

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
June 8, 2021

This meeting was not an in-person meeting, it was strictly virtual.
The Zoom meeting link may always be found on the published agenda, which is accessible
on the Town of Clarence’s website

Chairman Daniel Michnik called the meeting to order at 5:30 p.m.

Zoning Board of Appeals members present:

Chairman Daniel Michnik	Vice-Chairman Ryan Mills
Patricia Burkard	Richard McNamara
Patrick Krey	Raymond Skaine (arrived at 6:30p.m.)

Town Officials present:

Director of Community Development Jonathan Bleuer
Junior Planner Andrew Schaefer
Supervisor Patrick Casilio
Deputy Town Attorney Steven Bengart
Councilman Paul Shear

Other interested parties present:

David Stasiak	Timothy Dunn	Charlie Amico	Gerry & Kathy
iPhone	Keith Burke	Tommy Vullo	***-1992

Motion by Ryan Mills, seconded by Patricia Burkard, to **approve** the minutes of the meeting held on May 11, 2021.

Richard McNamara	Aye	Patricia Burkard	Aye	Ryan Mills	Aye
Daniel Michnik	Aye				

MOTION CARRIED

Old Business

Appeal No. 3 (from May, 2021 meeting)

David Stasiak
Residential Single-Family

Appeal No. 3 is in variance to:
(1 & 2) §229-55 (H)

*Amended from May, 2021 request of 1,300 sq. ft. to
allow a 1,500 sq. ft. secondary detached garage.

Applicant request a variance;

- 1) To allow a secondary detached garage; and
- 2) Of 888 sq. ft. to allow a 1,088 sq. ft. secondary detached garage;
located at 5450 Shadyside Dr.

DISCUSSION:

Mr. Stasiak was present virtually, and explained that after the last Zoning Board of Appeals meeting, it was explained that his project needed to be adjusted both in design as well as length. Mr. Stasiak stated that they went back to the drawing board and reduced the square footage as much as possible while still allowing the space Mr. Stasiak needed. Mr. Stasiak tried to update the design to have more of a carriage house look to it, rather than looking as if a tractor trailer is parked on their property.

Mr. Stasiak stated that he has been sketching it out himself, due to the fact that his architect is quite busy. When he showed the updated plans to Paul Gross in the Building Department, Paul informed him that the dormers would not work with the height of the building that is currently planned. Because of this, his plans need to be altered again, therefore he is not prepared to present them to this board tonight.

After speaking with Mr. Bleuer, Mr. Stasiak was advised to attend this meeting as planned, give the board an update on the status of the project and the direction it is headed, hoping that it would be tabled once more.

Mr. Stasiak noted that Mr. Gross had stated that he will need to request an additional variance for the height of the building.

Mr. Stasiak indicated that he has provided a new set of prints, which had been provided to Paul Gross as well. Because of the changes needed, they were not ready to be submitted in time for this meeting.

Mr. Stasiak asked for his request to be tabled until he has completed all the necessary updated information, and then put on to the next available agenda.

Mr. Stasiak asked if the board has reviewed the new sketch that he submitted, and if that looks better to them based on their requests from the last meeting.

Mr. McNamara commented, stating that he does like the layout, it looks a lot nicer. He does understand the issue with the dormers and needing the additional height. The updated curb appeal and moving the building back 20 ft. making it less visible from the street were both positive changes.

Mr. Stasiak stated that he spoke with his neighbor at 5445 Shadyside Drive regarding the concerns that some of the board members had at the last meeting, and the neighbor has no concerns with the direction

that the project is headed. Mr. Stasiak noted that his neighbor even helped him place the new stakes that were required which show where the proposed structure will go based off of the updated plans.

Mr. Michnik asked Mr. Stasiak if he has plans to dress up the outside of the building with any foliage, which Mr. Stasiak responded yes, he is working on those designs also.

Mrs. Burkard stated that she likes the new sketch as well.

ACTION:

Motion by Patrick Krey, seconded by Richard McNamara to **table** appeal No. 3 under Old Business.

Richard McNamara	Aye	Patricia Burkard	Aye	Ryan Mills	Aye
Daniel Michnik	Aye				

MOTION CARRIED

New Business

Appeal No. 1

Charlie Amico
Residential Single-Family

Applicant requests a variance:

- 1) Of 52 sq. ft. to allow a 550 sq. ft. attached accessory structure (garage) addition; and
- 2) Of 2.5' to allow a 10' side yard setback for the construction of the attached accessory structure;
located at 4167 Susan Dr

Appeal No. 1 is in variance to:

- 1) §229-55 (D)
- 2) §229-52 (A) (4)

DISCUSSION:

Mr. Amico was present virtually, explaining that he is looking to gain some additional storage space for his car, lawn equipment, and pool accessories.

Mr. Amico stated that the photos that have been provided to the board do not include the arch in the breezeway, which he recently added, the brick would match what is currently on the house as well.

Mr. Amico believes it would enhance the aesthetics of the house, he has also installed a fence around the corner of his property, and he plans to continue the same fencing along the new structure and his neighbor's property as well.

Mr. McNamara asked Mr. Amico about using the same brick for the new structure that is currently on his house, which Mr. Amico responded he will be using it only on the front face of the building. The side and the back will be vinyl siding, while the front will be brick, it will match the rest of the house.

Mrs. Burkard asked about matching the brick, and how he will match the existing house. Mr. Amico explained that it is painted brick that he whitewashes, so it will be easy to match using that process.

Mrs. Burkard asked Mr. Amico if he will be installing the same type of fence along the other side, which Mr. Amico confirmed. He would also like to put a little gate under the archway, which would also match the fencing.

Mr. Amico stated that he plans to put a new architectural roof on the entire house, so the roofing that he puts on the proposed building will match the rest of the house once that is all complete.

Mr. Krey asked about the driveway leading up to the proposed garage, Mr. Amico responded that it will be concrete.

Mr. Krey stated that he typically does not like two garage doors facing the street, but the door is only 10 ft. wide, which Mr. Amico also stated that the window and shutters will exactly match the windows on the second floor of the house.

Mr. Krey asked Mr. Amico what size the garage door is that is there currently, Mr. Amico responded that it is a two-door garage door, so he believes it is approximately 16 ft.

Mr. Krey asked if the proposed garage will be more for storing equipment than for vehicles, Mr. Amico responded that he will have a smaller car that he will store in there as well.

Mr. Mills asked about the vehicle that will be stored in the proposed garage, Mr. Amico responded that he doesn't own it yet, but has plans to purchase one in the future.

Mr. Mills questioned Mr. Amico whether he will be running any type of business from the structure, which Mr. Amico replied no, although he does own a home improvement company, his office at another location.

Mr. Bengart asked Mr. Amico if the board approved his request and placed a condition stating that no business is to be run from the addition, would Mr. Amico agree to that, which Mr. Amico responded yes.

Mr. Mills confirmed with Mr. Amico that his final plans will include the curved breezeway, as well as a brick front façade, white washed to match the existing façade, which Mr. Amico agreed with.

Mr. Michnik asked if the fence which is along the south side of Mr. Amico's property is his or his neighbor's, which Mr. Amico responded that it is his neighbor's fence. Mr. Michnik asked Mr. Amico if he plans to install a fence next to his neighbor's, Mr. Amico agreed yes, perpendicular to his neighbor's fence, which is there currently.

Mr. Amico responded that he does not have a store, he stores his work equipment there, his office is there, and he does do some work from that location.

Mr. Michnik asked if they were to approve this request tonight, would Mr. Amico object to a condition stating no business is to be run from the building, and if he would agree to have the town inspectors come to insure that. Mr. Amico stated yes, he would be fine with that.

Mr. Michnik stated that they can approve, deny or table the request.

Mrs. Burkard asked about the white fence which is currently located in the area where the proposed garage will go, Mr. Amico responded that he will remove that fence and the back of the garage will be where the fence currently is, bordering the pool area.

Discussion continued regarding the fence around the pool area.

Mr. Bleuer clarified that pool fences are handled through the Building Department, and in accordance with Town Code.

Mr. Amico asked what the maximum allowable garage space is, which Mr. Bleuer responded that it is 960 sq. ft. total, which includes the existing garage space as well as what is being requested, which is why Mr. Amico needs a variance.

Mr. Krey reviewed potential conditions that may be placed on the approval with Mr. Amico.

Mr. Michnik asked Mr. Amico what the height of his proposed building is, Mr. Amico responded that he does not know, but if they were to include a second floor they would utilize it for storage.

The maximum height is 35 ft. for an attached structure, and the photos that Mr. Amico submitted show the building at 16 ft. Mr. Bleuer explained that if the request is approved based on its submittal, it would be limited to 16 ft. in height, per the way it was submitted, plus any additional conditions that the board chooses to place.

Mr. McNamara stated that limiting Mr. Amico to 16 ft. might not be a good idea, once all details are considered, which would force him to return for an additional height variance. Mr. McNamara noted that it appears by his submitted drawings that Mr. Amico plans to match the height of his house, so he would hate to limit the height.

Mr. Bengart asked Mr. Bleuer if that would require a variance of its own, which Mr. Bleuer responded no, what the board could do is set a condition that the proposed building be no taller than the existing ridgeline of the house.

Discussion continued regarding the height of the proposed building.

Mr. Michnik noted that the board can either approve, deny or table the request.

ACTION:

Motion by Patrick Krey, seconded by Ryan Mills to **approve** appeal No. 1 as written, with the following conditions;

- no business will be operated out of the accessory structure;
- a curved breezeway will connect the accessory structure to the home;
- the brick front façade of the accessory structure will be painted to match the same color as the home;
- the accessory structure will be no taller than 22 ft.

ON THE QUESTION:

Mr. Michnik asked if they will be including a condition which states that an inspector or board member may come to check out the building to confirm no business is being run out of the building.

Mr. Krey responded that he has no intention to add that as a condition, someone else may if they'd like to.

Mr. Bengart stated that if there is a condition stating that no business shall be run out of the building, then based on that, they would rely on complaints from neighbors or something similar. Aside from that, you would require probable cause and then a warrant, unless it's added as a condition.

Mr. Michnik asked again if anyone else would like to add a condition, with no response.

Patrick Krey	Aye	Ryan Mills	Aye	Patricia Burkard	Aye
Richard McNamara	Aye	Daniel Michnik	Aye		

MOTION CARRIED

Appeal No. 2

Tommy Vullo
Residential Single-Family

Appeal No. 2 is in variance to:

- 1) §229-52
- 2) §229-55 (D)
- 3) §229-56

Applicant requests a variance:

- 1) Of 4.5' to allow an 8' side yard setback ; and
- 2) Of 2 sq. ft. to allow a 394 sq. ft. attached accessory structure (garage) and;
- 3) Of 3.5% to allow 16.5% lot coverage; located at 5551 Meadowglen Dr.

DISCUSSION:

Mr. Vullo was present virtually, to further explain his request which he stated that he would like to expand on the house by adding another attached garage to give them more parking space as well as additional storage space.

Mr. McNamara asked if since it's a two-story structure, if the proposed addition will match the second story of the main house, which Mr. Vullo responded yes to fit the neighborhood they felt it made more sense.

The home was designed to have the garage with a two car side-load, and one car front-load, and many of his neighbors don't like the way that looks, and it is not enough space, which is why he has requested the variance. Everything will match with the existing house.

Mr. McNamara asked what the rooms above the garage will be, which Mr. Vullo responded it will just be storage, the roof lines will match.

Mrs. Burkard asked if there were any neighbor notifications, which Mr. Vullo responded that a variance sign was placed in his front yard, as well as letters that were sent by the planning office. He only has one neighbor, and he had spoken with him to go over the plans with him.

Mr. Michnik asked Mr. Bleuer if the planning office received any phone calls regarding this variance request, which Mr. Bleuer responded no, no comments have been received regarding this item.

Mr. Krey asked about the field located behind Mr. Vullo's property, which Mr. Vullo responded that it is a conservation area.

Mr. Krey inquired about Mr. Vullo's comment regarding his neighbor not liking his side-load garage, which Mr. Vullo further explained that he has an issue with it because his wife hits the side of the house because of the difficulty to park a large SUV. Also, some of his neighbors that also have a side-load with a front load as well, the width is an issue when they pull forward.

Mr. Krey asked if it was confirmed that the land behind Mr. Vullo cannot be developed, because that mitigates the issue of lot coverage. Mr. Vullo responded that it is conservation area, so the rear of his property are big concrete posts indicating where he cannot proceed past.

Mr. Mills asked Mr. Vullo if he was the original owner of the home which is Forbes built, Mr. Vullo responded yes. Mr. Mills then asked if the overall square footage of Mr. Vullo's home, confirming it is approximately 3,100 sq. ft. which Mr. Vullo also agreed to.

Mr. Mills discussed his concerns with the overall aesthetics of a four car garage in proportion to the size of the home. Mr. Mills asked if the front façade of the garage will be stone as depicted in Drawing 1 that was provided, which Mr. Vullo responded that yes, it will be. Mr. Vullo added that the total square footage of the house is 3,700 sq. ft. because of the family room and how square footage is factored. Mr. Mills clarified that because of the finished space of the two-story family room, which is what brings the total square footage up to 3,700 sq. ft. which Mr. Vullo responded yes.

Mr. Vullo stated that in the front of the house, the side of the garage doesn't look like a garage, so from the front view while he understands what the board is thinking, it is not correct.

Mr. Mills referred to drawing 1 which he labeled Exhibit A, confirming Mr. Vullo's point that the existing garage is a side-load, and won't be seen from the street, you only see the two bays.

Mr. Mills asked if stone as well as all other existing materials would be matched, which Mr. Vullo confirmed. Mr. Mills asked Mr. Vullo if a condition was made that he would not finish that additional space above the garage and it would just remain storage, would Mr. Vullo agree to that. Mr. Vullo stated yes he would, as long as he can put flooring in to prevent people from falling through.

Mr. Michnik asked Mr. Vullo who else in his neighborhood has a garage similar to the one that he is requesting. Mr. Michnik stated that he drove through the neighborhood, he did not see any. Mr. Michnik stated that he has concerns about the addition Mr. Vullo is requesting will change the character of the neighborhood then other neighbors will want to change the outlook of their home.

Mr. Michnik stated that he is not in favor of the variance request because he feels it is another situation where Mr. Vullo is the original owner, he built the house, and he should have addressed these issues at that time rather than asking to change it. Mr. Vullo explained that while in the process of building a home, some things need to be deferred until a later date when it is more feasible. Mr. Vullo added that there are several other homes in his neighborhood that do have three car garages.

Mr. Michnik reiterated that he is not in favor of the request because it is self-created and changes the character of the neighborhood. This should have been considered as part of the home when it was built originally. He does not see any benefit to the request, it changes the character of the neighborhood and was self-created. He does appreciate that Mr. Vullo is a Clarence resident though, and thanks him for addressing the committee.

Mr. Michnik asked if there was anyone on line that would like to address the board about this building.

Mr. Michnik noted that they can approve, deny, or table the request.

Mr. Mills stated to Mr. Vullo regarding the comments that Mr. Michnik had mentioned regarding the size of the garage, which Mr. Mills echoes Mr. Michnik's concerns regarding the neighborhood. He doesn't believe that there are currently any four car garages in the neighborhood and if there are, there are not many.

Mr. Mills asked Mr. Vullo if he would consider a 3.5 car garage, something that is smaller, but will allow them to still achieve the goal of having some extra space while fitting the character of the neighborhood better.

Mr. Vullo responded that absolutely they can do that.

Mr. Mills noted that perhaps Mr. Vullo can keep something similar in square footage, but with more depth to it which would achieve the storage needs, without the aesthetics of a four car garage at the front of the house.

Mr. Vullo asked Mr. Michnik if he would still object if the width was reduced, as Mr. Mills is suggesting.

Mr. Michnik responded that he would like to see what it looks like and perhaps have it tabled until Mr. Vullo can produce updated drawings. Mr. Michnik noted that Mr. Mills brought up some good concerns, and the information that he provided to Mr. Vullo is very valid.

Mr. Vullo requested to table his variance. Additionally, he stated that he doesn't want to extend the depth too much, as he has a covered patio in his back yard.

Mr. Vullo was advised that he is able to remove the current stakes, but would need to re-stake once he was placed back on an agenda. Mr. Bleuer also advised Mr. Vullo to contact the planning office when he has his new design drawings, as there may be a possibility that a variance is not necessary due to the size reduction.

ACTION:

Motion by Ryan Mills, seconded by Daniel Michnik to **table** appeal No. 2.

Richard McNamara	Aye	Patricia Burkard	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Daniel Michnik	Aye		

MOTION CARRIED

Mr. Skaine joined the meeting at 6:31 p.m., and Mrs. Burkard resumed the role of alternate.

Appeal No. 3

Keith Burke
Agricultural-Rural Residential

Applicant requests a variance of 1.75' to allow a 3.25' side yard setback on the north property line to construct a detached accessory structure (shed); located at 6640 Conner Rd.

Appeal No. 3 is in variance to:
§229-44 (F) (2)

DISCUSSION:

Mr. Burke was present virtually to explain that he currently has a stone driveway, as he just finished constructing his home in July, 2020. He needs to get the concrete pad and driveway poured, then he would like to build a 10x14 shed with double doors on the front, and the same appearance as the house. There will be two windows in the front, two 36 in. doors for a 6 ft. opening. Aesthetically it will be very pleasing and look like a smaller version of his home.

The proposed building will be 3 ft. away from his pool fence, leaving room behind the shed to store a couple of items behind the shed.

Mr. Krey asked what the neighboring undeveloped lot is to the north of Mr. Burke's property, Mr. Burke responded that the owner is Mrs. Cosmano, they own 37 acres and Mr. Burke purchased the property next to their double lot which they reside on.

Mr. Skaine asked if the foliage to the north will be staying, as it is the neighbor's property. Mr. Burke responded yes it is staying.

Mr. Michnik asked Mr. Bleuer whether the lot next door to Mr. Burke's property is a 100 ft. or 150 ft. front yard setback, which Mr. Bleuer responded he does not know offhand, he would need to pull the file.

Mr. Burke stated that within the 300 ft. closer to the south side of that property is their septic system, therefore he does not believe there will be anything built on it.

Mr. Michnik asked if there is a possibility of splitting that parcel in to two lots in the future or if it would be sold as one lot.

Mr. Bleuer explained that if there was a new application submitted, then current code would require setback to be 150 ft. and while Mr. Cosmano has received some minor subdivision of land approvals in the past, Mr. Bleuer is not sure which land or where.

Mr. Michnik confirmed with Mr. Bleuer that the height over 16 ft. needed to be listed in the variance, which Mr. Bleuer responded no, not in the agricultural zone. The 16 ft. height limitation is specifically for the residential single family zone. Accessory structures may be as high as 35 ft. in the agricultural zone.

Mr. Michnik noted that the board can either approve, deny, or table the request.

ACTION:

Motion by Ryan Mills, seconded by Raymond Skaine to **approve** appeal No. 3 as written.

ON THE QUESTION:

Mr. Krey stated that there will not be an undesirable change to the neighborhood due to the fact that the properties and neighboring properties are so large, and that there is sufficient buffering between the home and the detached accessory structure.

Mr. Krey noted that it is unlikely that the lot will ever be subdivided and developed, but rather it will be sold as one lot.

Patrick Krey	Aye	Ryan Mills	Aye	Richard McNamara	Aye
Raymond Skaine	Aye	Daniel Michnik	Aye		

MOTION CARRIED**Appeal No. 4**

Timothy Dunn
Residential Single-Family

Applicant requests a variance of 184 sq. ft. to allow a 384 sq. ft. detached accessory structure; located at 4950 Kraus Rd.

Appeal No. 4 is in variance to:
§229-55 (H)

DISCUSSION:

Mr. Dunn was present virtually and further explained that they have three boys, and they have not been able to park in their garages, due to storing multiple seasons worth of sports and lawn equipment as well as patio furniture.

He is requesting a variance of 384 sq. ft. in order to put a shed in the northwest corner of their back yard. The aesthetics will match that of the house, the siding, trim and shingles as well.

Patrick Krey asked what the structure is that is currently where the shed will go, which Mr. Dunn responded it was there when they purchased the house, it's basically a block that has been sunk in to the ground. It is an eyesore, and will be removed so that they can place the shed in that spot. Mr. Krey asked if there were other sheds in the area that resembled what Mr. Dunn plans to install. He did notice several other sheds around, but would like Mr. Dunn's testimony to that. Mr. Dunn responded that his neighbor to the west has two accessory structures, but he would prefer to only have one, a little larger.

Mr. Skaine asked about the foundation that is there currently, Mr. Dunn responded he believes it to be 11x16, it has been there since they moved in. Mr. Skaine asked what the size is of Mr. Dunn's proposed shed, Mr. Dunn responded that it is 16x24, so he would use the existing 16 ft. of where the block structure is, then just come forward toward the house more.

Mr. Mills asked for clarification on the roofing and siding, which Mr. Dunn confirmed that it will be the same materials as the house.

Mr. Mills asked if it will be a pre-fab structure, which Mr. Dunn responded that they will be building it on-site.

Mr. Mills asked about landscaping around the structure, Mr. Dunn responded that the landscaping will be minimally low maintenance and aesthetically pleasing.

Mr. Michnik asked Mr. Dunn how much input his wife has had with this project that the size of the shed is so large, which Mr. Dunn responded that his wife typically handles the aesthetics side of things, while he takes care of sizes. Mr. Dunn proposed this size so that there was adequate space to get everything in that they would like to, and not have to jam it all in like a small closet.

Mr. Michnik asked what the height of the shed is, Mr. Dunn responded that they are planning for 13 ft. Mr. Michnik asked Mr. Dunn why he chose 13 ft. rather than go with the maximum height of 16 ft. Mr. Dunn stated that they were trying to match the pitch of the house, but upon Mr. Michnik’s suggestion of raising the height to 16 ft., Mr. Dunn responded that he wouldn’t be opposed to the additional space.

ACTION:

Motion by Daniel Michnik, seconded by Richard McNamara to **approve** appeal No. 4 as written, with the following addition;

1. applicant may increase the height of the shed to 16 ft. if desired.

ON THE QUESTION:

Mr. Michnik stated that he added the increased height option because several of Mr. Dunn’s neighbors have buildings that are higher, therefore it would fit in with the characteristics of the neighborhood.

Additionally, the proposed structure will only be visible to one of the neighbors.

In regards to Public Participation, no one spoke.

Patrick Krey	Aye	Ryan Mills	Aye	Richard McNamara	Aye
Raymond Skaine	Aye	Daniel Michnik	Aye		

MOTION CARRIED

Appeal No. 5

Gerald & Kathleen Goodrich
Residential Single-Family

Applicant requests a variance of 120 sq. ft. to allow a 320 sq. ft. detached accessory structure (pavilion);
located at 4727 Harris Hill Rd.

Appeal No. 5 is in variance to:
§ 229-55 (H)

Mr. Michnik recused himself from this appeal. Mr. Mills stepped up as Chairman, Mrs. Burkard stepped in from the alternate position.

DISCUSSION:

Mr. Mills stated to Gerry and Kathy Goodrich, who were present virtually, that the board has the ability to approve, deny, or table their request.

Mrs. Goodrich explained that they have submitted the variance request to build a pavilion in their backyard, where they own one acre of property.

If approved, they will have a 16 x 20 sq. ft. pavilion with a full hip roof which will match their home. It will be white vinyl, which will match all of the trim work on their brick home.

It will be towards the south side of their property, they have talked to their neighbors to the south about their plans, and they have given them a smile, thumbs up, and encouragement to proceed.

They are requesting this size because they would like to have enough room to have a barbecue area as well as sitting areas.

They will also have porcelain pavers, and feel that it will greatly enhance their backyard.

The shingles will be architectural and will match the shingles on their home as well.

Mr. McNamara referred to photos 1 & 2 which were submitted, noting that the fireplace may be an addition in the future, which Mrs. Goodrich replied yes.

Mr. McNamara asked about the south property line where there shows a line of bushes, Mrs. Goodrich explained that they are Tri-Color Willows, which provide a good border for both sides of the property, but they are on their property. Mr. McNamara noted that these willows will act as the hedgerow to provide privacy from and for their neighbor, Mr. and Mrs. Goodrich agreed.

Mr. Krey asked about the tree which was removed, Mrs. Goodrich explained that a Silver Maple was taken down, and was estimated to be approximately 60-70 years old.

Referring to the photo titled "Backyard View 4715 (#2)", Mr. Krey noted what Mr. McNamara was also referring to, which was once the pavilion is erected, the shrubbery will act as a barrier for both them and the neighbor.

Mrs. Burkard complimented the Goodrich's on their beautiful project, and that the board understands the need for the close proximity to the house.

Mr. Skaine asked if there is a building off the back of their house, to the east, which Mrs. Goodrich explained is their rock wall along the border of the escarpment, there is no foundation in the back.

Mr. Mills noted that TimberTech Engineering are the engineers on the project, and asked who will be doing the work. Mrs. Goodrich responded that the pavilion that they are looking at which is the one shown in the photos that they submitted, will be built elsewhere then erected once it arrives at their house.

The contractor doing the paving work will just be putting down the foundation.

Mr. Mills noted that the board is considering a variance for is what is depicted in the engineering drawings.

Mrs. Goodrich stated that the pavilion in the drawings is the one that they are hoping to purchase.

Pavilion 1 is the photo which depicts an almost identical pavilion as to the one that Mr. and Mrs. Goodrich intend to purchase.

Mr. Bleuer noted that the planning office has received correspondence from the neighbors to the south at 4715 Harris Hill Rd., Bill Lorenz. The email states that Mr. Lorenz has spoken with the neighbors and does not object to their planned structure. Mr. Lorenz states that when the Goodrich’s survey is completed, that it will identify the distance between each southern corner of their house and the property line. This will remove any uncertainty as to where the line is located.

ACTION:

Motion by Patricia Burkard, seconded by Richard McNamara to **approve** appeal No. 5 as written.

ON THE QUESTION:

Mr. Krey stated that the proposed pavilion will not create an undesirable change in the character of the neighborhood due to the bushes that are there, also due to the depth of the property.

Richard McNamara	Aye	Patrick Krey	Aye	Patricia Burkard	Aye
Raymond Skaine	Aye	Ryan Mills	Aye		

MOTION CARRIED

Mr. Michnik re-joined the meeting.

Reminder to the Zoning Board of Appeals members to get all of their Land Use Training hours in before the end of the year.

Discussion regarding the 5:30 p.m. start time, which is favorable among the members.

After discussion, it was decided to change the start time for the Zoning Board of Appeals meetings to 5:00 p.m. starting with the July 13, 2021 meeting.

Meeting was closed at 7:17 p.m.

Amy Major
Senior Clerk Typist