

ZONING BOARD OF APPEALS
Unapproved Minutes of July 30, 2013
Variance request of Gregory Horvath
3785 Port Austin Rd 3213-014-010-00

The meeting was called to order by Chairman Bushey at 7:32.

Pledge of allegiance.

Roll call: Bushey, Henry, Colletta, Pobanz, Ehrlich present. Kim Simpson recording secretary. Seven guests.

Approval of minutes from July 2, 2013. Motion to approve by Henry. Seconded by Ehrlich. Motion carried – all ayes.

Notice of hearing read, Bushey made the comment that it should read R-2 instead of R-1 for the record. Two letters were read. One from Joseph and Margie Slotnick, and another from Jill Johnson. Both in favor of the allowing both decks.

Public comments:

Dan Gibson neighbor of Horvath stated that Horvath's parcel is misleading because of the angle. Gibson stated that where he wants to put the L shape deck only allows him 2 ft. yard space. Horvath would have to walk on neighboring property to get to front yard. Gibson stated that he may not have a problem with Horvath but the next owner may not be as cooperative. Fred Gygi spoke that he and his wife Adele are not in favor of this variance. The steps that are there now don't comply with the original set back. Comment was made from Gibson that the steps were added after the final inspection. Thought they were only temporary. Bushey stated that they can't make him take down the steps they were already there when Horvath bought the house. Regardless if the L shape deck is allowed the steps can stay there. Colletta made a comment that the porch without the rail and steps off the front would give Horvath the 3 ft. passing. Colletta also stated that Horvath didn't create this problem with the door and the existing porch, it was already there.

The ZBA members discussed the existing porch and the door, whether Horvath could turn the door in another direction or try a sliding door wall as an option. Gibson and Gygi both commented that they did not have a problem with the deck off the front of the house. It was the side platform that was the problem. Ehrlich suggested that they refigure the side platform. Henry commented that we shouldn't encourage making it any tighter than it

already is. It's only a 38ft. lot. She also stated that the Zoning Board should make a decision for the front deck with steps off the front. After a discussion between the Zoning Board members, **Colletta made a motion to allow the deck as long as the 3ft. setback is maintained. Seconded by Pobanz.**

Roll Call Vote:

Colletta: Aye- Maintain 3ft. setback, nonconforming lot, narrowness (38ft), Horvath didn't create the problem.

Bushey: Aye - Maintain 3ft. setback, narrowness (38ft), Horvath wanting a deck is not a hardship for the neighbors.

Henry: Nay- Henry stated she would prefer to maintain the 80% (4'10")

Ehrlich: Aye- Narrow lot (38ft.)

Pobanz: Aye- Special circumstances, narrow lot.

Motion carried- four ayes and one nay, to allow the deck as long as the 3ft. setback is maintained.

The ZBA members then discussed the second issue on the variance which was a 16ft x 16 ft deck on R-1. After a brief discussion about other decks in the area within the setback requirements, the narrowness of the lot and the deck conforming to other decks in the area, **Colletta made a motion to allow the 16'x16' deck as long as the deck is 15ft from the road right-of-way. Seconded by Pobanz.**

Roll Call Vote:

Colletta: Aye

Bushey: Aye

Henry: Aye

Ehrlich: Aye

Pobanz: Aye

Motion carried- all ayes.

The ZBA member's sited narrowness and conforming to other decks in the area based on Section 303.11 Sec. C # 2.

Next meeting August 13, 2013 at 7:30 p.m.

Motion by Colletta to adjourn. Seconded by Henry.

Motion carried- all ayes.

Meeting adjourned at 9:10.

Submitted by Kim Simpson Recording Secretary.