

**MINUTES OF REGULAR MEETING  
ZONING BOARD OF APPEALS  
CITY OF INDEPENDENCE  
February 21, 2008**

**AGENDA:**

**Old Business:**

- 1. 6511 Elmerge, Metro Sinko** – Requesting a variance to 1161.01(a) of 40’ to allow a radio tower to be located behind an existing dwelling (35’ permitted, 75’ requested).

**New Business:**

- 2. 5699 Eastview Drive, Anthony Zupancic** – Requesting a variance to 1143.02(C) of 48 sq. ft. to allow a 12’ x 16’ accessory building (144 sq. ft. permitted, 192 sq. ft. requested) and a variance to 1143.02(B) of 4’ for a 16’ wall length (12’ permitted, 16’ requested).
- 3. 6830 Dora Blvd., William Mathews** – Requesting a variance to 1165.01 for a 3’ side yard to enlarge the attached garage on the property (6’ permitted, 3’ requested).

The Board gathered in open meeting at 6:30 p.m. to review submissions for items on the Agenda. The meeting was called to order by Chairman Moreal at 7:24 p.m. and the following responded to Roll Call:

**PRESENT:**                   **Mark Moreal, Chairman**  
                                  **Tom Narduzzi, Councilman**  
                                  **Carol Fortlage**  
                                  **Robert Gordon**  
                                  **John Klingshirn**

**ALSO**  
**PRESENT:**                   **Hema Prabhu, Assistant Law Director**  
                                  **Ron White, Economic Development**

**ABSENT:**                   **Gregory J. O’Brien, Law Director**  
                                  **Carl Opatrny, Building Commissioner**

Chairman Moreal asked the Board if there were any changes or corrections to the Minutes of the January 17, 2008 meeting. There was one change to the Minutes on page 9 it should read “light” instead of “dark”.

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**A motion was made by Carol Fortlage, seconded by Robert Gordon, to approve the January 17, 2008 Minutes as amended.**

**ROLL CALL: Yeas: Fortlage, Gordon, Moreal, Narduzzi, Klingshirn  
Nays: None  
MOTION CARRIED**

The Chairman stated that he apologized for the little delay in beginning the meeting. The Chairman then went out of order on the submitted items.

**5699 Eastview Drive, Anthony Zupancic** – Homeowner Anthony Zupancic was in attendance and sworn in. Mr. Zupancic would like to put up an accessory building so that he can use it for storage. The Chairman asked the applicant if he wanted to put up a 12' x 16' accessory building or a 12' x 20' accessory building which was indicated on Mr. Zupancic's drawing. Mr. Zupancic stated that he did in fact want to put up a 16' x 20' then corrected himself and stated that it would be 12' x 20'. The Chairman asked if Mr. Zupancic was buying the accessory building as a kit. Mr. Zupancic stated that the Amish would be putting up the accessory building. Mr. Narduzzi asked for clarification on the size. Mr. Zupancic stated it would be 16' x 20'. The Chairman stated that 16' x 20' was nowhere on the application or drawing. The Chairman asked that the only reason he questions the 16' x 20' is that the drawing shows 12' x 20'. Mr. Zupancic stated that the accessory building will be 12' x 20'. The Chairman asked Mr. Zupancic if the accessory building was going to be 12' x 20' so that the request could be amended.

**A motion was made by Chairman Moreal, seconded by Carol Fortlage, to amend the applicant's request for a 12' x 20' accessory building, in lieu of a 12' x 16'; an 8' wall length variance, 12' permitted, 20' requested and a 96 square foot variance for the size of the accessory building.**

**ROLL CALL: Yeas: Fortlage, Moreal, Gordon, Narduzzi, Klingshirn  
Nays: None  
MOTION CARRIED**

Chairman Moreal stated that he stopped by Mr. Zupancic's house, and he's next to the freeway; anyone would have to drive up the driveway to see the building. The Chairman stated that it is a very nice accessory building. Mr. Narduzzi stated that it seems that Mr. Zupancic is pretty secluded back there. The closest neighbor would not be able to see it. Mr. Zupancic stated that his neighbor did give a letter stating that there would be no problem with the accessory building.

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**A motion was made by Carol Fortlage, seconded by Robert Gordon, to approve the variances as amended above.**

**ROLL CALL: Yeas: Fortlage, Gordon, Moreal, Narduzzi, Klingshirn  
Nays: None  
MOTION CARRIED**

**6830 Dora Blvd., William Mathews** – Mr. Mathews was in attendance and sworn in. Chairman Moreal asked Mr. Mathews his reason for the variance request. Mr. Mathews stated that he has a very narrow garage which is either 17' or 17'9"; and he cannot get two cars in the garage. Mr. Mathews has three cars now that his older son is driving. He also has no storage space and would like to have a nicer garage to store things in. Chairman Moreal asked if Mr. Mathews had a two car garage now. Mr. Mathews stated that if he drives carefully he can squeeze in, but it is very tight. Chairman Moreal asked if Mr. Mathews had a 16' garage door. Mr. Mathews stated that the door is 16' wide. Chairman Moreal stated that Mr. Mathews is asking for 20' 11" on the inside if he is adding 3'.

Chairman Moreal asked who drew up Mr. Mathews' site plan. Mr. Mathews stated that Jim Glennen who is the architect for Butch Bilinovic drew up the site plan. Mr. Mathews stated that it was not completely done yet. Chairman Moreal stated that the Board is not sure if the site plan is accurate. It may be to the applicant's advantage or disadvantage. If you add up the numbers, they don't equal 60' as the frontage of Mr. Mathews' lot. Mr. Mathews stated that the site plan was from the first owner of the house. Mr. Mathews stated that the site plan was part of the original copies that were on file from the original addition on his house. Mr. Mathews stated that he knows the lot is 60' officially. Chairman Moreal stated that at the house it is 59' 11". Carol Fortlage stated that the site plan stated 5.5 feet, so therefore the width of the lot would be over 60'. Discussion was had regarding the width of the lot. Mr. Mathews stated that the plan was used back in 1997 for an addition at the rear of the house.

Chairman Moreal asked about the neighbor. Mr. Mathews stated that the neighbor did approve it, but she thought the meeting was next week. Mr. Mathews was unable to get a letter from that neighbor. Mr. Mathews stated that he will get the letter turned in.

Chairman Moreal stated that the Building Commissioner, who was not present at the meeting, would like Mr. Mathews to have a professional survey done. The Chairman asked Mr. Mathews about owning more land in the back. Mr. Mathews stated that he does own some back lots behind his property.

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Chairman Moreal stated that the Board has a lot of people coming before them requesting a side yard variance. This is pretty tight. The Chairman asked Mr. Mathews if the plan presented was his only plan, and if Mr. Mathews had another option. Mr. Mathews stated that he told his neighbor there would not be a door on the side of the addition, it would be in the back so there would be less traffic after the addition than there is now. Mr. Mathews stated that there is a sidewalk currently there. Mr. Mathews stated that the entry to the new addition would be from the front and back. Mr. Mathews stated that he is also putting a mud room with a bigger space in the back. Chairman Moreal asked Mr. Mathews if he was putting a garage door in the back. Mr. Mathews stated that he wasn't sure about that. Mr. Mathews stated that he was probably going to put in a regular man door. There would be one in the front corner and one in the back. Mr. Mathews referred to his drawing.

Mr. Narduzzi referred to the photograph taken of Mr. Mathews' property. Mr. Mathews stated that he would like to put a door next to the front garage door. Mr. Mathews stated that he wanted to keep the original brick in the front. He was going to try and save the brick if he could just for cosmetics.

Mr. Narduzzi stated that since there is a discrepancy on where the property line actually is. This isn't something that the applicant is going to start soon. Mr. Mathews stated that he wouldn't start anything until late May. Mr. Mathews stated that there is a line there that is marked, the neighbor brought somebody out to survey her property. Mr. Mathews stated that he does know the line. Chairman Moreal stated that he would like, in light of the fact he doesn't have a letter from his neighbor, to table this matter for a month. The Chairman asked Mr. Mathews to stake out, put two stakes and maybe some caution tape; being that Mr. Mathews is asking for 2 ½ feet. Sometimes it may not be 2 ½ feet, but could be a foot away. It is a close distance between Mr. Mathews and his neighbor and the property line. The neighbor has also not written a letter. This is something that the Board always acts on. Mr. Mathews stated that he will get a letter or get his neighbor to call the Chairman. The Chairman stated that since there are stakes from the neighbor's survey, Mr. Mathews can mark it out so that the Board is able to physically see where the addition would be placed. Mr. Narduzzi stated that he knows it is only 3', but the Board looks at it differently. Mr. Narduzzi stated that it is 50% of what is allowed. This is a good size variance; therefore, the Board wants to make sure all of their ducks are in a row and the neighbor is comfortable with it. Mr. Mathews stated that he really wants to keep the traffic flow down for the neighbor. Mr. Mathews stated the neighbor is going to add some bushes, going to enclose his porch and wants to do some other things over there. Mr. Mathews stated that he wants to do this right. Mr. Mathews stated that if he does not get a variance, then he just won't do the addition. Mr. Gordon stated to the applicant that he may want to wait until closer to next month's meeting to put up the tape and stake out the property for the addition so that the Board can take a look at it.

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**A motion was made by Chairman Moreal, seconded by Robert Gordon, to table this matter until the March Board of Zoning Appeals meeting.**

**ROLL CALL:           Yeas: Moreal, Gordon, Klingshirn, Narduzzi, Fortlage  
                              Nays: None  
                              MOTION CARRIED**

**6511 Elmerge, Metro Sinko** – Mr. Sinko was in attendance and sworn in. There was one neighbor present who did not wish to be sworn in. Chairman Moreal stated that the Board did receive the packet sent by Mr. Sinko with regard to this matter. Chairman Moreal asked Mr. Sinko if he filled out a new application. Mr. Sinko stated that he did not because it was continuing business. The Chairman stated that now Mr. Sinko is asking for a fixed tower, not a retractable one. Mr. Sinko stated “yes” because he doesn’t want to crank it up and down twice a day. It would be by his own power, hand crank. It would not be motorized. To eliminate that, Mr. Sinko will have it up there all the time. Instead of the tower coming to Mr. Sinko, he will just climb up the tower and go to the antenna at 60’, 70’. He would just climb the tower at 70’ all the time. Chairman Moreal asked Mr. Sinko if he was still asking for 75’. Mr. Sinko stated “yes” or whatever the Board allows. Mrs. Fortlage stated that the application is identical from the last time.

Mr. Sinko stated that in his packet he gave to the Board, he tried to answer everyone’s question when he was doing it. He hopes he was complete. Mr. Sinko stated that he provided his license. Mr. Sinko stated that City Hall and the Building Department has a tower with an antenna. Mr. Sinko stated that he is asking for a better signal. Mr. Narduzzi wanted to state, for the record, that the tower at City Hall is coming down and being moved. Mr. Sinko stated that he would rather have a telescopic tower so that he can bring it down to him, but to raise and lower it two times a day; he thinks is ridiculous. That is a lot of wear and tear on Mr. Sinko and the mechanical parts of the tower. Mr. Sinko stated that he does not want \$3,000 worth of tower and \$2,500 worth of antenna to come crashing down. Mr. Sinko stated that if it’s going to be windy, he will bring the tower down. Chairman Moreal stated that if Mr. Sinko has a fixed, stationery tower at 75’, there is no bringing it down. Mr. Sinko stated that he doesn’t have to crank it twice a day. Mr. Sinko stated that he thought the Board questioned his common sense at one time with regard to his ability to crank down the tower in windy weather. Mrs. Fortlage stated that it would probably be best to stick to the issues of the request.

Chairman Moreal asked Mr. Sinko about his existing antenna on the property right now. Mr. Sinko stated that it is just pounded into the ground. The Chairman asked if that would come down. Mr. Sinko stated that it is movable. The Chairman asked Mr. Sinko if he receives the variance for the tower, will the existing tower come down. Mr. Sinko said “no”. He stated that

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it was a backup antenna. It is a reference antenna. When one antenna doesn't work, then that antenna will work. Each antenna serves a different purpose under certain conditions, at different times of the day and different seasons. One antenna will outperform another antenna; conditions are always changing. Since that is happening, Mr. Sinko doesn't have the constant conditions. He has to work with what is the best signal at the time. Chairman Moreal stated that Mr. Sinko actually has two antennas now as shown on the photograph. Mr. Sinko stated that the antennas will stay up. Mr. Sinko stated that he may have to bring one down, he is not sure. Mr. Sinko stated that they are for different frequencies. Chairman Moreal asked what part of the antenna shown in the photograph is picking up Mr. Sinko's signal. Mr. Sinko stated that what the Chairman referred to works on a different frequency. Then the whole length becomes an antenna for another cut frequency. Each section of aluminum serves a purpose. Mr. Narduzzi asked if there was such an antenna that would house all three antennas in one. Mr. Sinko stated that there is none invented yet. Mr. Narduzzi asked if there was any way to house all three antennas on one tower. Mr. Sinko stated that then he would go over the limit of the height. Mr. Sinko stated that if he was granted the variance, he could put the antenna that is presently on the chimney on top of the tower, but the other antenna would be considered past the variance and not allowed. Chairman Moreal stated that if there was one tower at 30', the piece on the chimney, could it be affixed to the tower, could it be affixed at 20', then there would be one tower and everything would be cleaned up. Mr. Sinko stated that he could not do that because it would affect electrical signals in transmission and reception. Then there would be two different antennas that are bucking each other. They would interfere with each other because they are so close. Chairman Moreal asked Mr. Sinko where the new tower would be going. Mr. Sinko drew on the Chairman's photograph where he thought the tower would be located. Chairman Moreal stated that the fact that all three are next to each other, would that interfere? Mr. Sinko stated "no" because of the distance. By putting one on top of the other, now you would be making your own interference. He would be trying to receive and transmit, but he would be defeating that. Mr. Sinko referred to the photograph and stated that with the big antenna; the small one could be put on the big antenna because of the frequency of the wave lengths. That could go on top. He could do that and put that on top with no problem. Mr. Sinko could not put the bigger one on because of the way it is designed.

Chairman Moreal asked about the wiring in Mr. Sinko's backyard. Mr. Sinko stated that those are called dipoles. Dipoles are reference antennas. Mr. Sinko stated that with a dipole you string a piece of wire and hook it up to the back of a radio and listen to the signals that come into the radio. It is a reference dipole, it is a zero. With the antenna that Mr. Sinko plans to put up, it would be more selective. Chairman Moreal asked if the wires would then be eliminated. Mr. Sinko stated that some of the wires would be eliminated because those are different frequencies. To eliminate all the wires, Mr. Sinko would need a tower 200' in height. He is working with what he has. Mr. Sinko stated that on a FM car radio antenna it is short at 88 megacycles. It is

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short because it is cut for that frequency. Mr. Sinko stated that if you go to WJW at Pleasant Valley and State, that is cut for a different frequency – AM. There are two spectrums, and Mr. Sinko operates in between those. There are different antennas for different frequencies and reception. Some antennas are better than others. Mr. Sinko does not know what type is better until he hooks them up. Mr. Sinko stated that he designs it. Mr. Sinko stated that he doesn't have 4 acres so he has to work with what he has and hope it works. Chairman Moreal asked Mr. Sinko if it was trial and error. Mr. Sinko stated that design is he reads the book, and he tries to match what frequency and what length in feet he can use. He tries to put that to use. He puts it to use and hope it works. Actually, what would really work is if all the wires were about 60' up, but they are not 60' up. They are about 15' feet up. Mr. Sinko stated that he hopes they work with what he has to work with. Chairman Moreal stated that Mr. Sinko's tower would be 70' up, doesn't the antenna, whether it be larger antennas, take the place of the wires? Mr. Sinko said "no". Those frequencies operate in the middle of the band spectrum. The wires operate closer to WHK or 1420 or WKYC – the wires are for that frequency. This is in the middle. Mr. Sinko stated that the little antenna that he had, it is closer to 88 megacycles, closer to the FM band. Each antenna length serves a purpose, and each antenna is cut for that frequency. Mr. Sinko stated that there is not one antenna that does everything. That is why there are different antennas for each frequency.

Chairman Moreal stated that Mr. Sinko seems to be very into his hobby, and he respects that. The Chairman asked Mr. Sinko if he foresees himself down the road adding more whips and antennas for certain other features. Mr. Sinko said "no", this should cover everything if it performs. That is why he is trying to upgrade. He is willing to invest \$5,500. Chairman Moreal stated that he asked Mr. Sinko if he was going to add antennas, and Mr. Sinko's reply was "no because this should cover everything". The Chairman asked if the big one covers everything, he is still lost as to why Mr. Sinko would need the others. Mr. Sinko stated that it would be for different frequencies – frequencies from FM to AM stations. The wires are for AM stations. FM is the little antenna on the chimney. Mr. Sinko stated that the antenna that is on the chimney will not receive the AM signals at all.

Mr. Klingshirn asked if any of the existing antennas are the subject of a variance request or is a variance necessary. The antenna on the chimney is under 35'. The second antenna in the back of the house is 35' or less. The dipole wires are 15' off the ground. The Chairman stated that his question was if the Board grants Mr. Sinko the tower, is everything else coming down. That is one of his concerns. Mr. Sinko stated that then he would be cheating himself of his hobby by not having that antenna to operate on that frequency. The Chairman stated that the Board is learning.

Mr. Gordon asked Mr. Sinko what happens if this doesn't work. Would Mr. Sinko come back before the Board for another 75'? Mr. Sinko stated he would go to the manufacturer and ask

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what happened. Mr. Gordon stated that at this point Mr. Sinko is not sure what he is asking for is going to accommodate his needs. Mr. Sinko stated that he knows it is going to work. He just hopes that the individual piece of antenna works for him. Mr. Sinko stated that he plans to utilize this antenna, and he hopes it does work. Mr. Gordon asked that if it doesn't will Mr. Sinko take it up with the manufacturer. Mr. Sinko stated that it would be the last stop.

Chairman Moreal asked Mr. Sinko if he consults with a specialist on things like this. Mr. Sinko stated that he has been doing this since 1968. He belongs to a radio club and talks with all the other members. The Chairman asked if there is somebody that knows about antenna heights. Mr. Sinko stated that he knows for certain he needs 60' just for the wires. The wires that the Chairman saw were at 15'. Mr. Sinko is hoping it works at 15', but it doesn't work as well at 15' as it would work so much better at 60'. Mr. Sinko stated that he is lowering the standards. All of it works. Mr. Narduzzi stated that if it works where it's at now; and Mr. Sinko stated that it would work so much better. Mr. Sinko stated that he is at zero right now. It would work 10 times better. Mr. Sinko stated that he has literature to that effect to prove it. They are showing reference of towers at 60' and 120' and 35'. There are graphs in the literature indicating how much stronger it gets in height. Mr. Sinko provided those charts to the Board. It is just a stronger signal. Mr. Sinko stated that with the wires he is basically a bottom feeder.

Mr. Narduzzi stated that last month Mr. Sinko was explaining that in case of an emergency, Mr. Sinko is the liaison between the next tower. Is that how it works? Mr. Sinko stated that it could be that way. Mr. Narduzzi asked if Mr. Sinko could perform that. Mr. Sinko stated that he couldn't do it at this time, not with the station as he has it in the radio; but he has a handheld. He can do that with the handheld which is on DC power. Mrs. Fortlage asked if the handheld radios rely on any of Mr. Sinko's antennas. He stated "no" because they are handheld and self-contained. Mr. Narduzzi asked if Mr. Sinko needed the big tower to do the handheld radio. Mr. Sinko said "no". The Chairman asked Mr. Sinko how far he could talk with the handheld. Mr. Sinko stated that he could talk from Independence to Strongsville.

Mr. Sinko stated that each antenna represents a different frequency, and each frequency is approved by the FCC. Mr. Sinko stated that each frequency requires a different type of antenna. This tower and antenna should combine many of the frequencies, but he can't combine the frequencies near the AM radio station because then he would need a 200' tower. Mr. Sinko stated that he is using wires because he wouldn't even think of a 200' tower.

Chairman Moreal asked Mr. Sinko if he felt that his radio interferes with people's TVs, phones. Mr. Sinko stated that if they had a cheap phone or stereo. Mr. Sinko stated that it is governed by the FCC to make sure that there are no spurious emissions. Mr. Narduzzi asked if the FCC

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comes out and does some physical test. Mr. Sinko stated that it is the way it is manufactured. It has to pass strict tests. If somebody would get interference from Mr. Sinko, he could be possibly doing it; but also their equipment is cheap or not well manufactured, or the manufacturer cut corners. Things could be made cheap internally electronic wise. Mr. Klingshirn asked if it was the equipment manufacturers' responsibility to make equipment that filters it. Mr. Sinko stated that his equipment is already filtered. The consumer at the house does not have strict guidelines like that. Mr. Klingshirn asked if consumer products could be made that would not meet Mr. Sinko's strict requirements with the FCC. There are different standards. Mr. Narduzzi asked if the FCC regulates anything that Mr. Sinko could put in his backyard like the wires he has. Mr. Sinko said "no". Mr. Sinko stated that no one has ever complained, and he has been operating. Mr. Narduzzi stated that he has heard of a complaint this evening. Mr. Narduzzi just wanted to know how that person would settle the complaint seeing it would not be through the Board or through Mr. Sinko. Mr. Sinko stated that he could help. He is reasonable to work with. Mr. Sinko stated that they have to understand that if they have cheap equipment, he can't help it. Mr. Klingshirn asked if a consumer could complain to the FCC. Mr. Sinko guesses that they could. Mr. Klingshirn stated that if they bought a TV or stereo or telephone and thought it would operate without interference from certain frequencies like the FCC requires. If it's not doing its job, would they go back to the manufacturer, or the FCC. Mr. Narduzzi thinks it would be the FCC's job. Mr. Sinko stated that his antenna is built to the FCC's standards, and it has less chance of interference whatsoever – none. Mr. Sinko stated that this is not CB; he is not a fly-by-night outfit. Mr. Sinko does not know how amateur radio got a bad rap. He has been doing it since 1968. Mr. Sinko believes this is the biggest roadblock he has had – right here. Mr. Klingshirn stated that it is a difficult subject for the Board to understand. The Board is used to dealing with things they can see – they can measure a side yard, they can measure the area of a shed. Those subjects are a little more concrete. Mr. Sinko stated that if there is interference, have the people contact him; and he will help out.

Mr. Klingshirn stated that one of the things the Board read was that the higher the tower and the higher the antenna, the less interference. Mr. Narduzzi stated that it is not going to go away by putting up the 75' tower because the other two antenna are not going away. If there is interference now, that problem won't go away. Mr. Klingshirn stated that the two antenna do not require a variance. Mr. Sinko stated that he is not getting interference with any of his equipment, and he is much closer. He doesn't get interference on his phone, stereo, or TV. Mr. Sinko stated that there is "crosstalk". He worked for the phone company. Crosstalk is two telephone wires in the central office that are real close together. Sometimes the phone company would have to come out and address the problem. Mr. Sinko stated that there are also filters. He is willing to work with anybody. He was not aware of interference.

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Mr. Narduzzi stated that it seems Mr. Sinko has even said that he is not sure if all of this will give him what he wants. Mr. Narduzzi stated that Mr. Sinko basically said that he doesn't know. Mr. Sinko stated that he won't know until it is up and is connected. Mr. Sinko stated that he could make a mistake in hooking it up. The equipment is designed to work. Mr. Narduzzi asked if there was any way to get an expert to tell the Board if what Mr. Sinko is requesting if there is a limit as to what he needs. Mr. Sinko asked why he should have to limit his hobby. Mr. Narduzzi stated that he is trying to work out an agreement between the Board and Mr. Sinko. Mr. Narduzzi stated that he is not trying to put down Mr. Sinko's hobby down in any way, shape or form. He is trying to come up with something that they are both working together to reach a common goal. Mr. Narduzzi stated that he is trying to protect the neighborhood and the value of their homes. Mr. Narduzzi stated that if someone goes to sell their home, he doesn't want them to get less because Mr. Sinko has three or four towers up in his backyard. Mr. Narduzzi does not want to deprive Mr. Sinko of his hobby because he has every right to have his hobby. Mr. Narduzzi stated that he wants to protect the neighbors from safety. Mr. Narduzzi stated that he is trying to get a good mix so that everyone comes out a winner. He is not trying to deny Mr. Sinko of carrying on his hobby. There has to be some limitations. Mr. Sinko stated that he is limited by the FCC in his hobby. Mr. Sinko stated that he does not see how this brings down property value. If someone wants to put their house up for sale and they are next door to Mr. Sinko, the real estate person will not say anything. The real estate person will try to get as much as they can out of the house. Mr. Narduzzi stated that this was Mr. Sinko's opinion. Mr. Narduzzi stated that he would like to have an expert on the situation give him that in writing saying that the towers won't bring down the value of the houses. Mr. Sinko thinks it is unreasonable. That is his comment. He does not see how it brings down property values. The Chairman stated that it is probably the biggest thing the Board hears from residents. The Chairman stated that he is sure Mr. Sinko's hobby is a great thing; it is probably fun. That is why the Chairman asked earlier about the tower and the other little whips. The Chairman's compromise was that if the Board gives Mr. Sinko the tower, will the wiring and antennas be eliminated. The Chairman stated that if five houses in a row had what Mr. Sinko is looking at getting; Mr. Sinko stated that they would be buddies. The Chairman stated that they would be buddies, but people are going to drive down that street and think that the property values in that area are going down. That is what the Chairman hears. Mr. Sinko stated that he has never heard that. Chairman Moreal stated that Mr. Sinko is not looking at this with an open mind. Mr. Sinko stated that what he hears is that every property that has a tower, their property value has decreased in value. Mr. Narduzzi stated it would be the neighbor's property. Mr. Narduzzi stated that he has to stick up for the residents that live around Mr. Sinko. Mr. Sinko doesn't know who is really complaining. Mr. Sinko stated that he is allowed to put up a tower at 35', but the Board is telling Mr. Sinko that they don't want him to go up any higher. The Chairman stated that the Board is not necessarily saying that, they don't know what the right height is. Mr. Sinko stated that he provided the Board literature about the right height. Mr. Klingshirn stated

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that the literature provided stated that the height is the single determining factor. It said that it has a lot to do with topography. Mr. Klingshirn stated that the Board talked last month about Mr. Sinko's last installation at 55' in his previous residence. Obviously, that is in a different topographic setting and a different part of town. There are a lot of variables is what Mr. Klingshirn took away from the article. The Board does not have the expertise. Mr. Klingshirn stated that the Board needs to understand what Mr. Sinko's needs are, and then this Board needs to express what its concerns are. Then there needs to be a common ground that satisfies everyone.

Mr. Sinko wanted to know what the Board was offering to him. Mr. Klingshirn would ask what the difference would be with what Mr. Sinko had at 55'; obviously it satisfied Mr. Sinko's needs for some time. Maybe because of its' location 55' was sufficient. Mr. Klingshirn wanted to know if Mr. Sinko has established his needs at this time and that those needs are a height of 75'. Mr. Sinko stated that 55' worked before with him. He had no problems. Mr. Sinko stated that if the Board wants to give him 55', he will stay with 55' and be happy there. It is not the best, but it is the best he can get. It is better than what he has now. He is working with wires. Mr. Sinko left the meeting to go and get some water. Mr. Sinko then returned. He stated what he would like to do is have the tower and take the little antenna and put it on top of the tower. The Chairman stated that is where he was going before. Mr. Sinko stated that he can't do it with the larger antenna up already because it would interfere with the electrical interference. The signals would interfere with each other. The antenna would interfere with the signals from the tower. The antenna on the chimney would not because it is a different frequency so it is higher. Chairman Moreal asked if all the low lying wires had to stay. Mr. Sinko stated that he could take some wires down. He has four wires up there and could take half of them down. Mr. Sinko stated that you don't even see the wires from the street. The only one that sees the wires is the next door neighbors.

Mr. Narduzzi would like to re-cap. Mr. Narduzzi referred to the drawing showing the tower. Mr. Sinko would take the antenna from the chimney and put it on top of the proposed tower. Mr. Sinko stated that the proposed tower is 60' and the other antenna is 5', then he is at 65'. Chairman Moreal stated that Mr. Sinko is asking for 75'. Mr. Narduzzi stated that the tower could be at 55' plus another 10'. What else is going on the tower? Mr. Narduzzi asked if Mr. Sinko had to add some kind of antenna to the tower. Mr. Sinko stated that the mast you can put the antenna onto. Mr. Sinko stated that the antenna from the chimney could be put on top of the mast. That would give it extra height toward the sky. Mr. Narduzzi stated that the tower itself, if Mr. Sinko stated that 55' was good, the antenna with the mast would be how big in height. Mr. Sinko stated that the mast would be about 5', and then Mr. Sinko would put the antenna on top of that which would give him another 10'. Mr. Narduzzi stated so that would be 70' total with everything. Mr. Sinko stated that if he had a telescopic tower, then he would lower it to the

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required height, that way he could always vary the height at all times; with a fixed tower he cannot. Mr. Sinko wants to avoid cranking it up and down two times a day. Mr. Narduzzi asked Mr. Sinko if the telescopic towers come in 25' sections. Mr. Sinko agreed. Mr. Narduzzi asked Mr. Sinko if he could buy a two section tower which would be 50', maybe a little less. Mr. Sinko stated that it would basically be 46'. Mr. Narduzzi stated that so 46' and then add 15' total – so Mr. Sinko would be at 61' to the top of the antenna. Mr. Sinko stated that with that antenna, he doesn't see how an extra 2' or 4' would make a difference. Mr. Narduzzi is limiting the first antenna. Instead of the antenna being 70' up in the air, the antenna would be at 50' in the air. Mr. Narduzzi asked if Mr. Sinko was comfortable with that. Mr. Sinko stated that it would work. Mr. Sinko stated that the antenna would be at 50'. The other antenna from the chimney would be on top of that – that would be another 10'. Mr. Narduzzi asked Mr. Sinko if he would get what he needs at 50'. Mr. Sinko stated that he would get what he needs at that height. Mr. Narduzzi stated that now Mr. Sinko is down to two antennas in his backyard. Mr. Sinko stated two antennas and then some guide wires close to the ground. Mr. Sinko stated 46' plus 5' is 51', plus the height of the other antenna is about 10'. So the top of it would be at 60'. Mr. Sinko stated then he would eliminate the one from the chimney. Mr. Narduzzi asked Mr. Sinko if it was going to be a telescopic tower in two sections and whenever it gets windy Mr. Sinko will crank it down. Mr. Sinko agreed.

Chairman Moreal stated that a half an hour ago, he understood that this is what he was looking to do, and he was told that it could not happen. Mr. Sinko stated that the larger one could not be located on the tower, but the smaller one could be. Mr. Sinko stated that the two antenna could not be located on the tower to make one. Mr. Sinko will also crank the tower down when it is windy at his own judgment.

Chairman Moreal asked the Board if they would feel better if an expert came in and answered any concerns. Mrs. Fortlage stated that if the Board has something that can satisfy the applicant and the Board may be able to approve it, she is fine with it. Mr. Klingshirn does not see the need for an expert on the height issue if the Board can come to some agreement about the height that the applicant needs and a height that the Board can entertain. In his view, the question for an expert would have been to apply the principals that he read in some of the articles to the site specifics. It now seems that an agreement has been reached with the applicant that this would meet his needs.

Mr. Narduzzi stated that for the record he feels comfortable with the 55' because of the fact that the width of the applicant's yard is around 100' to 110' wide; and if the tower came down by any chance, 99.9% of the tower would stay in the applicant's yard. It takes away Mr. Narduzzi's safety factor on either side of the applicant's property. Mr. Narduzzi feels better that if the tower does come down, it will stay in the applicant's yard.

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A motion was made by Tom Narduzzi, seconded by Carol Fortlage, to permit a tower height of 50' which would consist of two 25' sections of telescopic tower, the applicant will remove the antenna that is currently on the chimney, this antenna will be re-located on the top of the mast, for a total height not to exceed 65', and the antenna height will be at or near 55'. The applicant will also be responsible for cranking down the antenna when it is windy, using his own judgment to do so.

**ROLL CALL:           Yeas: Narduzzi, Fortlage, Gordon, Klingshirn  
                          Nays: Moreal  
                          MOTION CARRIED**

Mr. Narduzzi stated that when the applicant pours the footer, the Building Inspector needs to go out and inspect the footer. Mr. Sinko stated that he will construct it with rebar. Mr. Klingshirn stated that Mr. Sinko needs to obtain a building permit.

**There being no further business to discuss, the regular Board of Zoning Appeals meeting was adjourned at 8:42 p.m.**

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**Mark M. Moreal, Chairman**

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**Debi Beal, Secretary**

Minutes Unapproved at Time of Release 02/25/08