

The Vice-Chairman, Christopher Fejes, called the meeting to order at 7:30 P.M., on Tuesday, May 15, 2001.

PRESENT: Kenneth Courtney  
Christopher Fejes  
Marcia Gies  
Michael Hutson  
Mark Maxwell  
Walter Storrs

ALSO PRESENT: Mark Stimac  
Bob Davisson  
Pam Pasternak

**ITEM #1 – APPROVAL OF MINUTES OF MEETING OF APRIL 24, 2001.**

Motion by Maxwell  
Supported by Storrs

MOTION to approve the minutes of the meeting of April 24, 2001 as written.

Yeas: 4 – Hutson, Maxwell, Storrs, Courtney  
Abstain: 2 – Fejes, Gies

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF APRIL 24, 2001 AS WRITTEN.

**ITEM #2 – VARIANCE REQUESTED. LIBERTY PROPERTY TRUST, 2600 AND 2710 BELLINGHAM,** for relief to construct two new industrial building with a 6’ high berm in lieu of the 6’ high masonry-screening wall required.

This item was moved to the end of the agenda (Item #6) to allow the petitioner the opportunity to be present.

**ITEM #3 – VARIANCE REQUESTED. EVANSWOOD CHURCH OF GOD, 2601 E. SQUARE LAKE,** for relief to maintain a landscaped berm in place of the 4’6” high masonry wall required along the west side of off-street parking and relief of the 4’6” high masonry wall required along the north side of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board to provide a berm in place of the 4’6” high wall on the west side of off-street parking and deletion of the 4’6” high wall required along off-street parking on the north side of the property. This relief was originally granted in 1995 based on the fact that the property immediately north of the parking lot is wetlands and has substantial growth. In 1998 this variance was granted a renewal for a period of three years. Conditions remain the same and we have no complaints on file. This item first appeared before the Board of Zoning Appeals at the meeting of April 24, 2001 and was tabled to allow the petitioner the opportunity to be present.

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Mr. John Sharp, Moderator for Evanswood Church of God, and the Pastor, Paul Sober, were present. Mr. Sharp stated that this is the third renewal request they have made and that there are many mature trees growing along the berm. He also said that they would have to remove a very mature oak tree in order to put up a wall. Mr. Sharp also said that the north side of the property is surround by a marsh.

Motion by Courtney  
Supported by Maxwell

MOVED, to grant Evanswood Church of God, 2601 E. Square Lake, a three (3) year renewal for relief to maintain a landscaped berm in place of the 4'6" high masonry wall required along the west side of off-street parking and deletion of the 4'6" high masonry wall required along the north side of off-street parking.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.
- Conditions remain the same.

Yeas: All – 6

MOTION TO GRANT VARIANCE FOR THREE YEARS CARRIED

**ITEM #4 – VARIANCE REQUESTED. MR. DAN SIMIONESCU, 691 OTTAWA,** for relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a barn. The plans submitted indicate a proposed 1520 square foot barn located behind an existing 1440 square foot detached garage that will result in 2960 square feet of accessory buildings. Section 40.57.04 limits the size of accessory buildings on a parcel to 600 square feet or one-half the ground floor area of the main building whichever is greater. Because the main building on this site covers 3732 square feet, accessory buildings are limited to 1866 square feet. Also, Section 40.57.10 required Board of Zoning Appeals approval for the construction of a barn.

Mr. Dan Simionescu was present and stated that his property covers slightly more than 2 acres of land, and he needs this barn in order to construct stalls for a horse, a donkey and two goats. Mr. Simionescu stated that the animal stay outside in the summer, however, he needs a place for them to go when the weather turns cold. He also needs the extra room for the storage of hay. Mr. Simionescu also said that this barn would be 400' from the road and at least 200' from the rear property line. Mr. Simionescu has four drivers in his family with a fifth on the way and does not have any place to park the

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extra cars in the winter. Mr. Simionescu further stated that he had spoken to his neighbor on the east side of his home, who stated that he has no objection to this barn.

Mr. Siomionescu also stated that in the time he has lived in this home, he has not received any complaints on his animals and has a good relationship with his neighbors.

Mr. Stimac explained that there were two items before the Board. The size of the accessory structures needs the petitioner to demonstrate a hardship as it applies to the land, however the Board only needs to approve the construction of the barn without the need for the petitioner to show a hardship. Mr. Hutson asked what there was about the land that would demonstrate a hardship. Mr. Simionescu stated that he could not put the barn in any other location, due to the fact that there is a dip in his property, which is always wet. Mr. Simionescu also said that he did not feel that his request was excessive due to the fact that his property is very large and can support a structure that is this size. Mr. Storrs asked what the height restriction was and Mr. Stimac stated that it is 14'. Mr. Storrs also questioned why the Board had to approve construction of a barn and Mr. Stimac stated that when a structure is used as a barn, to house animals, the Ordinance requires the Board approve it. Mr. Storrs also questioned Mr. Simionescu as to several large boulders which are located on the property. Mr. Simionescu stated that they are planning to use these boulders for landscaping and have a contractor who is doing the work.

Mr. Courtney asked if Mr. Simionescu could convert his detached garage to a barn and Mr. Simionescu stated that it is too far away from the existing animal pen. Mr. Simionescu wants to be able to have a structure connected to the animal pen, so that the animals can go in and out of the structure. Mr. Simionescu further stated that there is a great deal of water due to the fact that there are two culverts in this area causing this portion of his property to be wet most of the time.

Mrs. Gies asked Mr. Simionescu how he came up with the size of the barn and he stated that he had planned on four stalls, plus room for the storage of hay and his tractor.

Mr. Fejes asked what options Mr. Simionescu would have if his request for a variance were to be denied and Mr. Simionescu stated that he would probably just have to continue the way he has been doing things. Mr. Simionescu also stated that due to the fact that this building has an 8' overhang, it appears bigger than it actually is. Mr. Storrs questioned the fact that the overhang was added into the total square footage of the building, and Mr. Stimac stated that overhangs, such as what is proposed here, have always been considered in the total square footage of a building.

Mr. Maxwell questioned the size of the building and the fact that there are already two garages on the property. Mr. Simionescu stated that he had determined that this was

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the size of a building he would need and feels that his property should not be considered the same as a typical subdivision lot. Mr. Simionescu also said that if he had to move this structure, he would have to take out his garden and did not feel that they would be able to enjoy their property as they would lose most of their yard. Mr. Maxwell stated that he was concerned with the size of the building, due to the fact that a variance stays with the land, and he thinks there would be too many buildings on the property. Mr. Maxwell asked Mr. Simionescu if he could build a smaller structure, and Mr. Simionescu again stated that he did not believe this request was excessive and that he had researched this very carefully to determine exactly what he would need.

The Vice-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 are no objections on file.

Mr. Fejes stated that he thinks that the property can support another structure, however, he expressed concern over the size of the barn. Both Mr. Hutson and Mr. Courtney stated that they agreed that the size of the structure was of some concern to them. Mr. Simionescu again stated that he had given the size of the structure a great deal of thought, before he brought his request to the Board. Mr. Maxwell asked if he could put a stall in the accessory building and Mr. Simionescu stated that he has two stalls in this building, however, he still has to store his hay outside. Mr. Maxwell asked if the existing building could be converted to a barn and Mr. Simionescu stated that it would be very difficult for him due to the fact that he would have to move the animal pen up and therefore would lose most of his yard.

Motion by Storrs  
Supported by Gies

MOVED, to grant Mr. Simionescu relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn.

- Variance is not contrary to public interest.
- Conforming to the ordinance is unnecessarily burdensome for the petitioner.
- Variance will not cause an adverse effect to surrounding property.
- The large size of this property is such that a building of this size would not be inappropriate.
- The amount of wooded and wet area on the property prevents the property owner from full use of the property.

Motion by Courtney  
Supported by Hutson

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MOVED, to table the request of Mr. Simionescu, 691 Ottawa, for relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn until the meeting of June 19, 2001.

- To allow the Board members to take a closer look at this property to determine the hardship.
- To allow the petitioner to determine if a decrease in the request of his variance would be in order.
- To allow the petitioner to present to the Board an interior layout showing why the petitioner requires this size of a building.

Yeas: 6 – Maxwell, Storrs, Courtney, Fejes, Gies, Hutson

MOTION TO TABLE THE REQUEST OF MR. SIMIONESCU UNTIL THE MEETING OF JUNE 19, 2001 CARRIED.

**ITEM #5 – VARIANCE REQUESTED. MR. MARK WHISNANT, 2106 VIRGINIA,** for relief of the Zoning Ordinance regarding the square footage of accessory buildings.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. The permit application indicates the proposed construction of a 1200 square foot detached garage. Section 40.57.04 limits the size of accessory structures to 600 square feet or one half of the ground floor area of the main building whichever is greater. Because the existing house has 1,554 square feet of ground floor area, accessory buildings are limited to 777 square feet.

Mr. Mark Whisnant was present and stated that his garage is presently 24' x 24' and was built in 1943. Mr. Whisnant further stated that this garage is in need of repair and he would like a larger garage due to the fact that he has two full size pickup trucks, 2 snowmobiles, a boat and two four-wheelers. Mr. Whisnant also said that parking is not allowed on the south side of Virginia and his vehicles are placed out in his yard. Mr. Whisnant stated that he would like to be able to store his vehicles and equipment behind a closed door.

Mr. Storrs asked what type of business Mr. Whisnant was in and if he ran a business out of his home. Mr. Whisnant stated that he works for a gravel hauler and does not run a business from his home. Mr. Whisnant further stated that the trucks are parked at his place of business which is on Twenty-Three Mile and Ryan Road.

Mrs. Gies questioned Mr. Whisnant regarding his present garage. Mr. Whisnant stated that the present garage is a two-car garage, however due to the fact that it was built in 1943, it has only one door which makes it very difficult to get his pickup trucks inside. Mr. Storrs asked how long Mr. Whisnant had lived at this address and he stated that

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they moved into the home in November 2000. Mr. Whisnant stated that they have done a great deal of clean up on the property.

Mr. Hutson asked if based on the dimensions of the home, Mr. Whisnant could live with a garage that was 40' x 20'. Mr. Whisnant stated that he could live with something smaller and if necessary he could probably make do with what he had; however, he would be forced to store his extra vehicles outside.

The Vice-Chairman opened the Public Hearing.

Mr. Jim Groesbeck, of 2044 Virginia was present and stated that the neighbors do not object to the construction of a larger garage. Mr. Groesbeck stated that the Whisnants have done a very good job of cleaning up this property and understands why they would like to be able to store their property inside a building. Mr. Groesbeck approves of this variance request.

Gary Tarr of 2009 Milverton was present and stated that he also approved of this variance request.

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

There is one written approval on file. There is one written objection on file.

Mr. Storrs asked if Mr. Whisnant could live with a garage which would be 40' x 25', which would reduce the variance request by 200 square feet. Mr. Whisnant stated that he would be willing to reduce the size of his garage.

Motion by Maxwell  
Supported by Storrs

MOVED, to grant Mr. Mark Whisnant, 2106 Virginia relief of the Zoning Ordinance regarding the square footage of accessory buildings.

- Size of garage would be reduced to 30' x 34'.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Petitioner is willing to work with the Board regarding the size of his request.
- There is no parking permitted on the petitioner's side of Virginia.

Yeas: 6- Storrs, Courtney, Fejes, Gies, Hutson, Maxwell

MOTION TO GRANT VARIANCE WITH ABOVE STIPULATION CARRIED

**ITEM #6 (ITEM #2) - VARIANCE REQUESTED. LIBERTY PROPERTY TRUST, 2600 AND 2710 BELLINGHAM**, for relief to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry-screening wall required.

This item was moved to the end of the agenda (Item #6) to allow the petitioner the opportunity to be present.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board in May 2000 to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry-screening wall required. Conditions remain the same and we have no objections or complaints on file.

Ms. Janell Gilardone, representing Liberty Property Trust was present and stated that she had nothing to add.

Motion by Courtney  
Supported by Maxwell

MOVED, to grant Liberty Property Trust, 2600 and 2710 Bellingham, a two (2) year variance for relief to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry-screening wall required.

- Conditions remain the same.
- We have no complaints or objections on file.
- Two-year variance to allow the Board to observe the maintenance of the berm.

Yeas: 6 – Storrs, Courtney, Fejes, Gies, Hutson, Maxwell

MOTION TO GRANT VARIANCE FOR TWO (2) YEARS CARRIED

**MISCELLANEOUS BUSINESS**

Motion by Courtney  
Supported by Hutson

MOVED, to elect Mr. Fejes, Chairman for the Board of Zoning Appeals for the term ending May 2002.

Yeas: 6 – Courtney, Fejes, Gies, Hutson, Maxwell, Storrs

MOTION TO ELECT MR. FEJES CHAIRMAN FOR THE BOARD OF ZONING APPEALS CARRIED

Motion by Courtney

Supported by Fejes

MOVED, to elect Mr. Hutson, Vice-Chairman for the Board of Zoning Appeals for the term ending May 2002.

Yeas:           6 – Courtney, Fejes, Gies, Hutson, Maxwell, Storrs

MOTION TO ELECT MR. HUTSON, VICE CHAIRMAN FOR THE BOARD OF ZONING APPEALS CARRIED

The Board of Zoning Appeals meeting adjourned at 8:41 P.M.

MS/pp