

WICKLIFFE BOARD OF ZONING APPEALS
June 25, 2009

Chairman Bennett called the meeting to order at 7:30 P.M.

PRESENT: Bennett, Guhde, Nicholas, Building Commissioner Sack.

EXCUSED: Bello, Levar

Chairman Bennett asked if there were any corrections or additions to the minutes of April 23, 2009. Mr. Guhde made a motion to approve the minutes of April 23, 2009. Mr. Bennett seconded the motion.

ROLL CALL AYES: Bennett, Guhde and Nicholas

NAYS: None

MOTION CARRIED

Chairman Bennett explained the case we will talk about tonight was previously tabled. He made a motion to remove Case 2009-104 from the table. Mr. Guhde seconded the motion. All in favor. Motion passed.

Chairman Bennett explained that this was the Salotto property and we had asked for blue prints to be submitted that included measurements. We did not go through a lot of discussion previously because we did not have enough information. He asked Mr. Sack if anything had been received and Mr. Sack said no. Chairman Bennett said we had no cases the next month (May) so Mr. Salotto actually had two months time. Mr. Sack said he reminded him and also spoke to Mr. Salotto's daughters. Mr. Salotto is not present at this meeting. Mr. Guhde asked if we vote against this case, and Mr. Salotto decides to come before us again, will he have to pay and application fee again. Mr. Sack said yes. He had his opportunity to come back and for whatever reason, did not. Mr. Sack said Mr. Salotto said he had the surveyor working on it. Chairman Bennett also indicated that the attorney (Mr. Hentemann) also is not here. Mr. Nicholas asked if there is a motion to deny the variance, would his tenant be asked to leave? Mr. Sack said when he would check with the law director before going forward any further. Mr. Nicholas said we don't want to cause the tenant any hardship. She may have a lease and would have to sue for some breach of the lease because he did not do what he was supposed. Chairman Bennett added some additional comments about the lot in question which happens to be a non-conforming lot.

Mr. Nicholas made a motion to deny the request for a variance. Chairman Bennett seconded the motion.

Chairman Bennett said Mr. Salotto may have to apply again and his future request may involve a second variance. If a change is made then you can reapply. Also, a legal ad would have to be placed.

ROLL CALL: AYES: Bennett, Guhde and Nicholas

NAYS: None

MOTION CARRIED

Chairman Bennett said the other matter on the agenda tonight is a request from the Law Department with a memo from Mr. Sack, stating that a meeting will be held on June 25, 2009 to approve the dismissal of the Vitantonio cases. Mr. Stempuzis said the plaintiff if requesting a

memorandum from the City of Wickliffe Board of Zoning Appeals to dismiss all complaints filed on September 15, 2006. Mr. Stempuzis said the Board can make a motion that the pending cases that were before the Board of Zoning Appeals regarding specifically Case Nos. 2006-104, 2006-105 and 2006-106 are dismissed. Mr. Guhde asked if Ms. Boos could be authorized to do this. Mr. Stempuzis said yes.

Mr. Guhde made a motion that a memorandum be prepared and addressed to the plaintiff confirming that the Wickliffe Board of Zoning Appeals has dismissed Case Numbers 2006-104, 2006-105 and 2006-106.

ROLL CALL: AYES: Bennett, Guhde and Nicholas

NAYS: None

MOTION CARRIED

There being no further business the meeting adjourned at 7:43 P.M.

Respectfully submitted,

Mary Ann Boos, Secretary

Keith Bennett, Chairman