

October 7, 2015

ZONING BOARD OF APPEALS MEETING

Present: Timothy Morgan, Chairman
Roberta Lobur
Richard Hegmann
David Pann
C. Douglas Whelan
Michael Borth, Code Enforcement Officer
Andrew Borden, Village Attorney

The Zoning Board of Appeals met on this date at 7:00 P.M. to hear the applications of:

Brian Borth for a variance of the side yard and height requirements of Chapter 165 of the Code of the Village of Akron to allow him to build a garage on the property located at 5 Exchange Street

Chairman Morgan called the Mr. Borth to the table

The Secretary read the proof of publication and the Chairman requested the proof of required signatures and notifications of the neighbors within 200 feet of 5 Exchange Street. Signatures were submitted.

Chairman Morgan asked Code Enforcement Officer Borth to explain the Code. He said the Village Code book states that in an R-2 zone the side yard setback is 10' and the height of an accessory building is 12'. Officer Borth did explain that the New York State code for height of an accessory building has changed to allow up to 19' walls, and providing how wide the structure is would determine the

roof height. Mr. Brian Borth explained that he will be removing the old existing structure and replacing with a larger building in the same location but 5' from the side yard property line instead of the 3' of the existing building. Mr. Brian Borth explained that they would like to build a new steel building to stand 24' high to match the roof lines of the existing house and 24' wide with one side 40' long and the other side 32' long. He explained that he would like to store his RV in the building and that is why he added the bump out. He further mentioned that the building will have 2 garage doors, four windows, two man doors and a concrete floor. The proposed color will be charcoal on the bottom and white on the top with a black roof. The new building will be at least 10' from the house to conform to the Village Code. After a brief discussion the Board agreed to approve the project.

RESOLUTION duly moved by C. Douglas Whelan and seconded by David Pann to approve the application of Brian Borth for a variance of the side yard and height requirements in an existing R-2 zone under Chapter 165 of the Code of the Village of Akron to erect a 24' wide steel garage with one side 40' long and the other side 32' long and a maximum height of 24' and a minimum 5' set back of the side yard property line at the premises located at 5 Exchange Street be and hereby is approved.

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| Adopted: | Timothy Morgan | - Aye |
| | Roberta Lobur | - Aye |
| | David Pann | - Aye |
| | Richard Hegmann | - Aye |
| | C. Douglas Whelan | - Aye |

Code Enforcement Officer Borth informed the Board that after further investigation into the Village and State codes concerning heights of accessory buildings he requested an Executive Session regarding a legal issue.

RESOLUTION duly by Richard Hegmann and seconded by Timothy Morgan to go into Executive Session regarding a legal issue at 7:20 pm be and hereby is approved.

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| Adopted: | Timothy Morgan | - Aye |
| | Roberta Lobur | - Aye |
| | David Pann | - Aye |
| | Richard Hegmann | - Aye |
| | C. Douglas Whelan | - Aye |

RESOLUTION duly moved by C. Douglas Whelan and seconded by Richard Hegmann to come out of Executive Session at 7:50 pm be and hereby is approved.

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| Adopted: | Timothy Morgan | - Aye |
| | Roberta Lobur | - Aye |
| | David Pann | - Aye |
| | Richard Hegmann | - Aye |
| | C. Douglas Whelan | - Aye |

RESOLUTION duly moved by Richard Hegmann and seconded by David Pann that after further review and investigation into the NYS Code it was determined that a conflict between Chapter 165 of the Village of Akron and the NYS Uniform Code regarding the height requirements for an accessory building has occurred. This conflict directly relates to a Resolution passed for 101 John Street on September 16, 2015. As per NYS Code Section 102.2 subpart 1,2,3, the State Code will supersede The Village Code. Due to this revelation the Zoning Board of Appeals unanimously agreed to amend the Resolution regarding 101 John Street to change the maximum height from 15' to 18' and to reaffirm the 5' side yard setback for the property owned by Thomas Dose be and hereby is approved.

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| Adopted: | Timothy Morgan | - Aye |
| | Roberta Lobur | - Aye |
| | David Pann | - Aye |
| | Richard Hegmann | - Aye |
| | C. Douglas Whelan | - Aye |

Further conversation was held regarding the need to update the current Village Code Book. Upon the suggestion from Code Enforcement Officer Michael Borth, the Village Zoning Board of Appeals will meet with the Village Planning Board to begin the process of revising the Village Code at the next scheduled meeting of November 17, 2015.

On motion of C. Douglas Whelan and seconded by Richard Hegmann at 8:05 pm this meeting was ADJOURNED.