



Mr. Vannucci, is here representing Mr. Pavicic the owner of the properties and stated that Mr. Pavicic is aware of his responsibilities to the properties.

**Motion** by Burke, to the objection of the building permit for the property at 584 Humiston to be continued again with the exception that the owner/builder of the property will be granted a permit for excavation only to allow the use of the fill from the excavation to be used to grade the slope to the north of the house that is already built next door. It is also understood that the excavation and the grading to the north property must be approved by the city engineer. Further, granting a permit for the excavation only does not in any way prejudice Mr. Goray and neighbors from pursuing their objections to the overall building permit which will be decided at a later date.

Mr. Grassi asked for a clarification of the excavation is from the south lot and the fill would be going to the north lot as opposed to the next door property.

Mr. Taylor asked what does the approval of the City Engineer mean. Mr. Ebert explained that the approval is meant concerning the drainage issues and you can't drain on adjacent properties. Mr. Taylor verified that the properties will blend.

Mr. Bruno asked if Mr. Burke could read the motion exactly how he worded it, because he wanted to pose a question before voting. Mr. Bruno asked is the excavation not an action of building on the south lot. Mr. Ebert explained that yes it is and the issue of excavation is unique and a condition upon sale of the north and center lots is that it will be graded more softly. The grading is a condition of the sale and he does not want to hold it up. Mr. Ebert explained that is an excavation permit only and nothing else.

Mr. Bruno asked if we are appropriately addressing the objection to build on 584 Humiston. Mr. Ebert explained that the objection will be addressed as far as the house is concerned and what will happen is an objection to the house being built will be addressed at a later date unless Mr. Goray wants to withdraw the request.

Mr. Miller stated that a topographic graded plan that is registered with the city and explains in detail what is going to be performed needs to be submitted.

**Mr. Burke amended** the motion to include that proviso of the topographic plan be submitted to the city prior to the actual issue of the permit of excavation. **Second**, by Tyo.

**Roll Call Vote:**        **Yeas – Bruno, Burke, Dostal, Miller, Norton, Taylor, Tyo**  
                                 **Nays- None.**

**Motion Carried 7-0**

**Melanae Reust  
397 Parkside Road**

**C.O. 1149.01 Location of  
accessory structure**

Pictures were submitted

Mr. Norton stated that code requirements is to have a garage situated 10ft behind the outer wall of the primary structure speaking of a detached garage. In this situation that would be difficult because there in only a couple of feet from the house to the rear lot line.

Mr. Tyo verified that 20 x 20 garage is within ordinance as well as the distance to the side line sufficient and what is being requested is that the 10 feet from the back line of the house. Mr. Norton agreed.

**Motion** by Bruno, **Second** by Tyo, to grant the property at 397 Parkside Road C.O. 1149.01 the variance for the location of the new garage or as turned into agenda the location of accessory structure as submitted through drawings and decision of the board.

**Roll Call Vote:**      **Yeas – Bruno, Burke, Dostal, Miller, Norton, Taylor, Tyo**  
                                 **Nays- None.**

**Motion Carried 7-0**

**Martini Productions  
308 Bay View Road**

**C.O. 1153.03 Sideyard Setback**

Noted by Ron Kaminski that the property on the agenda should read 305 Bay View Road.

Mr. Norton said it is to be noted that a front yard setback is required as well.

Mr. Grassi stated that a front yard variance is not needed and the building department can approve what is being requested without a variance.

Mr. Norton stated that the applicant requests a variance to reduce the side yard setback on the north side by 2.75 to build a new single family home in place of the existing non-conforming single family residence.

Mr. Taylor asked if the property can be redesigned to take the 2 feet off the side.

Mr. Kaminski explained that they have been through several designs with his architect. He is trying to find the square footage on the width as opposed to the depth, as Mr. Kaminski stated that on the site plan the majority of square foot variance he is asking for is the bump out for the fire place which is about 6 feet in width.

Mr. Norton stated that the fire place does not count in square feet in regards to the bump out.

Mr. Grassi stated that 2 feet is allowed for a fireplace bump out.

Mr. Norton explained that the proposal is for a 14 feet 3 inch set back in which it is in line with the fire place and since 2 feet is allowed the fireplace bump out would be under 2 feet. Mr. Norton continued that if it bumps out 16 feet 3 inches instead of 17 feet required the variance is now only about 9 inches.

Mr. Norton stated that there is an objection from 291 Bay View to granting the variance. Mr. Norton explained to the residence Ms. Virginia Holup that the proposed house is very far from her property and even with the 2ft. allotment of the fireplace bump out the proposal might be down to inches regarding the bump out.

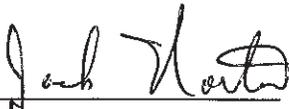
Mrs. Holup explained that she is not objecting to inches however she would like a clear understanding of what is being proposed from the drawings and if you have a clean slate to start a new property why can't it meet all city ordinances.

Mr. Miller and Mr. Taylor expressed that if you have a blank slate that there should be no need for a variance and there is the ability to bring the home within the required setbacks.

Mr. Miller stated that it has been made clear and very much a point that the board needs accurate drawings and since the chimney by code is permitted to project 2 feet that is not in question, what is in question is where the north wall is. The variance can't conclude our decision because the north wall is over the boundary and is not designed accurately.

Mr. Norton stated that the request for the side yard setback be sent back for clarification of the drawings. It was also noted that the code permits a 2 feet bump out for the fireplace which is not included in the side yard setback. Mr. Norton concluded that we will Freeze the request.

The meeting adjourned at 8:20 p.m.

  
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Jack Norton, Chairman

  
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Kristine Jones, Secretary