

BOARD OF BUILDING AND ZONING APPEALS – HIGHLAND HEIGHTS, OHIO
APPEAL HEARING – NICK PINZONE (BBZA22022)
FEBRUARY 15, 2023
MINUTES

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

ROLL CALL:

PRESENT: Board Members Sean Biega, Michael Conley, David Corrado, Tom Hawkins, Michael Jiannetti

ALSO PRESENT: Board Secretary Susan Olson; Building Commissioner Dale Grabfelder; Assistant Law Director Tim Paluf

APPELLANT: Nick Pinzone, 282 Miner Road, Highland Heights, Ohio 44143

COUNSEL: None

ABSENT: None

Chairman Corrado stated that pursuant to Section 6.06.01 of the Charter of the City of Highland Heights, Ohio, the Board of Building and Zoning Appeals is empowered to affirm, amend or supersede a decision of the City of Highland Heights Planning and Zoning Commission.

BBZA22022 CASE SUMMARY: Nick Pinzone, homeowner, 282 Miner Road, Highland Heights, Ohio 44143, contacted Building Commissioner Grabfelder in early 2020 concerning an addition to his home. The project was to add a two-story structure with a three-car attached garage to the pre-existing house built in 1925 on the 125-foot wide by 400-foot deep lot. At that time, Mr. Pinzone was given a copy of HHCO Section 1123.091 for garage sizes with an explanation that he would need a total living area of 2,500 square feet in order to have a three-car attached garage, and he met that requirement. He was also advised that the existing 720 square-foot detached two-car garage that was built in 1950 would have to be removed upon project completion pursuant to HHCO Section 1123.05(e)(2) that establishes only one accessory building is allowed on a lot. The second accessory structure on the lot is a 980 square-foot barn that is grandfathered and allowed to remain because it was considered agricultural when it was built around 1935. The City Architectural Review Board approved the building plans in 2020 and Mr. Pinzone was issued a Certificate of Plan Review and the necessary permits. Mr. Pinzone signed the Plan Review on July 24, 2020 that included a contingency item which clearly stated “**Existing 2 car garage needs to be removed once permit is issued for new construction**”. To-date, construction is complete and Mr. Pinzone has not removed the detached garage. Mr. Grabfelder advised Mr. Pinzone in October of 2022 that the detached garage needs to be removed. Rather than removing the detached garage, Mr. Pinzone filed an application with the Highland Heights Planning and Zoning Commission for a variance to allow the detached garage to remain as a second accessory structure on the property. The Commission denied the variance on December 12, 2022. Mr. Pinzone subsequently filed an appeal with the City of Highland Heights Board of Building and Zoning Appeals to seek a reversal of the Commission’s decision that would then allow the detached garage to remain.

Written notices of tonight’s hearing were given by mail in accordance with HHCO Section 1114.04(b): “Board of Building and Zoning Appeals; Hearings”, to the appellant and abutting

property owners as well as the property owners located directly across the street from the appellant's property, and appeared as follows:

BBZA Public Notice dated February 3, 2023: The City of Highland Heights Board of Building and Zoning Appeals will conduct a hearing on Wednesday, February 15, 2023 at 7:00 p.m. in the Highland Heights City Hall Council Chamber, 5827 Highland Road, Highland Heights, Ohio 44143, concerning the application submitted by Nick Pinzone, 282 Miner Road, Highland Heights, Ohio 44143, appealing the decision made by the City of Highland Heights Planning and Zoning Commission on December 12, 2022. Mr. Pinzone was denied a variance from HHCO 1123.05(e)(2): "ACCESSORY USES, Recreational Facilities", that would have allowed the existing second accessory structure/detached garage to remain on property at 282 Miner Road.

HEARING OPENED TO THE PUBLIC: Mr. Corrado inquired if anyone in attendance wished to speak on this matter. No one replied. Mr. Corrado inquired if the Board received any comments or correspondence on this matter. Ms. Olson replied the Board is in receipt of an email dated December 9, 2022 from **Lori Gallo**, homeowner, 288 Miner Road, Highland Heights, Ohio 44143, property adjacent to the south side of the applicant, expressing her objection to the variance to allow the detached garage to remain because the view of multiple outbuildings on one piece of property is not visibly favorable and would set a bad precedent and open the door for other residents with large lots to also request multiple outbuildings. Her email included photos taken from her home which faces the Pinzone's property. (Attachment #3) Ms. Gallo sent the Board a second email dated February 13, 2023 with additional comments as to why she objects to the variance, and included more photos taken from her home which faces the Pinzone's property. (Attachment #4) No one else spoke nor was any additional correspondence received in this matter.

STATEMENTS MADE BY NICK PINZONE (APPELLANT): **Mr. Pinzone** stated he is requesting a reversal to the Planning and Zoning Commission decision made December 12, 2022 that denied him a variance to allow the existing detached two-car garage in his rear yard to remain. He said that if the detached garage is removed, his hardship will be a lack of storage space for his four children's toys and bikes, a golf cart and four-wheelers, and those items will be left outdoors. He said another hardship is that his property is surrounded by ten other properties which is a unique situation in the city. He stated the detached garage offers a semblance of privacy in his yard and mutes some of the noise between his house and the adjacent house to the south. He said he does not park cars in the detached garage now, but will do so in the future when his children are older. The Board is in receipt of an email from Mr. Pinzone outlining his additional reasoning to support his case, and also includes a list of nine addresses of properties in Highland Heights that he identified as having more than one accessory structure on the properties. (Attachment #1)

Mr. Grabfelder issued a memorandum dated February 15, 2023 to BBZA in response to Mr. Pinzone's email of addresses, with the results of his research on the properties with multiple accessory buildings. (Attachment #2)

Mr. Corrado handed **Mr. Pinzone** a copy of the Highland Heights Certificate of Plan Review dated July 9, 2020 that included the cover sheet, a second page with Mr. Pinzone's signature dated July 24, 2020 whereby Mr. Pinzone agreed to comply with all contingencies listed in the Plan Review, and a third page listing the contingencies in the Plan Review, one of which was that the

“Existing 2 car garage needs to be removed once permit is issued for new construction.” Mr. Corrado asked if he received all of the pages when he signed the document. Mr. Pinzone replied he doesn’t remember. Mr. Corrado asked if he read all the pages at any time. Mr. Pinzone replied no. Mr. Corrado asked if he understood he was agreeing to be bound by the terms of the agreement, without intention of deceiving the city, when he signed the agreement. Mr. Pinzone replied yes. Mr. Corrado asked if he understood the contingency item that he would have to remove the detached two-car garage in order to get the building permit. Mr. Pinzone replied that in a sense he knew it would eventually have to be removed per the discussions he had with Building Commissioner Grabfelder when he signed the agreement. He said that in hindsight, he did not know he had an option to request a variance to allow the detached garage to remain at the time he signed the agreement because he was in a hurry and eager to build. (*The agreement that Mr. Pinzone signed clearly states that the owner is served notice of their right to an appeal hearing by notifying the Highland Heights Building Department.*) Mr. Corrado replied that Mr. Pinzone signed a contract with the city and that Mr. Grabfelder clearly stated at the time of signing that the detached garage would have to be removed. Mr. Corrado asked if there is any explanation as to why the agreement should not be upheld. Mr. Pinzone replied he is aware of other instances where documents are withdrawn due to pages that are not numbered and/or each page not being initialized, which is the case here. Mr. Corrado asked if that is his argument. Mr. Pinzone replied no. Mr. Corrado asked Mr. Pinzone for his opinion on a hypothetical situation whereby the city would relinquish the terms of a permit they issued and require the holder of the permit to remove everything that was approved and built. Mr. Pinzone said it would be absurd. Mr. Corrado replied that Mr. Pinzone agrees he expects the city to live up to the terms of the contract, just as the city expects Mr. Pinzone to do the same. Mr. Pinzone said he does not run his business out of his home and parks his work trucks elsewhere. Mr. Corrado said that most people want more storage space, and the purpose of BBZA is not to rewrite code, and it is difficult to get past the fact that Mr. Pinzone signed the agreement while also having additional dialogue with Mr. Grabfelder at the time he signed the agreement that the detached garage would have to be removed.

Building Commissioner Grabfelder said he told Mr. Pinzone in July 2020 the detached garage would have to come down when the attached three-car garage was added. He said the existing 980 square-foot barn on the property was built around 1935 and is grandfathered because agricultural buildings are exempt from Ohio Revised Code, and further stated that if the barn is removed it cannot go back up. Mr. Grabfelder said the city is required by ORC law to prepare building contracts that are issued to building contractors that include code sections, contingencies and requirements set by the city Architectural Review Board. He said if there are no contingencies, the contract consists of a cover page and a signature page. If there are contingencies, they are listed on a third page. In response to **Mr. Corrado’s** inquiry if the building permit would have been issued if Mr. Pinzone had not agreed to take down the detached garage when he signed the agreement, Mr. Grabfelder replied no. Mr. Grabfelder said that Mr. Pinzone is allowed by code to build an accessory structure on his property if the detached garage is removed.

Mr. Pinzone referenced the list he compiled of nine addresses in the city with multiple outbuildings on the properties, with aerial photos of the properties (Attachment #1). Mr. Pinzone asked if variances were granted in those cases and that if not, is it incorrect for those properties to have multiple outbuildings? **Mr. Corrado** and **Assistant Law Director Paluf** replied those instances are irrelevant to his case, and that the Board does not know the facts of those occurrences

or if the structures are grandfathered, and that if those property owners did something incorrect it would not be grounds for Mr. Pinzone to also do something incorrect.

Julie Pinzone, wife of Mr. Pinzone, asked why the detached garage must be torn down because it is her understanding the detached garage built in 1950 is grandfathered as non-conforming because garage zoning ordinances were not in effect until 1975. **Mr. Paluf** replied the detached garage is no longer considered as non-conforming once the attached garage was added. He said the detached garage violates a city ordinance that prohibits two garages on a property, and also violates a second city ordinance that prohibits two accessory buildings on a property. Ms. Pinzone said a lot of their belongings will be left outdoors without the extra storage area in the detached garage and that the neighbors will complain. She said it will be noisier between her house and the adjacent house to the south without the detached garage that mutes some of the sound now. She said she has already planted 40 pine trees along the southerly property line.

In response to **Mr. Jiannetti's** inquiry if the detached garage could still be considered as non-conforming since code was enacted after the garage was built, **Mr. Paluf** replied no because current code applied once the attached garage was added.

Mr. Biega and **Mr. Conley** brainstormed ideas with the applicants on what to do to allow the detached garage to remain, such as connecting the house to the detached garage that would then become part of living space. Ms. Pinzone asked if they removed the door from the garage, would it still be considered a garage? **Mr. Corrado** encouraged the applicants to explore options with the Building Department. **Mr. Paluf** said it is not the responsibility of BBZA to explore building options at this hearing. **Mr. Pinzone** inquired if he has any cause for relief from code to allow his detached garage to remain because there are other lots in the city with multiple accessory buildings. Mr. Corrado replied not today because Mr. Pinzone did not present details to the Board as to why any of the lots have multiple structures. Mr. Corrado stated hardships only exist if you are entitled to something, and code does not entitle anyone to have multiple accessory structures on their property. In response to Mr. Corrado's inquiry if Mr. Pinzone has anything new to present, Mr. Pinzone replied no.

MOTION ON DECISION OF PLANNING AND ZONING COMMISSION: A motion was made by Mr. Jiannetti to affirm the decision of the Planning and Zoning Commission made on December 12, 2022, that denied Nick Pinzone a variance from HHCO Section 1123.05(e)(2): "ACCESSORY USES, Recreational Facilities", that would have allowed the existing second accessory structure/detached garage to remain, on property located at 282 Miner Road, Highland Heights, Ohio 44143; seconded by Mr. Hawkins.

FURTHER DISCUSSION: **Mr. Corrado** acknowledged that although it is the duty of BBZA to rule on matters, it is also difficult for the Board members who are empathetic to the situations of the city's residents. He again encouraged Mr. Pinzone to continue to explore options with the city. He said the contract signed by Mr. Pinzone to remove the detached garage is a big factor that weighs heavily against Mr. Pinzone, and that Mr. Grabfelder stated he would not have issued the permit without Mr. Pinzone agreeing to remove the garage.

ROLL CALL ON THE MOTION: Ayes Biega, Conley, Corrado, Hawkins, Jiannetti. Ayes all; motion denied.

APPEAL IS DENIED: The Board of Building and Zoning Appeals has affirmed the decision of the Planning and Zoning Commission made December 12, 2022 and the appeal is denied. The existing barn may remain and the existing second accessory structure/detached garage must be removed.

REASONING IN VOTE: Mr. Corrado requested that Ms. Olson poll the members for their reasoning in the manner in which they voted. All members agreed the home improvements made by Mr. Pinzone are beautiful and encouraged him to continue to work with the city for solutions. The consensus of the Board for affirming the decision of the Planning and Zoning Commission made December 12, 2020 that denied Mr. Pinzone a variance to allow the existing detached garage to remain at 282 Miner Road, Highland Heights, Ohio 44143 is that Mr. Pinzone signed a Certificate of Plan Review with the city on July 24, 2020, agreeing to comply with the contingency that clearly states “Existing 2 car garage needs to be removed once permit is issued for new construction”; the applicant had conversations with Building Commissioner Grabfelder prior to the permit being issued and was informed the detached garage would have to be removed; code allows only one accessory structure on a property and there is already an existing barn on the lot; the applicant does not have a hardship that would be compelling to allow the detached garage to remain; the applicant was informed prior to the permit being issued that only one garage is allowed on a lot and the applicant now has both a detached two-car garage and an attached three-car garage on his lot; allowing two accessory structures on a lot would set a terrible precedent because many homeowners would request variances to allow multiple outbuildings on their lots; the applicant knew in advance he would lose storage capacity with removal of the detached garage but chose to proceed forward with the plan; the agreement signed by Mr. Pinzone clearly stated he had the right to an appeal hearing to revoke the contingency that the detached garage would have to be removed, and he did not file an appeal; and the agreement signed by Mr. Pinzone is a contract with the city and must be upheld.

RECOURSE TO APPELLANTS: Mr. Corrado advised Mr. Pinzone that pursuant to HHCO Section 1114.10 “Appeals to Common Pleas Court”, a decision made by the Board of Building and Zoning Appeals is considered final and cannot be re-appealed except to the Common Pleas Court as provided by law pursuant to Ohio R.C. Chapters 2505 and 2506.

MOTION TO CLOSE HEARING: A motion to close the hearing was made by Mr. Hawkins and seconded by Mr. Conley. Hearing closed at 7:43 p.m.

SCHEDULE MEETING TO CONSIDER MINUTES: The Board set a meeting date of March 6, 2023 at 7:00 p.m. to consider the minutes of this meeting for approval.

ADJOURNMENT: There being no further business before the Commission, Mr. Corrado asked if anyone wished to make a motion to adjourn the meeting. A motion was made by Mr. Conley to adjourn the meeting; seconded by Mr. Hawkins. Ayes all; motion carried. Mr. Corrado declared the meeting adjourned at 7:45 p.m.

Susan M. Olson, *Secretary*

David A. Corrado, *Chair*

Attachment #1 – Email from Mr. Pinzone to BBZA expressing reasoning for his case, and a list of addresses in the city with multiple outbuildings on the properties.

Nick and Julie Pinzone
282 Miner Road Highland Heights Ohio 44143
Appeal for Variance

We believe we are being singled out from the city seeing that there are multiple properties in Highland Heights with buildings just as we have. We understand that this detached garage has been an eye sore for many years, which is why now, that the additions in our house are finishing up, we have plans to put siding on the detached garage to match the existing house. We have added a significant amount of property value into our current home, along with adding to the value of those houses who surround ours. We have plans to redo the siding on all sides of the garage, replace the door that was once existing, will just keep adding to the property value. These repairs fall under the code (1133.01 and 1133.02) of solely repairs and not structurally changing the building itself which states that we are able to KEEP the buildings. (1133.04)

Pertaining to the permit that was issued and approved for our addition, an option of a variance to keep what is grand fathered in was not granted to us. We do believe there to be a conflict of interest between surrounding neighbors and the building department. Based on prior conversations with the neighbors and building department “claiming to have members of the building departments cell phone number on “speed dial””. The permit was not signed

We are within our means of keeping the current buildings that we have due to the nonconformity of the zoning laws that were passed in 1975. Our home was built in 1925 and our buildings were built in 1950. We requested to keep this detached garage for practical difficulties -for extra storage for our children’s belongings, lawn equipment, storage for garage space for an extra vehicle so it will not be displayed on our property. Our construction project of building an addition onto our home was quite the process as we know, but we have kept up with the property, debris, garbage throughout the entire process. We do NOT run our business out of our home due to previous complaints. We do NOT store company vehicles on our property. We do not have the company vehicles coming and going on our property during the morning, day or evening. I could see that if we had this ongoing project and distraction of vehicles, how it would be an irritant of surrounding neighbors, which is why we have made a conscious effort to do keep up with the city regulations of **not** running a business out of our home in a residential area.

There has been occasions of over night equipment, trailers or dump trucks (as seen in pictures that were provided by the south side neighbor) which all the equipment was used for our addition and construction project and were removed immediately after the project was completed. There is not any vehicles stored on

our property permanently as there are many other homes in the highland heights area that do so. This is not a complaint of any other home or business ran out of that particular home, this is solely for recognition of singling out our property.

Once resided and a door is replaced, the garage will no longer be an eye sore for the neighborhood surrounding us and will be able to keep the belongings of our children's toys and bikes, etc. inside of it keeping our property kept and aesthetical for our neighbor(s). We enjoy being a part of the Highland Heights community and our children love where we reside. We are appealing this variance to keep what is in the "grand fathered clause" on our property to hold the value of what has been here for decades and what will remain once finished. Once the appeal is complete, we will make sure to do our diligence to finish the construction asap without disturbing to our neighbor(s).

BELOW ARE ADDRESSES WITHIN THE CITY OF HIGHLAND HEIGHTS THAT HAVE 2 OR MORE BUILDINGS ON PROPERTY (SOME PICTURES ARE WITHOUT ADDRESSES, JUST PICTURES OF MULTIPLE BUILDINGS ON PROPERTIES WITHIN THE CITY)

[PICTURES ARE ATTACHED TO EMAIL SENT TO SUSAN OLSON]

724 MINER RD - LOT SIZE 64468 SQ FT (1.48 ACRE)
710 MINER RD -LOT ASIZE 64468 SQ FT (1.48 ACRE)
6067 WILSON MILLS -LOT SIZE 64468 SQ FT (1.48 ACRE)
5959 WILSON MILLS -LOT SIZE 52272 SQ FT (1.2 ACRE)
5895 WILSON MILLS - LOT SIZE 42253 SQ FT (.97 ACRE)
754 LANDER RD - LOT SIZE 44866 SQ FT (1.03 ACRE)
628 MINER RD - LOT SIZE 44866 SQ FT (1.03 ACRE)
6016 HIGHLAND RD -LOT SIZE 68824 SQ FT (1.58 ACRE)
5928 HIGHLAND RD -LOT SIZE 68389 SQ FT (1.57 ACRE)

OUR ADDRESS 282 MINER ROAD - LOT SIZE 50708 SQ FT (1.164 ACRE)

This is taken directly from the Highland Heights Building page- with highlights that pertain to our situation.

OH – HIGHLAND HEIGHTS- CODIFIED ORDINANCE > 1133.01 NON CONFORMING USE OF LAND

1133.01 NONCONFORMING USE OF LAND.

The lawful use of land existing at the time of the adoption of this section may be continued, although such use does not conform to the regulations specified by this Zoning Code for the district in which such land is located. However, no such nonconforming use shall be enlarged or increased, or structurally altered, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this section, nor shall any such nonconforming use be moved in whole or in part to any other portion of the lot or parcel of land occupied by such nonconforming use at the time of the adoption of this section. Provided, if any such nonconforming use of land ceases for any reason for any continuous period of more than six months, any subsequent use of such land shall conform to the regulations then specified by the Zoning Code for the district in which such land is located. (Ord. 10-1975. Passed 4-8-75.)

1133.02 NONCONFORMING USE OF BUILDINGS.

The lawful use of a building existing at the time of the adoption of this section, although such use does not conform to the regulations specified by this Zoning Code for the district in which such building is located, may be continued. Any such use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption of this Zoning Code, but no such use shall be extended to occupy any land outside such building. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use which, in the opinion of the Planning and Zoning Commission, either by general rule adopted by the Commission or on a specific finding on appeal in a particular case, is of the same or of a more restricted nature.

(Ord. 10 -1975. Passed 4-8-75.)

1133.04 ALTERATIONS, REPAIRS AND RESTORATIONS .

(a) No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations specified by this Zoning Code for the district in which such building is located shall be enlarged, extended, reconstructed, structurally altered or moved unless such use is changed to a use permitted under the regulations specified by this Zoning Code for such district. However, work may be done in any period of twelve consecutive months on ordinary repairs, or on repairs or replacements of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding twenty-five percent (25%) of the building's assessed value, according to the assessment thereof by the Cuyahoga County Auditor for the year in which such work is done, provided that the cubical content of the building as it existed at the time of the passage of this section is not increased, and provided further that nothing in this Zoning Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Commissioner and ordered by him to be strengthened or restored to a safe condition, unless such building has been destroyed to an extent of more than fifty percent (50%) of the assessed value thereof according to the assessment thereof by the County Auditor for the year during which such destruction occurs.

This is directly from the website – copy and pasted for sole purpose of examples of the laws in Ohio

<https://www.littlejohnlawllc.com/library/real-estate-lawyer-explains-zoning-and-grandfathering.cfm>

Can your City, Township, or Village tell you how to use your land through some sort of Zoning Ordinance or other regulation?

Well, the answer is NO! But it is a little more complicated than that.

First off you must understand that any regulation of the use or development of real estate is a restriction. For example, your City decides to pass a new Zoning Ordinance that regulates you having your boat on the property. Because the city decides that having boats on property is unsightly and will result in a decrease in property values for the neighborhood as a whole. But your boat has been there for the past 5 years. **You're protected.**

Zoning regulations are designed to gradually eliminate non-conforming uses within the zoned area. So, the idea is that over time the City can eliminate the conduct (which in this case is your boat) from depreciating the value of the neighborhood. In other words, the land use regulation applies to new or modified uses of land, but does not apply retroactively. Which means if you want to start a manufacturing business in an area that is not zoned and you do so by abiding by all of the requirements and regulations for the City, and 10 years later, they decide that they want your area to be zoned residential. **You're protected.**

This **Protection** is commonly called “**grandfathering**” or “**legal nonconforming use**” of the property. So, if your local government has made changes to how you can use your land, then you may be protected by the Legal Nonconforming Use of the land. **Ohio Revised Code 713.15 allows the lawful use existing at the time of enacting a zoning ordinance or an amendment to be continued unless the nonconforming use is voluntarily discontinued.** Which means that you can abandon your nonconforming use/grandfathered status if you discontinue to use the property in the nonconforming manner.


Attachment #2 – Memorandum dated February 15, 2023 from Building Commissioner Grabfelder to BBZA, responding to Mr. Pinzone’s list of addresses of properties with multiple outbuildings in the city.



5827 Highland Road Highland Heights, OH 44143 (440)442-7403 fax (440) 473-1994

Building Commissioner
Dale R. Grabfelder
www.highlandhts.com

Memo

To: Board of Zoning Appeal
From: Dale Grabfelder 
Date: February 15, 2023
Re: 282 Miner Road – Pinzone s

Below is information regarding the email that we all received from Susan Olson regarding the appeal for Mr. & Mrs. Pinzone. The letter stated 9 different properties with more than one building located on the properties. I would like to first point out that all properties in the city are allowed accessory structures except for homes in the Aberdeen area. The size of the structure depends on the size of the individual lot. The maximum size on the larger lots is 500 sq. ft.

My staff researched the nine addresses with the following results:

1. 724 Miner Rd – A variance was granted back in 1999.
2. 710 Miner Rd – A permit was issued back in 1978 for 18 x12 structure.
3. 6067 Wilson Mills Rd – A building permit was issued attaching the home to the existing detached garage. Current owner is in the process of adding an addition to the rear of the home.
4. 5959 Wilson Mills Rd – A permit for the structure was issued back in 1967.
5. 5895 Wilson Mills Rd – A permit for the structure was issued back in 1965.
6. 754 Lander – A permit for the structure was issued back in September 1993.
7. 628 Miner Rd – A permit was issued back in 2001 for a 480 sq. ft. accessory bldg.
8. 6016 Highland Rd – A permit for the structure was issued back in 1968.
9. 5928 Highland Rd – The original attached garage was converted into a family room and the owner was issued a permit for a detached garage back in 2011.

If you have any questions, let me know.

CC: M. Lograsso
T. Paluf

Attachment #3 – Email dated December 9, 2022 from Lori Gallo to BBZA expressing her opposition to the variance to allow the detached garage to remain.

D(1)

TO: PLANNING AND ZONING COMMISSION
FROM: VINCE AND LORI GALLO
RE: 282 MINER ROAD VARIANCE REQUEST
DATE: DECEMBER 9, 2022

This is in response to the public notice we received regarding the variance request for the above referenced property.

Our home is located at 288 Miner Road, which is the south neighbor to the Pinzone property. Since Nick purchased the property in 2012, we have had ongoing conversations with him regarding the condition of the property. Over the past ten years there have been significant improvements made, but the garage in question is still a terrible eyesore.

When he began the new addition to his home, we discussed the condition of the garage, and were assured it would be removed once the new addition was complete. When we received the notice that they applied for a variance, we were surprised, and a bit upset that they want to keep the garage. In addition to a new three car garage, they also have a very large barn on the property with a full second floor for storage.

Nick, Julie, and their children are a very nice family. The children are respectful, and we've never experienced any problems with them or their pets. Please understand this is not personal.

We are requesting the variance not be granted so the unsightly building can be removed. We don't think there is a need to have so many outbuildings on one piece of property, particularly when the property in question is surrounded by homes that have a high property value. We also are concerned that by granting this variance, it would open the door for other residents with large lots to also request variances, which could have a negative effect on property values for surrounding neighbors, as well as set a precedence for other homeowners in the community.

I have attached photos taken from our daughter's bedroom which faces Pinzone's property. As you can see, the view is not very favorable.

Thank you for allowing us to respond to this notice.

Attachment #4 – Email dated February 13, 2023 from Lori Gallo to BBZA expressing her opposition to the variance to allow the detached garage to remain.

TO: BOARD OF BUILDING AND ZONING APPEALS
FROM: VINCE AND LORI GALLO
RE: 282 MINER ROAD VARIANCE REQUEST APPEAL
DATE: FEBRUARY 13, 2023

This is in response to the public notice we received regarding the appeal for a variance request for the above referenced property.

Lori attended the public hearing on December 12th in which the Board of Building and Zoning denied the variance request. The reasons for their denial were that the garage in questions is a convenience rather than a necessity, and the permit for a new addition including a three-car garage was issued with the understanding that the old garage would be removed once the construction was complete. Lori spoke with the Building Commissioner, and he confirmed this to be true.

As a follow-up, we would like to submit our thoughts to the Appeals Board members.

Our home is located at 288 Miner Road, which is the south neighbor to the Pinzone property. Since Nick purchased the property in 2012, we have had ongoing conversations with him regarding the condition of the property. Over the past ten years there have been significant improvements made, but the garage in question is still a terrible eyesore. In an attempt to improve the appearance of the garage, recently Nick had new siding installed on the south side only of the garage in question. While we appreciate the attempt, it does not solve the problem of having too many accessory buildings, and now the garage has two different sidings.

When he began the new addition to his home, we discussed the condition of the garage, and were assured it would be removed once the new addition was complete. When we received the notice that they applied for a variance, we were surprised, and a bit upset that they want to keep the garage. In addition to a new three-car garage, they also have a very large barn on the property with a full second floor for storage.

Nick, Julie, and their children are a very nice family. The children are respectful, and we've never experienced any problems with them or their pets. Please understand this is not personal.

We are requesting the variance not be granted so the unsightly building can be removed. We don't think there is a need to have so many outbuildings on one piece of property, particularly when the property in question is surrounded by homes that have a high property value. We are also concerned that by granting this variance, it would open the door for other residents with large lots to also request variances, which could have a negative effect on property values for surrounding neighbors, as well as set a precedence for other homeowners in the community.

I have attached several photos that were taken from our daughter's bedroom window, which faces the Pinzone property.

Thank you for allowing us to respond to this notice.