon between Sun Oil and himself. Mr. Maxwell stated that he would like to see some visual conformity along this wall. Mr. Kwon said that they would make this fence look good on both sides and would try to make it look as much like the brick wall as possible.

Mr. Kovacs said that he understood from Mr. Kwon's comments that the wooden fence would look very much like the masonry wall. Mr. Sucharski stated that he did not understand why the brick wall could not be put in, as the pipeline runs under the streets, and was also worried about the maintenance issue of the wood fence. Mr. Kwon stated that there is nothing he can do, as Sun Oil dictates the requirements for this easement. Mr. Kovacs pointed out that the City has determined that Sun Oil has the right to limit what may be placed on this easement. Mr. Maxwell stated that if this variance was granted, it would be on a renewable basis and any concerns regarding the appearance and/or maintenance of this fence would be addressed before it was renewed a second time.

Mr. Stimac pointed out that many of the streets in the area pre-existed the easement, and there are certain regulations that the City must comply with regarding regulations of easement rights. Mr. Stimac also stated that there are different requirements for public improvements compared to private property rights.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals on file. There is one (1) written objection on file.

Mr. Stimac further stated that Mr. Kwon is proposing a wood fence, and he has not seen a wood fence that would exactly match a concrete wall. He indicated that although it could be stained to come close to the look of the masonry wall, in his opinion you would

ITEM #7 – con't.

be able to tell them apart. Mr. Stimac also said that he did not want the Board to think that this fence would look exactly like the brick wall.

Mr. Maxwell asked if there was any way to build a brick type structure to match the rest of the wall. Mr. Stimac said that it would be possible; however, he has not seen anything indicating that Sunoco would allow this type of structure. Mr. Maxwell then said that it may be possible for this Board to grant a variance, which would not require any type of wall or screening. Mr. Stimac confirmed that this Board could stipulate that nothing would be required. Mr. Maxwell stated that he would be in favor of either just landscaping or absolutely nothing in this easement. Mr. Hutson questioned Mr. Maxwell regarding his statement, and Mr. Maxwell clarified that he did not mean for Mr. Kwon to put in landscaping but that the future residents would put in the landscaping on their side of the property and if a screening wall was not required, at least it would be aesthetically pleasing.

Mr. Kwon expressed concern about not having anything to separate this property from the residential property. Mr. Kwon felt that the screen wall would protect the residents and was concerned about the liability involved if this property was not separated from the residential property.

Mr. Hutson asked what would be required to grant a variance. Mr. Stimac informed the Board that Section 39.10.04 of the Ordinance allows the Board of Zoning Appeals to "... waive or modify the requirement of a screen wall where cause can be shown that no good purpose would be served and also that such modifications would not be detrimental to the surrounding property..."

Motion by Hutson
Supported by Courtney

MOVED, to grant Harry & Sunnie Kwon, 38921 Dequindre a one (1) year renewable variance to install a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property.

- Wooden structure to be as close in appearance as possible to the masonry-screen wall required by the Ordinance.
- Fence will comply with the dictates of Sun Oil regarding what may be constructed in this easement.
- One-year time frame will allow Board to study both appearance and need for maintenance.

Yeas: 5 – Maxwell, Courtney, Gies, Hutson, Kovacs
Absent: 1 – Vleck

ITEM #7 – con't.**MOTION TO GRANT VARIANCE FOR ONE (1) YEAR CARRIED**

Mr. Kovacs stated that he believes that this is the best solution the Board could arrive at due to the restrictions put on this property by Sun Oil.

ITEM #8 - VARIANCE REQUESTED. MR. & MRS. STEPHEN SLAVIK, 2949 VINEYARDS DR., for relief to construct a new, enclosed swimming pool addition on the rear of the existing home. This addition would result in an 18' rear yard setback where Section 30.10.01 requires a 45' rear yard setback in R-1A Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new, enclosed swimming pool addition on the rear of the existing home. The site plan submitted indicates the addition will result in an 18' rear yard setback to the south property line. Section 30.10.01 requires a 45' rear yard setback in R-1A Zoning Districts.

Mr. Slavik was present and stated that he was the owner of this home as well as a Building Contractor. Mr. Slavik explained that the reason they chose this home was to be close to the school his daughter was attending. Mr. Slavik stated that his wife needs water therapy twelve months out of the year and that is the main reason they wish to put in this pool addition. This home is situated on a corner lot, which is long and narrow. The neighbor on the west would not be affected by this addition and the addition would be approximately 47' to the side entry of the garage of the neighbor directly to the south. Mr. Slavik did not feel this addition would affect either neighbor and furthermore the addition would sit down in a "hollow" and would not be visible from the street.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There is one (1) written objection on file.

Mr. Kovacs asked what the setback requirements were to put in a pool and Mr. Stimac explained that an in-ground or aboveground-uncovered pool could be placed within 6' from the side or rear property line and it is a recommendation that it be placed 10' from the house.

Mr. Maxwell asked what the height of the addition was and Mr. Slavik said that he thought it was about 17' to the peak of the addition.

Mr. Kovacs clarified that a pool was considered an accessory structure and therefore if uncovered could be placed within 6' of the property line. Mr. Kovacs said that he thought this was a very unique situation.

ITEM #8 – con't.

Mr. Hutson stated that he thought Mr. Slavik had a magnificent home, but was unable to find a hardship that ran with the land, which would justify a variance. Mr. Hutson said that he feels that perhaps this lot is too small to support this type of an addition. Mr. Hutson also said that he felt this was a very large variance request and feels that it violates the principles of zoning.

Mr. Slavik said that he could understand Mr. Hutson's position, but stated that his neighbors did approve of this proposed addition, and do not feel it would have an adverse effect on them. Mr. Slavik also said that he feels it would add to the value of the neighborhood and anyone would like to have an addition like this one in his or her neighborhood.

Mr. Maxwell asked about the dimensions of this pool. Mr. Slavik said the pool was relatively small, approximately 16' x 24' and he would not want it any smaller. Mr. Slavik also said that they wished to improve the quality of his and his wife's life and this is why he would like the pool this size. Mr. Maxwell asked if they could make the pool smaller, and Mr. Slavik said he would rather not, as he would like to have the room to walk around it and also would like to be able to place plants around it.

Mr. Kovacs did not feel that the Board of Zoning Appeals had the authority to make a determination on pool enclosures and thought that these pool enclosures should go before City Council.

Mr. Stimac said that City Council ultimately has the right to debate the issue of what setbacks should be; however the Ordinance does not allow an addition to the main home to be built within 6' of the property line.

Mr. Slavik asked that his item be postponed to allow for the opportunity to put this request before a full Board.

Motion by Hutson
Supported by Gies

MOVED, to postpone the request of Mr. Stephen Slavik, 2949 Vineyards, for relief of the Zoning Ordinance to construct a new, enclosed swimming pool addition on the rear of the existing home, resulting in a 18' rear yard setback, where a 45' rear yard setback is required by Section 30.10.01 to the meeting of February 17, 2004.

- To allow the opportunity for a full Board.

Yeas: 5 – Courtney, Gies, Hutson, Kovacs, Maxwell
Absent: 1 – Vleck

ITEM #8 – con't.

MOTION TO POSTPONE REQUEST UNTIL MEETING OF FEBRUARY 17, 2004
CARRIED

ITEM #9 – VARIANCE REQUESTED. MR. & MRS. ANDREW BEZENAH, 2020 CUMBERLAND, for relief to construct an addition resulting in the expansion of a non-conforming structure.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an addition to the existing home. This lot is a double front corner lot. As such, Section 30.10.04 requires a 30' front setback along both Cumberland and John R. The mortgage survey submitted indicates the existing house has only a 28.1' front setback to John R. This condition makes the existing home a legal non-conforming structure. The proposed garage expansion and second floor master suite addition would continue the 28.1' non-conforming front setback. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

Mr. Carey Greenberg of Lori Greenberg Builders and Mr. Andy Bezenah were present. Mr. Greenberg stated that they are not going to encroach any further into the setback. The Bezenah is a family of six and still growing and Mr. Greenberg stated that this addition would not only help out the Bezenah family but would also enhance the home. Mr. Greenberg went on to say that the Bezenahs are very happy in this area and would like to remain here.

Mr. Courtney asked when the setback requirements were changed. Mr. Stimac stated that this home was constructed under the "old" R-1C standards, which were a 40' front yard setback and a 30' rear yard setback. In the early 70's these requirements were changed and a 40' rear yard setback and a 30' front yard setback were required. Mr. Stimac also went on to say that this home was built with a 28' front yard setback, which was not permitted by Ordinance. Mr. Courtney asked if a variance was required at that time, and Mr. Stimac said that there is no record of a variance being granted at the time of original construction.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are ten (10) written approvals on file. There are no written objections on file.

Motion by Kovacs
Supported by Gies

ITEM #9 – con't.

MOVED, to grant Mr. & Mrs. Andrew Bezenah relief of Section 30.10.04 of the Zoning Ordinance to construct an addition, continuing a 28.1' front setback where 30' is required; and relief of Section 40.50.04, which prohibits expansions of non-conforming structures in a way that increases the non-conformity.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- A variance is necessary for the preservation and enjoyment of substantial property rights possessed by the subject property.
- The new addition will not extend out any further into the setback.

Yeas: 5 – Courtney, Gies, Hutson, Kovacs, Maxwell
Absent: 1 – Vleck

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. AMERICAN MSC, INC., 2451 ELLIOTT, for relief to maintain an addition constructed without the required Building Permit resulting in a rear yard setback of 14'-8". Section 30.20.09 of the Zoning Ordinance requires a minimum 20' rear yard setback in the M-1 Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to maintain an addition constructed without the required Building Permit. An inspection of this property determined that an addition has been constructed on the rear of the existing building without obtaining the required permits. A review of the subsequent plans submitted with the permit application indicates that the addition results in a rear yard setback of 14'-8". Section 30.20.09 of the Zoning Ordinance requires a minimum 20' rear yard setback in the M-1 (Light Industrial) Zoning District.

Mr. Jon Behlar, Operations Manager for American MSC, Inc. was present and stated that their business has been in this area for a number of years and expands about 10% a year. Mr. Behlar explained that the engineer for American MSC thought it would be a good idea to move two (2) compressors out of the building and put them in their own structure, which would remove them from the area where the people are located and which would help to keep the noise and dirt levels down. Mr. Behlar hired a contractor and assumed that he had obtained the necessary permits; however, no permit was ever obtained. Mr. Behlar apologized to the Board and explained that they are not trying to do anything illegally, but would like to be able to complete this construction.

The Chairman opened the Public Hearing.

Mr. Niraj Sarda, from First Industrial Realty, owner of this building was present. Mr. Sarda explained that they had given the petitioner a letter stating that they would

ITEM #10 – con't.

approve this construction as long as all permits were obtained, and if American MSC, Inc. does not renew the present lease; the addition would be removed in order for them to retain the value of the building. Mr. Maxwell asked if this addition takes away from the value of the building. Mr. Sarda explained that as landlords most of their leases are set up so that any additions to a building are removed at the time of expiration of the lease.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Maxwell asked Mr. Behlar to again explain the reason they need the addition. Mr. Behlar said that their shop is full of machinery and by moving out the compressors, they have opened up space for storage and also to use as a "staging area" for parts that are going out. Also, they would like to get the compressors away from the people in the shop. Mr. Maxwell asked Mr. Behlar if he understood that the landlord would require this addition be removed at the end of the lease, and Mr. Behlar said he did.

Mr. Hutson asked if it was possible to grant a temporary variance. Mr. Stimac said this was not a temporary structure as the Ordinance usually only recognizes structures such as tents as temporary structures. Mr. Hutson then asked what would happen if a variance was granted and then the structure was removed. Mr. Stimac explained that the variance would no longer be in effect.

Mr. Maxwell stated that he did not feel that this variance would have an adverse effect to any of the surrounding property.

Mr. Courtney informed Mr. Behlar that demolition of this addition would also require a Building Permit.

Mr. Stimac asked Mr. Behlar to clarify the fact that two (2) different site plans have been submitted to the Building Department. Mr. Behlar stated that he is quite sure that the setback is 14'-8".

Ms. Gies asked if the Building Department had inspected this addition. Mr. Stimac stated that the Building Department does not do inspections on a structure until the proper permits are obtained.

Motion by Kovacs
Supported by Courtney

ITEM #10 – con't.

MOVED, to grant American MSC, Inc., 2451 Elliott relief of Section 30.20.09 of the Zoning Ordinance to maintain an addition resulting in a rear yard setback of 14'-8" where 20' is required in the M-1 (Light Industrial) Zoning District.

- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use.
- Variance relates only to the property described.
- Literal enforcement of the Ordinance precludes full enjoyment of this property.

Yeas: 5 – Courtney, Gies, Hutson, Kovacs, Maxwell

Absent: 1 – Vleck

MOTION TO GRANT VARIANCE CARRIED

ITEM #11 – VARIANCE REQUESTED. A.J. BOWMAN, 5615 JOHN R., for relief of the Zoning Ordinance to construct a detached garage resulting in a 9.4' front yard setback to the south property line along Abbotsford. Section 30.10.04 requires a 30' minimum front yard setback in R-1C Zoning Districts.

The petitioner was not present at the meeting.

Motion by Kovacs
Supported by Hutson

MOVED, to postpone the request of A.J. Bowman, 5615 John R., for relief of the Zoning Ordinance to construct a detached garage resulting in a 9.4' front yard setback to the south property line along Abbotsford. Section 30.10.04 requires a 30' minimum front yard setback in R-1C Zoning Districts until the meeting of February 17, 2004.

- To allow the petitioner the opportunity to be present.

Yeas: 3 – Hutson, Kovacs, Maxwell

Nays: 2 – Gies, Courtney

Absent: 1 – Vleck

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF FEBRUARY 17, 2004
CARRIED

Mr. Maxwell stated that he and Mr. Fejes will not be able to attend the meeting of February 17, 2004 and asked if the Board members would be willing to change the date of this meeting.

Motion by Courtney
Supported by Hutson

MOVED, to change the date of the meeting for February 2004.

- To allow for the opportunity of a full Board.

Yeas: 5 – Gies, Hutson, Kovacs, Maxwell, Courtney

Absent: 1 – Vleck

MOTION TO CHANGE MEETING DATE CARRIED

The Board of Zoning Appeals at the meeting of February 17, 2004 rescinded this motion.

The Board of Zoning Appeals meeting adjourned at 8:58 P.M.



Mark Maxwell, Chairman



Pamela Pasternak, Recording Secretary