

**CITY OF SOUTH LYON
ZONING BOARD OF APPEALS
June 18, 2009**

Chairman Weipert called the meeting to order at 7:00 p.m.

PRESENT: Chairman Weipert and Commissioners James Herman, Ron Morelli, Bill Rodman and Joe Rzyzi. Also present, Director of Building Safety and Engineering, Joe Veltri and City Attorney Jennifer Hill.

ABSENT: Keith Bradley

ZBA 06-18-09 ABSENCE

Motion by Morelli, supported by Rodman

To excuse Keith Bradley from the meeting.

VOTE: **MOTION CARRIED UNANIMOUSLY**

APPROVAL OF MINUTES:

ZBA 06-18-09 APPROVAL OF MINUTES – May 21, 2009

Motion by Rodman, supported by Herman

To approve the minutes with zero corrections of May 21, 2009.

VOTE: **MOTION CARRIED UNANIMOUSLY**

Chairman Weipert – There is still one (1) vacancy on the board.

OLD BUSINESS

Jeff Malmsten – 439 Reese Street

Mr. Malmsten – Introduced self and gave his address.

Chairman Weipert – Last time you were here you were to bring the board more information.

Mr. Malmsten – I made a list of notes on the last meeting and I will cover all of those. This was a tough one to draw so I made a model for you. Both the gamble roof and the original structure are up to code. That was one of the requests for them to be up to code. There was a question about the electrical. The only electrical going in this new area is just one (1) utility outlet and switch lighting. In lieu of drawings, I brought you a little model. There seems to be a little discrepancy, I came up with 1,595.29 for the first floor's footprint.

Chairman Weipert – That is the square footage of what?

Mr. Malmsten – The footprint of the house – first floor.

Commissioner Morelli – Joe, what did you get?

Inspector Veltri – 1,377 sq. ft. and that is right off his survey.

Mr. Malmsten – That is where this map came from, confirmed by JSA Surveyors. I have my math notes. (Jeff showed photos to the board). I think the footprint is closer to 1,600 sq. ft.

Chairman Weipert – So, does that make a difference?

Inspector Veltri – No, you would still use the one-half.

Chairman Weipert – What are you saying?

Mr. Malmsten – 1,695.29 sq. ft.

Chairman Weipert – You said 1,595.29 sq. ft., I wrote it down.

Mr. Malmsten – I am sorry, 1,595.29 sq. ft.

Chairman Weipert – So, why is this relative to your request.

Mr. Malmsten – I am not sure other than Joe can fill you in a little more on what I am allowed for accessory buildings based on the footprint of the house.

Chairman Weipert – Joe has it down as 1,377 sq. ft. and you are coming in today saying it is 1,595.29 sq. ft. so what is the discrepancy or your argument on that?

Mr. Malmsten – Oh, it doesn't do much I just wanted to clarify that. There was a question about the breezeway and we wanted to confirm the math on it. That was one of the requests and I did that. (Brings model to board to look at closely to see the roof lines).

Inspector Veltri – The breezeway is out of it.

Commissioner Rodman – The motion we are here to discuss tonight I believe is for a 300 sq. ft. variance. Is that correct Joe?

Inspector Veltri – Yes.

Commissioner Rodman – So that is what is on the table tonight.

Mr. Malmsten – I was also asked to go over some of the design details. I have a number of photographs that will point you to the right direction as I have just a white structure there. Both buildings have 50 year shingles. There was a conflict when the two (2) buildings were separate; the gamble roof structure if finished with a patterned, textured 111 siding. I put vinyl siding on the salt box and that was in a conflict so I think we are going to go with vinyl siding around the whole thing with the exception that I would like to keep the doors on the gamble roof structure, pretty much the same as it is in the picture. Otherwise the vinyl siding would run continuously around the whole structure. (Reviews model with board).

I would like to clarify from the last meeting that there was some discussion that I knew that I could not build it, but I built it without a permit and then came here to ask for forgiveness. I assure you that is not the reason why I did not pull the permit. There are some things that I did not think this was the time nor place for them. It was not my thought process when I look at the fact that I am RM-2 zoning, I see the two (2) duplexes that are built across the street just to the south.

Commissioner Morelli – Forget about the two (2) duplexes you are on one (1) parcel. A zillion years ago maybe it showed two (2). You are on one (1) parcel. I don't want to hear about the duplexes across the street. You are on one (1) piece of property, you knew you had to be here for a permit, you knew it because you came to us before and we approved you before for another job that you did. I told you before I am very happy with what you have done with your property, it looks great. Quite frankly, I am tired of hearing about the duplexes across the street and oh poor you since you can't split your one (1) parcel into two (2) so you can have the shed. That is not the case. You have one (1) parcel right now, you know what the rules are and you built it so let's continue from there. I have to tell you before I can approve anything I like that model, I do. What you needed to get us – to give to Joe for our packet is something on paper that tells us what the square footage of that is so Joe can look at it and Joe can give us the calculations and us not having to take your word for it.

Mr. Malmsten – I have furnished the permits.

Commissioner Morelli – On this right here (model). We have nothing in our packets today that told us what the square footage of this new thing was going to be.

Mr. Malmsten – Two (2) meetings ago I provided that.

Commissioner Morelli – I wasn't here two (2) meetings ago. Two (2) meetings ago I don't know you provided us with something with regards to hooking the buildings together because at the last meeting is when we came up with that maybe you should connect the two (2) together.

Mr. Malmsten – I stand corrected.

Commissioner Morelli – All we need to know is what we asked for. What it would look like and I am glad you built a model; it looks good and that is worth more than the drawing is. You need to make sure everything is up to code and an electrical inspector has to come out and look at that. That is fine. You told us what the material is going to be. We need to have something with math that tells us what the square footage of this is going to be. If the square footage of this needs that 1,600 vs. 1,377 we are going to have to know what the difference is and which is right. It may be the 1,595 or maybe the 1,377 or it may be somewhere between, I don't know that. I am tired of hearing about the duplex and oh poor you, you can't split your damn lot.

Mr. Malmsten – Not oh poor me.

Commissioner Morelli – I am not here trying to argue that point. All I am trying to say is that is irrelevant.

Commissioner Rodman – Sir, the minutes do reflect that we did ask for those things and the minutes will reflect it.

Mr. Malmsten – I wrote down electrical, that thing for the code, I provided some drawings and the mass square footage. I have tried to do that.

Commissioner Morelli – I apologize if I blew up about the duplexes across the street. We need something beyond that which will show us on paper what the square footage is so that Joe (that's his job) can do the calculation and let us know if it is the appropriate calculation or not and not have to take your word for it. Not that you would be wrong, but it has to be checked by Joe Veltri. If that was provided to him, it did not make our packet. What we need is to get from you a piece of paper with a drawing on it that shows what the square footage of that complete thing is going to be with a material list on it. Same shingles and siding on the whole thing. What we are here for is a square foot variance of 300'. That has to fit into a specific calculation and right now we have

nothing to tell us that except for you telling us what it is. The first number you gave us is in direct conflict with the number Joe figured out. I am not saying his is wrong or yours is right, I am saying one may be right, it may be somewhere in the middle, maybe something different, we don't know that.

Mr. Malmsten – So, a letter from JSA Surveyors with all these square footages.

Commissioner Morelli – If you have something with a plot plan.

Mr. Malmsten – Greg will do it for me.

Commissioner Morelli – We need to know what the square footage is and the square footage of the house is and then do the calculations and I still cannot guarantee it will pass but that is what we need to have in front of us, numbers. That was not provided to us in our packet.

Commissioner Herman – The square footage has changed from the last meeting.

Mr. Malmsten – Here is a copy of the survey that I highlighted. That was before last meeting.

Commissioner Rodman – The calculations from the last meeting for the 300 sq. ft. was based on removing the breezeway and recalculating and is based on that. Based on the calculations and the information he (Joe) gave you is 300 sq. ft. exactly.

Inspector Veltri – No, we did not know for sure. Mr. Malmsten at the end of the meeting was going to come see me and I said “not tomorrow”. I already had a busy day booked. I did not have anything to put into their packet because you and I never met. I did not know what you were going to present tonight. I had no fact, figures or numbers.

Mr. Malmsten – It was the same thing I gave you last time. It hasn't changed.

Commissioner Morelli – Oh yes it has.

Commissioner Rodman – What were the figures you gave the last time?

Mr. Malmsten – I don't give figures.

Inspector Veltri – In your last packet, this is what you had right here and I gave you my worksheet and it had all the numbers and calculations on it. We came up with something like 328 sq. ft. and that was the balance and with the two (2) sheds. Remember it came out to 178 sq. ft. over. Then, that piece in the middle we had to figure in. That is when he said he was going to take the breezeway out and then join them so we have a little more to add.

Commissioner Morelli – If he joined them together, how many square feet can that whole thing be?

Mr. Malmsten – The house was built in 1899 and I thought the three (3) structures were terrific as kind of a mock of what you might see years ago. It seemed to be so fitting with everything we got going on.

I have been trying to pick up on things you have been asking. One of the things I heard at the last meeting was that one of the variances that were granted was for a structure that I think was as large as or larger than the home that did not have a basement. We don't have a basement and that is why we need the space.

Commissioner Morelli – There is an example when people come before us and they prove hardship, there are those homes built and there is not a lot of storage and most have Michigan basements and we need those so this board sits here and we give them. You could have come before us. I think in 10-12 years we have had three (3) that have come before us and all have tore down everything else on the property and built one (1) unit. In most cases they were almost equal to the size of the house. We gave them the variances for those circumstances. They were all situations like yours, multiple buildings and they needed more space and they torn everything else down and built one (1) large structure. That is not what you are asking us to do today. We are trying to work around you since you built it without a permit and it is already there and we hate to have anyone tear anything down so we are trying to make it work. We are on your side and want to make it work. You are not supplying us with information we need to have to be able to make an educated decision on what we are going to do with it.

Inspector Veltri – If he is going to do it that way, he needs a variance of 335 sq. ft. If he is going to do it the way he showed on the drawing, it would be 367 sq. ft.

Commissioner Morelli – What is the difference between the drawing and that?

Inspector Veltri – The other one was coming out 4'-6" x 17'-3" and if he does it that way it will be 4'-6" by 10'-2" if he joins it that way. If he does it just like the model, brings the smaller building straight in it will be 335 sq. ft. If he makes the gamble come out to the smaller building, it will be 367 sq. ft.

Commissioner Morelli – Okay, so you are going to build it like this.

Chairman Weipert – Joe, does it help out if the footage is 1,595?

Inspector Veltri – Those figures are using the 1,377 figures. That is what I did here on the worksheet and I will stand by those numbers. If it is a higher number, it will just be a smaller variance.

Commissioner Morelli – He would now have two (2) buildings.

Inspector Veltri – You are allowed to have two (2) accessory buildings.

Commissioner Rodman – So, now we only have one (1) variance to grant. Now we are to a point where it is 335 sq. ft. variance. Do you accept that square footage for us to discuss?

Mr. Malmsten – No, I don't think that is right.

Commissioner Rodman – You don't wish us to discuss or make judgment on 335 sq. ft.?

Mr. Malmsten – I would like to have it right. JSA Surveyors will punch a button right on their computer and it will spit it right out and will have their stamp on it.

Commissioner Rodman – We can only go with what the City Administrator says.

Chairman Weipert – We have to have something in writing that is for your model.

ZBA 06-19-09 – JEFF MALMSTEN – 439 REESE STREET

Motion by Rodman, supported by Morelli

Due to lack of information and discrepancies between the homeowner and the Administration of the City to deny the applicant the variance for 300 plus sq. ft.

VOTE:

MOTION CARRIED UNANIMOUSLY

Mr. Malmsten – So, what happened now?

Chairman Weipert – You got denied.

Mr. Malmsten – Another couple hundred bucks?

Chairman Weipert – Bring us in something that shows what you are asking for.

NEW BUSINESS

Jim and Amanda Knicley – 954 Oxford

Chairman Weipert – Step up and identify yourself and tell us what you are here for and demonstrate some kind of difficulty why your property is different.

Mr. Knicley – My name is Jim Knicley and I have Amanda my wife and my four children here. We are here to get a variance on an above-ground pool. We were not aware that we even needed a permit for an above-ground pool, we came in for the permit for the fence and Joe told us the pool has to have a permit as well. The pool is now on the property but not because we were trying to get away with not getting a permit. The difficulty is that the location of the pool is the only location on my entire property. I face on two (2) sides by roads where I can put a pool that is not in my front yard. There is physically no other area in my entire yard that will allow me to put in a pool working inside of the ordinances, keeping it from the property line and from existing buildings as it is now. When we selected the location that it is we tried to do so with the least impact on the neighborhood itself so it wasn't an eyesore and did not detract from the overall pleasantness of the neighborhood in general. As far as the difficulty with four (4) children and saddling them all up and taking them to the lake to enjoy a summer day, for my wife alone (I am at work) is next to impossible. There is the danger of her not being able to keep an eye on all four (4) of them when they are scattered out across the beach versus in one (1) location at a pool.

Chairman Weipert – That is kind of a personal choice. As to the property.

Mr. Knicley – The house itself is 3,000 sq. ft. we have a two (2) car garage. Even without a garage, if it was placed where the garage is, it would still be on a fronted piece of property so it would still technically be in our front yard regardless of where it was. With the garage up, the people before actually provided us with “back-yard” and it was placed behind so we would not be in the front of the property creating an eyesore. Most of our neighbors with children have these exact same pools in their yards and it is a very nice thing to have if you have a lot of children.

Chairman Weipert – He has a lot in a district that allows pools and he is on a corner lot with no space, so he can't have a pool. For the record the board did receive one (1) letter from John Brooks of 322 Stanford and they want to let us know they could not attend but as long as the pool is properly maintained and cleaned they have no issue with the location.

Mr. Knicley – My wife went around today and received 29 signatures from all of our neighbors. All had absolutely no problem with us having a pool there. That is for dual

purposes, we do not want you to do anything that was going to be detrimental to our relationship with our neighbors.

Chairman Weipert – It does appear that they do have what represents an approval from the neighborhood signed by the neighbors and they have no problem with the pool.

I did take some pictures today, if you don't mind, I will share them with the board.

Mr. Knicley – No. Most everybody, I believe, has been out to the location to see it.

Chairman Weipert – Anything else?

Mr. Knicley – That is about it. I can answer any questions you have.

Chairman Weipert – Joe, what is the easement back there?

Inspector Veltri – It is a utility easement. It is electric and phone and everything is under ground in that neighborhood. It runs in the back yard. Edison has since switched and now is putting easements and transformers in the front yard for easy access from the street. You learn by trial and Edison learned not to put them in the back-yards. But there is an Edison, phone and cable easement.

Attorney Hill – Have you checked with the local utilities to make sure it is not interfering?

Mr. Knicley – No, this is the first we even knew we needed a permit for the pool.

Commissioner Rodman – If you look at the photos you can see it is not a permanent structure; it is more of a knock-down type of pool.

Mr. Knicley – Yes.

Commissioner Rodman – We still have to entertain the easement variance because we have to entertain the variance that it is too close to the building and entertain the variance because it is too close to the fence.

Chairman Weipert – One of the problems is that the pool has to be so far from a fence and that is a safety issue. Being too close to a structure is a safety issue.

Mr. Knicley – In your pictures it probably shows and the concern by some when they came out was that kids would climb the fence and jump into the pool. The pool itself is higher than the fence and is just as easy to climb as if I were in an acre field. You could climb the side of the pool and then jump into the pool. So, the fence being there is not going to be any more of a safety hazard than the pool itself.

Commissioner Morelli – Yes it is. If you climb the fence and fall over into the yard then you have to walk over to the pool and climb into the pool. Climb a fence and fall into a pool is a big reason. Joe, I have a question for you – you can buy the little plastic pools at Kroger's and then some that are two (2') feet high, etc. When does this become an issue?

Inspector Veltri – 24" of water. You can get a four (4') pool and we have had homeowner's say I will only put 21" of water in it. No, that does not work.

Commissioner Rodman – Once the sides are greater than 24".

Inspector Veltri – Once it is capable of holding 24" of water. There are pools you can put up for day use that you blow up and fill with a garden hose and before dad comes home you empty them out and get them off the driveway. With the newer developments and the associations, they do not allow any type of above-ground pools. I just let them police all those little, small ones.

Mr. Knicley – This is strictly a stand-up pool.

Chairman Weipert – Is it a knock-down pool that has to come down in the winter?

Mr. Knicley – Yes. It holds 4,000 gallons of water.

Chairman Weipert – Could it go where you have the trailer in your yard?

Mr. Knicley – No, there is only 21' and that is between two (2) buildings and one (1) of them being a higher structure and much easier to jump off of into that pool. Joe was kind enough to go around with my wife when he came out to make sure there was not someplace else we could put it. There is absolutely no location.

Inspector Veltri – They could put it between the house and the garage. You still don't have the four (4') foot. They are lost.

Commissioner Rodman – I have question for the attorney – Hypothetically speaking that if this variance is granted and the something does happen on that piece of property either the homeowner or another person could the City be held liable in anyway? Based on knowing the conditions of the property and granting a variance based on those conditions.

Attorney Hill – The City is never immune from lawsuits. Anybody can sue anybody at any point but the City does have the benefit of what is called governmental immunity. When the City acts as long as they don't act recklessly there is really no issue of the City getting into trouble that would be a defense against any type of liability.

Mr. Knicley – We accept complete responsibility for the pool and what happens on our property. We are not going to try to hold you guys liable.

Commissioner Rodman – To me, based on the conditions I really feel sorry for your situation since you do have a very difficult parcel there to work with. In my opinion I find it hard to approve that based on all the outlying criteria and all the possibilities of accidents or an accidental drowning by someone hopping the fence in the middle of the night and falling right into the pool not knowing it was there. There are a percentage of people in this country that don't know how to swim and panic when they are in the water. It is just my opinion that it would be negligent of the City to approve something like this knowing that there are so many safety violations.

Mr. Knicley – What if we were to put lattice around the outside of the pool at a six (6') foot height where it is not just jumping a fence and falling into a pool it has to be an actual intent to climb a piece of lattice to get over. We can make it more difficult to get at. I would prefer a lattice fence to a privacy fence to be able to see through it. Instead of someone diving over a solid structure into the unknown.

Commissioner Morelli – You have done great things to that home and even cut the neighbor's grass when needed. It scares the hell out of me. I know I would do something like jumping off of a structure into a pool.

Chairman Weipert – The zoning districts allows for pools the meet the ordinance, A-F. We are the board that gives variances from the ordinance.

Mr. Knicley – We can build a temporary structure to raise the height of the pool itself so it is higher than the fence.

Chairman Weipert – Then all your neighbors will decide they don't like the sky lab.

Mr. Knicley – We have discussed the other options with them. Possibly putting a deck there to raise the pool up higher and they had no issues with it.

Commissioner Rodman – Fences can be climbed.

Mr. Knicley – Anything can be climbed.

Commissioner Rodman – Yes. That is why the ordinance is written the way it is since anything can be climbed and if you climb something, the plausibility of you getting to the top of it and slipping over the side and falling four (4') foot away. If the pool is one (1") inch or one (1') foot from the side of any structures. I used to climb on my garage and did jump just because I could do it. I know what kids will do. That is exactly why these ordinances are put into place to protect the residents of the community.

Mr. Knicley – I understand why they are in place but I do not believe the ordinance took into account (especially the neighborhood I live in) that there are going to be two (2) center lots and then the two (2) corner lots can no longer reap the benefits that everyone else in the community can.

Commissioner Morelli – Every single house that is on the corner, in every sub has the issues of two (2) front yards. Every corner lot in the entire City in every sub.

Mr. Knicley – The variances need to be applied for.

Commissioner Morelli – You know when buying that lot it has a smaller yard and there will be issues when it come to swing-sets, sheds and pools. I know that neighborhood since my first house was on Harvard. Then when the garage was put in, it eats up a lot of space too. We are familiar with those lots. We have that issue with every single subdivision and house that is on the corner. I don't think there is anyone here on the board that does not want you to have the pool. We have to look at safety issues not based on feelings. What kind of safety hazards does this have? I know the pool can be taken down considering it is on an easement.

Commissioner Rodman – There is only so much you can do with this to improve the safety issues here. A six (6') foot fence is still a climbable fence and it would still be against the fence. It is a safety thing for me. When I read this ordinance, everything about this ordinance is about safety. It is not about trying to prohibit anyone from having a pool.

Mr. Knicley – I felt they were written for (when I read them) was moreover making sure that you were not detracting from your neighbors and pulling down property values. Public safety, of course, is an issue. We are willing to go above and beyond to reasonably protect others. At some point it becomes reasonable to think that no sane person would climb a structure to strictly get over it when there is an easier way to get around it.

Commissioner Morelli – I don't know any sane 13 years old.

Mr. Knicley – Me neither. We have a different relationship with the kids in the neighborhood than most people do. I am from the south and down there we give kids respect and they give it back.

Commissioner Rodman – That shows by all the neighbors signed this letter.

Mr. Knicley – I was speaking to you about South Lyon being a community. This is the only place I found yet that has the "community" feeling and why we chose to buy here. My oldest child is nine (9).

Commissioner Morelli – I am not worried about your kids. I am worried about when you are not home and about the other kids. When people aren't home, kids are in the pool.

Mr. Knicley – The teenagers that would be in our pool are the same ones that make sure my four (4) year old boy doesn't run out in the street. I know how we react with each other. I don't think that would be an issue that someone would be in my pool against my wishes when I wasn't home. A lot of these kids don't have a great home life and they come to us and they get respect.

Chairman Weipert – Lattice would be more dangerous since it could tip in. They have the set-backs for a reason. You will have to mow your lawn with the weed whip. The pool is against the fence and garage.

Mr. Knicley – We are here asking for the board to make an exception to the rule. That is the whole purpose of us being here in the first place. You tell me what the rules are and why they are there and I completely understand and agree with that. Unfortunately I can't work within the parameters. If I could I absolutely would. That is why I came in for the permit for the fence in the first place unbeknown to us the ordinance where our pool needed to be located. We did the proper guidelines to getting all this taken care rather than saying you don't matter we are going to do what we want. We are deferring to your pity if nothing else.

Chairman Weipert – Joe, have you measured the lot everywhere, there is no other location?

Inspector Veltri – It would fit between the house and garage and he still would not have the four (4') foot of clearance from buildings. It would still be tight.

Mr. Knicley – Unless you want to give a variance for the front yard.

Inspector Veltri – The pool would fit between the house but he would need a variance for that.

Commissioner Rodman – It would be a variance because of the structures. You would have to level out the pad between the house and the garage.

Mr. Knicley – Correct. There would be no more than three (3') foot on either side. There is only a side and front door on the house.

Commissioner Rodman – You would have to find a spot for the trailer.

Board works with petitioner on different placement in the yard for the pool.

Commissioner Rodman – Placed between the house and the garage at least you would not jump a fence and fall into the pool. They would have to fence in another area.

Inspector Veltri – They have two (2) fronts. You have a 25' front yard set-back in the R-3 Zoning District, no pool shall be located in the front yard.

Commissioner Rodman – There will be variances needed if he wants to put it there also.

Inspector Veltri – They could get it six (6') foot away from the side fence. They could do that.

Commissioner Morelli – It would be easier for me to grant a variance if you put it between the house and the garage. It is not as much of a safety issue.

Mrs. Knicley – Introduced self/address. If we put it between the house and the garage would we have any room to walk?

Inspector Veltri – Mathematically it works out to seven (7') feet. Realistically it is not. The way the pool is, it is 15' across but then it flairs.

Mr. Knicley – Realistically it would be about 2'-5" on each side of the pool.

Inspector Veltri – You would still have to put a fence across the front.

Commissioner Rodman – About 2'-7" on each side of the pool.

Inspector Veltri – You can get six (6') feet from your side.

Commissioner Rodman – I would have no problem granting you a variance to put it there with stipulations. I know you do not want to offend your neighbors. I think this location best so the next person can't come in and put in an in-ground pool.

Board discusses placement again.

Commissioner Rodman – No matter how you place that pool, you will only have 3'-5" to walk around it. You will have to find some place for the trailer.

More discussion continued on a different location for the pool and variances needed.

Joe went to "spy cam" to retrieve photos for the board's use.

Inspector Veltri – From the neighbor's house to the side of the pool is 25'.

Commissioner Rodman – So, we are looking at 10' variance from the abutting structure.

Inspector Veltri – He can go up to 25' from the property line for a fence.

Mr. Knicley – When we pull the permit for the fence is all one (1) permit?

Inspector Veltri – It is one (1) permit for the pool and fence. When you pull the permit for the pool you have to put the fence up for protection per City ordinance.

They can pull one (1) permit and the pool goes up and down each year. You do not need to pull the permit yearly. It is a portable pool.

ZBA 06-19-09 – JIM & AMANDA KNICLEY – 954 OXFORD

Motion by Morelli, supported by Rodman

Grant two (2) variances to the Knicley family for a take-down pool for a one (1') foot variance from the house to the pool and a 15' variance from the pool to the structure at 942 Oxford per Section 102-85 (2) (b). It is a corner lot and where it is found that such a variance is necessary for the preservation and enjoyment of a substantial property right, similar to that possessed by other properties in the same zoning district and in the same vicinity, provided that possible increased financial return shall not in itself, be deemed sufficient to warrant a variance.

VOTE:

MOTION CARRIED UNANIMOUSLY

Mr. Knicley – Thank you very much gentlemen.

Attached is the letter from John Brooks of 322 Stanford.

STAFF REPORTS:

No meeting is scheduled at this time for July 2009.

There is going to be training for Planning Commission, Zoning Board of Appeals and Council on July 18, 2009 - Saturday 9:00 am – 12:00 pm.

ZBA 06-18-09 – ADJOURNMENT

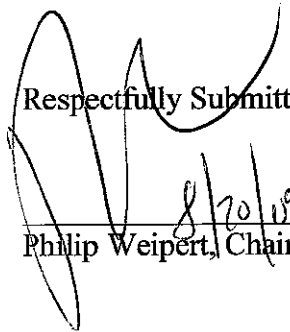
Motion by Rzyzi, supported Morelli

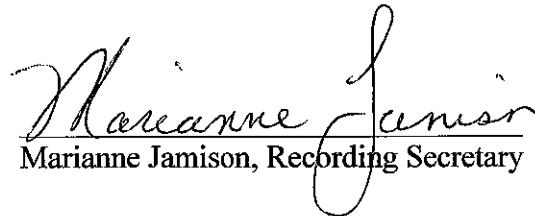
To adjourn the meeting at 8:25 P.M.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully Submitted,


8/20/09
Philip Weipert, Chairman


Marianne Jamison, Recording Secretary