

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
July 12, 2022

Chairman Ryan Mills called the meeting to order at 5:30 p.m.

Zoning Board of Appeals members present:

Gerald Drinkard	Raymond Skaine	Ryan Mills	Patrick Krey
Richard McNamara	Patricia Burkard		

Town Officials present:

Director of Community Development Jonathan Bleuer
Councilman Paul Shear

Other Parties present:

Bill Craven Craig Cieplinski

Motion by Raymond Skaine, seconded by Gerald Drinkard, to **approve** the minutes of the meeting held on June 14, 2022.

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

MOTION CARRIED

OLD BUSINESS

Appeal No. 3

William Craven
Residential Single-Family Zone

Applicant requests a variance of 4.5 ft. to allow a 20.5 ft. tall detached accessory structure (garage) located at 6089 Elm Street.

Town Code Reference;
§229-55 (E) (2)

Patrick Krey recused himself from this agenda item.

DISCUSSION:

William Craven was present to further explain his request, stating that he would like to replace his current detached garage with a new, taller garage. He would also like to update the character and aesthetics of the new garage, so that it matches his home.

Mr. Craven explained that the street view will show 4 peaks on his house rather than the current 3 peaks.

Mr. Craven stated that he will maintain the structure of a detached garage, because he owns the lot next to him, and he does not want to impede on the house next door. If he attached the garage, he would need 12 ft. clearance, which would encroach on the neighboring lot.

Mr. Craven explained that the house was built in 1920, and does not have a significant amount of storage space, so when he put the addition on the rear of the house, he included a crawl space as well. Aside from that, the closets are small, and he does not have an attic or basement.

Mr. Drinkard explained that he visited with Mr. Craven, they reviewed the project in detail, including the footprint for the proposed garage, explaining the height and the reason for it. Mr. Drinkard noted that Mr. Craven indicated the siding will be grey, and verified there will not be a stone veneer on the front of the proposed structure. Mr. Craven responded yes, adding that the finished product may slightly differ from the house in the type of siding, but the shade of color will remain the same, so it won't be noticeable.

Mr. Drinkard stated that the building that Mr. Craven is proposing is very similar to what he currently has on his property. Mr. Drinkard added that he doesn't feel the addition will be detectable from the adjacent properties, and will not cause a negative impact on the character of the neighborhood.

Mr. Drinkard commented that the 4 peaks that are proposed will compliment the house, noting that as Mr. Craven previously stated, the structure he is removing is rotted, therefore it needs to be removed.

Mr. Skaine reiterated that he has a problem with the height for that neighborhood, this will be very noticeable and change the look of the neighborhood.

Mr. Skaine noted the stairs that are included in the plans for the proposed building, and asked Mr. Craven what the stairs are for. Mr. Craven responded that they will lead to an upstairs area to be used for additional storage as well as a wood working area for him. Mr. Skaine asked if the area will have electricity, and Mr. Craven responded that eventually he would like to.

Mr. Skaine asked Mr. Craven what type of woodworking he will be doing, and what type of tools he will keep there. Mr. Craven stated that it is a hobby, he does not know for sure if he'll keep his larger power tools up there, but he would like to store most of them.

Mr. Skaine stated that he is upset about the height of the proposed project, as he feels it is too high, and there are not any other homes in the neighborhood of similar height.

Mr. Craven explained that part of the reason he needs to replace the old garage with the proposed structure is due to drainage in that area. Because of this, he needs to build the garage approximately 6"-8" higher in order to circumvent the water issues.

Discussion continued regarding the foundation and construction of the proposed addition.

Mr. McNamara complimented the street curb appeal and the way the proposed structure will match the house.

Mr. McNamara asked Mr. Bleuer if this property is zoned Traditional Neighborhood District (TND). Mr. Bleuer responded that it is Residential Single-Family Zone, but very close to the TND.

Mrs. Burkard asked if the siding will be vinyl, Mr. Craven responded yes. Mrs. Burkard asked if the structure will be stick-built or a pole barn. Mr. Craven responded that it will be stick built.

Mrs. Burkard stated that she has no problem with the height of the proposed garage, because it blends in with the rest of the house.

Mrs. Burkard confirmed with Mr. Craven that no business will be conducted out of the second-floor area of the proposed garage. Mr. Craven agreed.

Mrs. Burkard asked Mr. Craven about the vacant lot next to him, that he also owns. Mr. Craven responded that it is grandfathered in as a separate lot.

Mr. Craven stated that he plans to install a 12 ft. garage door rather than a larger one. He does not have the room in his driveway to utilize the garage for two vehicles.

Chairman Mills asked Mr. Craven if a condition was placed that no business is to be operated out of the proposed garage, would Mr. Craven agree to that. Mr. Craven responded yes.

Chairman Mills asked Mr. Craven if a condition was placed stating that materials similar to the house be used on the proposed garage, such as vinyl siding, would he agree to that. Mr. Craven responded yes.

Mr. Skaine asked Mr. Craven how he plans to make the slope of the driveway level with the garage, since he plans to raise the foundation up 6 in. Mr. Craven stated that he doesn't think the floor will be up so high that there will be a substantial slope.

Discussion continued regarding the concrete floor and the slop of the garage.

Mr. Skaine stated he is concerned about the egress in to the garage.

In regards to Public Participation, no one spoke.

Neighbor Notifications were sent and are on file, no comments received.

ACTION:

Motion by Gerald Drinkard, seconded by Patricia Burkard to approve Appeal No. 3 under Old Business with the following conditions:

1. no business is to be conducted out of the structure.
2. materials are to match the house.

ON THE QUESTION:

Chairman Mills stated that this variance request differs from some others, in that the applicant owns the adjacent parcel, there is adequate foliage around the structure to mitigate the view for neighbors, and the close proximity to the Traditional Neighborhood District.

Gerald Drinkard Aye Raymond Skaine Nay Ryan Mills Aye

Patrick Krey Aye Richard McNamara Aye Patricia Burkard Aye

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

Craig Cieplinski
Planned Unit Residential Development Zone

Applicant requests a variance:

1. to allow a secondary detached garage; and
2. of 200 sq. ft. to allow a 400 sq. ft. secondary detached garage;

Town Code Reference;

1. §229-55 (H)
2. §229-55 (H)

located at 5979 Wexford Manor.

Mr. Krey returned to the dais.

DISCUSSION:

Mr. Cieplinski was present to further explain his request and answer any questions. Mr. Cieplinski stated that the proposed garage would be used for storage, as well as cars. Currently they have a 3.5 size car garage, but it is not easy to access and they have had difficulties getting their vehicles inside. Additionally, he has several pieces of outdoor lawn equipment.

Mr. Cieplinski stated that he has considered other options including attaching it to the existing garage. For multiple reasons, none of the other options were feasible.

Mr. McNamara stated that he likes the design, the size is good, and he sees no problems.

Mrs. Burkard agreed with Mr. McNamara, adding that she thinks it will look nice with the rest of the property, and she understands why it cannot be attached.

Mr. Krey asked Mr. Cieplinski how long they have lived in this house. Mr. Cieplinski responded approximately 6 years.

Mr. Krey asked if there are any other homes in the neighborhood with both an attached and a detached garage. Mr. Cieplinski reviewed the houses on his street with either attached garages, or garages attached via a breezeway.

Mr. Krey asked Mr. Cieplinski if he plans to run electric to the garage. Mr. Cieplinski responded yes, for an electric garage door and other assorted outlets.

Mr. Cieplinski has no intentions of operating a business out of this proposed structure.

Mr. Drinkard noted that with the shape of Mr. Cieplinski's lot as well as the proposed structure being set back enough and the vegetation in the area, it will not be noticeable.

Mr. Drinkard added that the current two and a half car garage on the property is minimally visible from the street. He doesn't feel there will be a negative impact on the neighborhood.

Mr. Skaine stated that he disagrees, he did not see a free-standing garage on Mr. Cieplinski's street. Mr. Cieplinski responded that the free-standing garage that he referred to is on a neighboring street.

Mr. Skaine noted that he feels this would change the neighborhood. He did not see the stakes on the property.

Mr. Skaine stated that a three-car garage will be too large for that lot. Mr. Cieplinski responded that the request and plans are for a one-car garage, 16 ft. high.

Mr. Skaine stated that he is not in favor of it, that it will ruin the area and set a poor precedent.

Chairman Mills asked Mr. Cieplinski if he has thoroughly explored a breezeway option. Mr. Cieplinski responded that yes, and a breezeway would raise the roofline significantly, in order to have it attach to the garage. This would cause him to need a variance for height.

Chairman Mills asked about a step-type breezeway. Mr. Cieplinski responded that the way the plans are, he would not have room to do a step-up and access the backyard walkway. Attaching it would make it difficult due to the glass and stone on the side of the existing garage.

Chairman Mills asked if a condition was placed stating that stone that matches the house is to be used, would Mr. Cieplinski agree to that. Mr. Cieplinski agreed.

In regards to Public Participation, no one spoke.

Neighbor Notifications were sent and are on file, no comments received.

ACTION:

Motion by Richard McNamara, seconded by Patrick Krey to approve Appeal No. 1 with the following conditions:

1. front materials are to match the front of the existing garage.
2. no business to be conducted out of the structure.

ON THE QUESTION:

Mr. Krey stated that the reasons for having the garage as stated by the applicant were satisfactory, which include the hardship in regards to storage, and moving vehicles in and out of the existing garage.

Mr. Krey added that as noted by other members of the board, the view from the street will be minimally altered, due to the existing side-load garage.

Mr. Krey stated that when looking at the area, many other homes also had other garages next to side-load garages as well.

Mr. Krey noted that when considering the conditions that are being added, he has no concerns.

Richard McNamara	Aye	Patrick Krey	Aye	Ryan Mills	Aye
Raymond Skaine	Nay	Gerald Drinkard	Aye		

MOTION CARRIED

Meeting adjourned at 6:00 p.m. with a motion by Raymond Skaine.

MOTION CARRIED

Amy Major
Senior Clerk Typist