

A regular meeting of the Board of Zoning Appeals was called to order at 7:35 p.m. on Tuesday, August 18, 1998 by the chairman, Kenneth Courtney.

PRESENT: Beltramini  
Courtney  
Giachino  
Milia  
Sosnowski  
Shripka  
Davisson

ABSENT: Alaimo  
Fejes

Motion by Sosnowski  
Supported by Milia

MOVED, to excuse Michael Alaimo and Christopher Fejes from the meeting as they are out of the county.

Yeas: 5  
Absent: 2 - Fejes, Alaimo

MOTION CARRIED

**ITEM #1 Approval of Minutes - July 21, 1998**

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Motion by Sosnowski  
Supported by Beltramini

MOVED, to approve the July 21, 1998 minutes as written.

Yeas: 5  
Absent: 2- Alaimo, Fejes

MOTION TO APPROVE CARRIED

**ITEM #2 RENEWAL REQUESTED: St. Augustine Lutheran Church, 5475 Livernois, for relief of the 4'6" masonry wall required along the south and west sides of off-street parking.**

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**ITEM #2**

Mr. Shripka explained that the petitioner is requesting renewal of relief granted, by this Board, for the 4'6" high masonry wall required along the south and west sides, adjacent to the off-street parking. This relief was originally granted in 1993 based on the fact, the variance would not be contrary to public interest and conforming would be unnecessarily burdensome. Conditions remain the same, we have no objections or complaints on file.

Oakley Lutes was present to represent the church. Mr. Lutes stated there is a natural tree line along the south side and the church owns the property on the west adjacent to the parking lot, and there is an existing berm. Mr. Lutes asked if a permanent variance could be issued. Mr. Shripka explained that the most the Board could grant would be a three year variance.

Motion by Sosnowski  
Supported by Milia

MOVED, to grant Faith Lutheran Church, 5475 Livernois, a three (3) year renewal of their variance for relief of the 4'6" masonry wall required along the south and west sides of their off-street parking;

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

Yeas: 5  
Absent: 2- Alaimo, Fejes

**MOTION TO RENEW VARIANCE FOR THREE (3) YEARS CARRIED**

**ITEM #3      VARIANCE REQUESTED: Michael & Emmy Payne, 350 Kenyon, for relief of the rear yard setback.**

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Mr. Shripka explained that this item originally appeared before this Board at their July 21, 1998, meeting. At that time, the petitioner was requesting relief of the Zoning Ordinance to construct a 390 square foot addition on the rear of an existing residence. The plot plan showed the addition would result in a 27.1 foot rear yard setback. The Zoning Ordinance requires a minimum rear yard setback of 35 feet. The petitioner had previously appeared before this Board, at their May 19, 1998, meeting. At that time they were requesting relief of the Zoning Ordinance to construct an addition on the rear of an existing structure, That proposal showed the addition would be only 5'4" from the existing garage where 10 feet is requires. Also, at that time, the addition would have resulted in a 29.33 foot rear yard setback. The Zoning Ordinance requires 35 feet. That request was denied. At the July meeting, the petition requested tabling of this item so that they may have the benefit of a full board.

**ITEM #3**

Mrs. Payne stated that they have revised their plan to keep the addition the required 10 feet from the garage, but still need a rear yard variance. They cannot build a reasonable size addition within the guidelines. They have two teen age children and need the additional room. Mrs. Payne noted several other homes in the area that have similar rear yard setbacks. The lots are too for a reasonable size expansion. They have contacted immediate neighbors, who have signed a petition indicating their approval. Mrs. Payne also stated that the pool in the rear yard would be removed.

Mr. Milia expressed concerns regarding the condition of the property and the vehicles parked in the drive area. Mr. Payne stated that one car (the red one) is his daughters and it had a car fire and they will be getting rid of it. The three other cars are licensed and there are three drivers. They also have a pop up camper parked in the drive area which they use.

The chairman opened the public hearing.

Mike Nicholas, 338 Kenyon, was present and approved on behalf of his mother and himself.

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

Motion by Giachino  
Supported by Beltramini

MOVED, to grant Michael & Emmy Payne, 350 Kenyon, a variance as requested to construct a 390 sq. ft. addition resulting in a 29.33 foot rear yard setback, where a 35 foot rear yard setback is required;

- The variance is not contrary to public interest.
- The variance does not establish a prohibited use within the zoning district.
- The variance will not cause an adverse effect to properties in the immediate vicinity or zoning district.
- Many homes in the area have had similar variances.
- This is one of the first subdivisions in the City, it has small lots with no consideration for expansion.

Yeas: 4- Milia, Sosnowski, Beltramini, Giachino  
 Nays: 1- Courtney  
 Absent: 2- Fejes, Alaimo

**MOTION TO APPROVE REQUEST CARRIED**

**ITEM #4 VARIANCE REQUESTED: Tim Mouch, 5253 Crowfoot, for relief of the rear yard setback.**

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ITEM #4

## **BOARD OF ZONING APPEALS**

**AUGUST 18, 1998**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 16'x 14' patio enclosure. The plot plan shows the proposed addition would result in a 33.17 foot rear yard setback. The Zoning Ordinance requires a minimum rear yard setback of 40 feet.

Tim Mouch was present and stated that the proposed addition is to allow them to extend their summer. The proposed addition is a three season sun room. There will be no heat or air conditioning in the room. The addition would be six feet smaller than the existing patio. Because it is a glass enclosure, it will not encroach or infringe on others. It will add value to their home and the area. Mr. Mouch stated that he had surveyed several neighbors and they have no objections.

Mr. Giachino questioned the hardship and noted that a 7 foot addition would meet the required setback. Mr. Mouch stated the hardship was that it extends their season.

Mrs. Beltramini questioned the fact the addition was on the west side and the heat that would be generated. Mr. Mouch explained the large window openings with screens for ventilation.

Mr. Milia expressed concerns with establishing a hardship, noting if the uniqueness of the design were considered, it would set a precedent to be used by others in the area. Something unique with the property should be established, setting it apart from the other properties and establishing a justification for a variance.

The chairman opened the public hearing.

Greg Gregle of Patio Enclosures, was present and stated that he was available to answer any construction or technical questions regarding the proposed construction.

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

There were 5 written approvals on file

Motion by Milia

Supported by Giachino

MOVED, to deny the request of Tim Mouch, 5253 Crowfoot, to construct a 16'x14' patio enclosure, resulting in a 33.17 foot rear yard setback where a 40 foot rear yard setback is required;

- The petitioner's problem does not result from any unusual characteristics of the property, it results from the petitioner's proposed use. Therefore it is contrary to public interest.

ITEM #4

Yeas: 3- Courtney, Giachino, Milia  
Nays: 2- Sosnowski, Beltramini  
Absent: 2- Fejes, Alaimo

MOTION TO DENY REQUEST CARRIED

**ITEM #5 VARIANCE REQUESTED: Richard & Pamela Harding, 1814  
Buckthorn Ct. for relief to construct a gazebo.**

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Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to erect a 9 foot diameter gazebo. The Zoning Ordinance requires Board of Zoning Appeals approval for gazebos.

Mr. Harding stated that the gazebo was planned as part of the landscaping. They feel that the gazebo will enhance the landscaping and property. The deck will be constructed in the rear yard approximately 20 feet from the house, 63 feet from the side lot line and 300 feet from the rear lot line.

The chairman opened the public hearing.

John Damico, 6440 Crabapple, was present and after seeing the location of the gazebo, approved of the variance.

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

There was 1 written approval on file.

Motion by Milia  
Supported by Sosnowski

MOVED, to approve the request from Richard & Pamela Harding, 1814 Buckthorn, for relief to construct a gazebo in their rear yard;

- The variance is not contrary to public interest.
- The gazebo is an esthetic architectural feature in the rear yard.

Yeas: 5  
Absent: 2- Alaimo, Fejes

MOTION TO APPROVE REQUEST CARRIED

**ITEM #6 VARIANCE REQUESTED: Harry & Nancy Boeck, 2035 Jeffrey, for  
relief of the rear yard setback.**

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**ITEM #6**

Mr. Shripka explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 19' x 14' addition on the rear of an existing residence. The plot plan shows the proposed addition would result in a 27.3 foot rear yard setback. The Zoning Ordinance requires a 35 foot rear yard setback.

Harry & Nancy Boeck were present. Mr. Boeck stated that the rear yard addition was to give them more use of their rear yard. Mr. Boeck and his daughter have allergies to mosquitoes. When outside for any time they get large welts from mosquito bites. To construct an addition that meets the required setback, it could be only 5 feet. Mr. Boeck's mother is losing her eye sight any there is a possibility she may have to move in with them. If the mother has to move in, it will allow them to use the additional space for their home office and convert the current office into a bedroom. The addition will be heated by a direct vent fireplace. They have a ranch home which gives them less rear yard than the colonial homes in the area. The addition will add re-sale value to the property.

The chairman opened the public hearing. No one wished to be heard and the public hearing was closed.

There were 4 written approvals on file.

The Board questioned the petitioner about tabling action to give them the benefit of a full Board and to look at the possibility of reducing the variance.

The petitioner requested tabling action.

Motion by Beltramini  
Supported by Sosnowski

MOVED, to table the request of Harry & Nancy Boeck, 2035 Jeffrey, for relief to construct a 19'x14' addition, resulting in a 27.3 foot rear yard where 35 feet is required;

- To allow the petitioner the benefit of a full Board.

Yeas: 5  
Absent: 2- Alaimo, Fejes

**MOTION TO TABLE UNTIL THE SEPTEMBER 15, 1998 MEETING CARRIED**

**Reconsideration of item #4**

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Motion by Courtney  
Supported by Giachino

MOVED, to reconsider Item #4, for a re-hearing, to give the petitioner the benefit of a full Board.

Yeas: 4- Courtney, Beltramini, Giachino, Sosnowski  
Nays: 1- Milia  
Absent: 2 -Fejes, Alaimo

**MOTION CARRIED**

Motion by Courtney  
Supported by Giachino

MOVED, to table the request of Tim Mouch, 5253 Crowfoot, to construct a 16'x14' patio enclosure, resulting in a 33.17 foot rear yard setback, where a 40 foot setback is required to allow;

- The petitioner the benefit of a full board.
- The opportunity to revise their plan to lessen the variance.

Yeas: 5  
Absent: 2- Alaimo, Fejes

**MOTION TO TABLE REQUEST UNTIL THE SEPTEMBER 15, 1998 MEETING CARRIED**

The Board of Zoning Appeals adjourned at 8:30 p.m.

GAS/ddb