

The regular meeting of the December 21, 2005 Board of Zoning Appeals meeting was called to order at 7:30 p.m. Present were Larry Maser, Genevieve Silveroli and Chairman Cvitkovich. Also present were Secretaries Nicole Rosiu and Tammy Tabor.

Ms. Tabor swore in new board member, Brian McElroy.

Mr. Cvitkovich asked the audience to stand for the Pledge of Allegiance.

Mr. Maser moved to approve the minutes of the September 21, 2005 meeting. Seconded by Mr. Cvitkovich. Roll call, all approved. Ms. Silveroli abstained.

## **New Business**

### **Donauschwaben's Conditional Use**

Nobody was present to represent this variance. Mr. Maser moved to table the variance. Seconded by Ms. Silveroli. Roll call, all approved.

### **North Coast Community Homes**

Nobody was present to represent this variance. Ms. Silveroli moved to table the variance. Seconded by Mr. Maser. Roll call, all approved.

### **Constantine**

The secretary read the public notice for Application #20056569.

Jim and Faith Constantine were sworn in. Mr. Constantine stated that they bought their house in June and wants to expand the driveway next to the garage, because there are 4 adults that live there with 4 cars.

Mr. Cvitkovich asked if right now they have a 2-car garage and a double drive. Mr. Constantine said yes.

Mr. Cvitkovich asked why they need an addition to the drive with 4 cars and a 2-car garage. Mrs.

Constantine said that they only have a 26' drive and there is barely enough room. Mr. Cvitkovich asked 26' from where. Mrs. Constantine said from the sidewalk. Mr. Cvitkovich said it looks about 36' to the sidewalk.

Mrs. Constantine stated that they can't put 2 cars in the garage right now, so 3 cars are parked in the drive and they are always shuffling cars around. Mr. Cvitkovich confirmed that they want the drive to be 2.5' from the property line. Mrs. Constantine said yes. Mr. Constantine stated that the plan is to put 1 car in the garage, 2 cars in the drive and 1 car on extension and everyone can pull out without moving. Mr. Cvitkovich asked about the neighbor's house closest to the driveway, if the house or garage is the closest point. Mr. Constantine said the garage. Mrs. Constantine stated that they spoke with the neighbors and they have no problem with the drive being there. Mr. Cvitkovich asked if they have a front-load garage. Mrs. Constantine said yes. Mr. Cvitkovich asked how close the neighbor's driveway is. Mr. Constantine said he wasn't sure. Mrs. Constantine said the neighbor across the street and all over the development did similar things. Mr. Cvitkovich asked if any of the board members had any comments or questions.

Mr. Maser asked if the driveway has to be 10 feet or if it could be 8 feet. Mrs. Constantine said even if it were 8 feet, it would still require a variance and it would be cutting it close to parking vehicles there. Mr. Constantine said that the neighbor's drive is at least 5 feet from the property line. Mr. Cvitkovich stated that he is less concerned about it now, because their garage is the closest point. Ms. Silveroli said that the car shuffling is a temporary problem and not a hardship. Mrs. Constantine said that it is not temporary and it is a safety issue to move the cars into the street for someone to get out. Mr. Constantine stated that the cars would not be running on the extension, just parking.

Bill Kasberg was sworn in. Mr. Kasberg asked if the Constantine's applied through the Homeowner's Association. Mr. Constantine said yes. Mr. Kasberg asked if the Constantine's own any trailers, boats or

campers. Mr. Constantine said no and they are not planning on purchasing any, but they are not allowed in the development anyway. Mr. Kasberg stated that he does not like the idea of the expanded drive because it sets precedence. Mr. Cvitkovich said that what happens at the hearing does not set precedence. Mrs. Constantine said that she did not know a variance was required because her contractor did not share that information with her. Mr. Maser asked again if the drive has to be 10 feet wide. Mr. Constantine said that getting in and out of the car might be an issue with an 8-foot drive, banging the car doors against the side of the garage.

Mrs. Constantine said another issue they have is that the contractor submitted the application to the Building Department leaving 5-feet from the property line and making the driveway 7.5 feet wide, but when he prepared the driveway, he made it 10 feet wide and left only 2.5 feet to the property line. Mrs. Constantine stated that the contractor was about to pour the driveway and she told him to wait, because something didn't seem right. Mr. Cvitkovich asked if an 8-foot wide extension would be acceptable. Mrs. Constantine said that she would prefer 10-feet, but if 8-feet will let her get the variance, it's okay. Mr. Maser asked if the area is already formed. Mrs. Constantine said yes.

Mr. Maser asked if the Constantine's would like to amend their application to 8-feet. Mrs. Constantine said if they will get the variance that way, then they will do it. Mr. Constantine asked if the request could be continued until January. Mr. Cvitkovich said yes. Mr. Constantine said he wants to measure the other driveways in the development. Ms. Silveroli stated that doing that would not justify anything. Mr. Cvitkovich said the board has to rule on hardships. Mr. Constantine stated that it would be easier to open car doors with a bigger space. Mrs. Constantine said they would change it to 8 feet.

Mrs. Tabor suggested putting the concrete off to the side, but in front of the garage, there will be no need for a variance. Mrs. Constantine said they have to start the concrete up further because of the utility box and that they will change the application to 8-feet. Mr. Cvitkovich asked before they change the application, where the cars would be parked. Mr. Constantine stated that there would be 2 in the garage, on next to the garage and one in the driveway, so everyone can get out. Mr. Cvitkovich said that a car could fit into the section if it is in front of the garage. Mrs. Constantine said the drawing is deceptive and there is not that much room. Mr. Constantine said it sounded good and they could just come up even with the garage. Mr. Cvitkovich stated that they could do that and not even require a variance. Mr. Cvitkovich suggested tabling the variance to see if that would work. Mrs. Constantine said they could do that.

Ms. Silveroli moved to table Application #20056569. Seconded by Mr. Maser. Roll call, all approved.

#### Floor Discussion

Mr. Maser moved to adjourn at 8:12 p.m. Seconded by Ms. Silveroli. Roll call, all approved.

Respectfully submitted,

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Nicole L. Rosiu, secretary

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Charles Cvitkovich, Chairman

Date