

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday August 13, 2019
7:00 p.m.

Chairman Daniel Michnik called the meeting to order at 7:01 p.m.

Zoning Board of Appeals members present:

Chairman Daniel Michnik	Vice-Chairman Ryan Mills	Patricia Burkard
Jonathan Hickey	Patrick Krey	

Zoning Board of Appeals members absent: Richard McNamara

Town Officials present:

Director of Community Development James Callahan	
Deputy Town Attorney Steven Bengart	Councilman Paul Shear

Other interested parties present:

Sam Camilleri	John Streer	Dominic Piestrak	Mike Anderson	Barry Yavener
Bill Delong	Susan Guenther		Paul Kazmiercsak	Denise Williams
Rick Tesmer	Ed and Jane Baumler			

Motion by Ryan Mills, seconded by Patricia Burkard, to **approve** the minutes of the meeting held on July 9, 2019, as written.

Patrick Krey	Aye	Jonathan Hickey	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

MOTION CARRIED.

The Zoning Board of Appeals Committee entered into executive session and Attorney/Client Privilege session at 7:01 p.m. The session ended at 7:10 p.m. and the Zoning Board of Appeals meeting opened.

Old Business

Appeal No. 1 (from July 2019 Meeting)

John and Theresa Streer
Residential Single Family

Requests the Board of Appeals approve and grant a 5.5' variance to allow a 4.5' side yard setback for the placement of a detached accessory structure (emergency generator) located at 5491 Firefly Court.

Appeal No. 1 is in variance to §229-55(E)(1).

DISCUSSION:

John Streer is present along with Sam Camilleri, his electrician. Dominic Piestrak is present as well. Mr. Streer said he would like to put a whole house generator on the side of his house. He will remove a plant that is on the side of his house because it would be too close to the generator. There will be three (3) plants in front of the generator to screen it from view of passers-by.

Mr. Mills read the Easement Agreement into the record, the form is on file.

Mr. Camilleri said if the generator needs to be removed he would disconnect the fuel and the wiring connections, it is a simple process. If there was an emergency where the generator had to be removed it would take approximately two (2) hours.

ACTION:

Motion by Jonathan Hickey, seconded by Daniel Michnik, to **approve** Appeal No. 1 under Old Business as written and including the landscaping that was represented.

Patrick Krey	Aye	Jonathan Hickey	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

MOTION CARRIED.

Appeal No. 4 (from July 2019 Meeting)

Michael Anderson
Residential Single-Family zone

Requests the Board of Appeals approve and grant a variance of:

- A). 2.5' to allow a 10' side yard setback.
- B). 17.5' to allow a 27.5' rear yard setback.
- C). 4.5% to allow 22.5% lot coverage.

All requests apply to an addition of the existing single-story principle structure located at 8690 Nottingham Terrace.

Appeal No. 4 is in variance to (A) §229-52 (B), (B) §229-52 (C), (C) §229-56.

DISCUSSION:

Michael Anderson is the architect and is representing the owner, Barry Yavener, who is also present. The proposal would be an addition to an existing single story home. There is a garage on the property that was not connected to the house, they are putting in an addition that provides a new entrance and allows the expansion of a couple of the interior rooms and connects the garage. The garage has some structural issues that through the process of this addition they are able to resolve without having to demolish and rebuild the garage. The second part of the project is a home workshop which is the space that requires three (3) variances. It will be a home workshop used for making furniture. Barry Yavener explained that he builds one-of-a-kind furniture, three or four pieces a year. He will also put up a model train set-up which he builds and works on, it will go around the perimeter of the space.

Mrs. Burkard asked if a business will be operated from the home. Mr. Yavener said no, he makes furniture for himself and his children. He is a former Buffalo State woodworking professor. Mrs. Burkard asked what

the outside will be constructed with. Mr. Anderson said it will be siding to match the existing house, they are using a 2' x 6' exterior frame with an insulation board so it will be energy efficient. It is designed to tie into and look like it is an extension of the existing ranch. There will be one (1) door off the side into the yard, the primary access point for the workshop will be through the existing garage. There will not be a garage door in the back of the proposed addition.

Mr. Krey asked if the applicant considered a smaller footprint. Mr. Yavener said he has, he would actually like it larger but that might not be possible, so this is where he came to with everything that he wants to fit in there.

There are two (2) neighbor notification forms on file, Mr. Yavener has discussed his request with both neighbors and neither has a problem with it. The property behind the applicant's is commercial property.

Mr. Yavener and his son have lived in this home for almost a year.

At Mr. Hickey's request, Mr. Anderson explained that they wanted to save the existing garage. They want to make it look like an extension of the existing garage. The existing garage is already within the side setback at 11.3'. The property line is angled. The width of 24.5' is due to the existing portion of the back half of the house, this is the reason for the side and back setback requests. Mr. Hickey asked if any of the Mr. Yavener's equipment makes any noise beyond ambient noise. Mr. Yavener said he does not make a lot of noise because most of his work is by hand. The elevation of the proposed structure is the same as the present house. Mr. Yavener said he plans on living here for a long time and said he will be "aging in place".

Mr. Mills asked what the applicant is doing in terms of HVAC in the proposed addition. Mr. Anderson said there will be a mechanical ventilation system which has a filter for any work and dust collection. The heat will be handled by a radiant floor system. There is no cooling system other than fans and natural ventilation in the workshop. The size of the parcel is half an acre. There will be no retail customers on the property. If the request was denied Mr. Yavener would probably have to move, he doesn't want to because he loves the neighborhood. He contemplated this addition when he purchased the property but did not think it would be an issue to build it.

Mr. Anderson has been an architect since 2006, he has owned his own firm for five (5) years and primarily does residential. Chairman Michnik asked who the contractor will be, Mr. Anderson said he is in discussions with two (2) gentlemen for the job. They would like to start construction in the spring of 2020. The cost would be approximately \$100 per square foot for the work shop area and \$150-\$160 per square foot for the residential area. Cedar shake siding has been introduced to differentiate the addition from the original house.

Chairman Michnik asked what the plan is for landscaping around the addition. Mr. Yavener said he will wait until it's done but wants it to be beautifully landscaped and to fit into the neighborhood. Mr. Anderson said the landscaping would separate the driveway from the front of the house and highlight the entrance, they also discussed buffer vegetation for the neighbor to the west. Chairman Michnik asked if it is acceptable to the applicant, if the request is granted, that a condition of the approval is that landscaping has to be completed prior to the Certificate of Occupancy being issued. That is acceptable to the applicant however it may be finished in the winter and he won't be planting in the winter, it would then be the following spring. The house does not have a basement.

Bill Delong, of 8700 Howard Drive, is present and said he has lived in Harris Hill for over 30 years. He is concerned that the workshop is bigger than the home. He said the workshop could be moved so a side yard

variance would not be required, he referenced the septic system. He is also concerned about the usage after the fact, there will be a huge vacant building and how will that affect the other people in the neighborhood? Will that become warehouse space or some other usage? He asked how large the former professor's workshop was at Buffalo State. Mr. Yavener said his workshop at the college was approximately 6,000 square feet. Mr. Anderson said the house is just under 1,970 square feet, not including the garage which is just shy of 600 square feet. The addition is 1700 square feet. Mr. Anderson has discussed relocating the addition with Mr. Yavener but the desire is to have open large windows from the bedroom if possible. The woodshop itself is only about 1100 square feet, then there is the garage, so what they are putting on is half the size of the house.

Mrs. Burkard referenced the future use of the addition, after Mr. Yavener's use, and asked if it could be a two-family or commercial use. Mr. Callahan said the zoning does not allow for two-family or commercial use. Mr. Delong said he is also concerned with the septic systems, there would have to be a tremendous upgrade to the septic in that area, although he doesn't know how there would be access to put in a larger septic system. Mr. Anderson said the existing septic is sized for the number for fixtures that are currently in the house, they are not increasing the number of fixtures, they are just redistributing them. There is no water source in the workshop. The existing septic system meets the need of the addition.

Mr. Anderson referenced the landscaping and said they will use plantings that will withstand additional run-off from the additional area.

Mr. Mills asked if the applicant would speak to other homes in the area with similar square footage at 3,670. Mr. Yavener said the living area is not that much larger. Most houses don't have a 1,000 square foot workshop in them. His friend on Trailing Drive just sold his house and it was 2200 square feet.

Mrs. Burkard noted that the property line to the west is treed so the neighbor would not see the addition.

ACTION:

Motion by Ryan Mills, seconded by Patricia Burkard, to **approve** Appeal No. 4 under Old Business as written, with the following conditions:

- The applicant agrees not to conduct any business out of the premises.
- Landscaping be completed around the new structure within six (6) months of the Certificate of Occupancy being issued. The plantings are to be any type of shrubbery other than grass.
- The applicant is to use taller shrubbery such as 3'dwarf pine on the west side of the house.

ON THE QUESTION:

The applicant has demonstrated that this is a unique lot in that there is commercial behind it. The lot is considered a double lot per residential standards. There is a landscaping buffer already in place to the west, which would be the property most affected by this additional structure.

Patrick Krey	Aye	Jonathan Hickey	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

MOTION CARRIED.

New Business

Appeal No. 1

Herbert Guenther
Residential Single Family

Requests the Board of Appeals approve and grant:

A.) A 307 square foot variance to allow for the construction of a 653 square foot attached garage addition, resulting in 1,613 square feet of total attached garage space.

B.) A 7' variance to allow a 5.5' side yard setback for the proposed attached garage addition.

All requests apply to 8689 Nottingham Terrace.

Appeal No. 1 is in variance to 1.) §229-55(D), 2.) §229-52(B). *proposed replacement of existing variances approved on March 12, 2019.

DISCUSSION:

Susan Guenther is present and explained that the request is incorrect, it should be A.) A 650 square foot variance for the construction of a 1,063 square foot attached garage, resulting in 1,613 square feet of total attached garage space.

Four (4) neighbors were notified via certified mail, there are no responses from the neighbors. Paperwork is on file. Mrs. Guenther explained that the footprint is the same as what was previously approved, they just decided to add a second story.

Mr. Mills noted that the house is approximately 2200 square feet. He asked if there will be additional living space over the garage. Mrs. Guenther said no, it will just be used for storage. The other space will be used for vehicles when their children start driving in a few years. The breezeway will be implemented into the design. Mr. Mills voiced his concern regarding the ratio of the house at 2200 square feet to the garage at 1613 square feet. He asked how that will be handled from an aesthetics standpoint. Mrs. Guenther said the first garage on the front of the house is the side entry garage, the one at the end of the driveway will be the only one visible from the road. 8' designer garage doors will be used. There may be a cupola placed on top of the garage.

Mrs. Guenther explained that the electrical line will be buried and will send power to the garage so they can have garage door openers.

Mr. Guenther is an architect and is handling the project, the Guenther's will live in this home as long as they can. Mrs. Guenther said the correct square footage variance request is 653. The existing garage is 550 square feet and the maximum allowed is 960'.

Chairman Michnik asked about lighting. Mrs. Guenther said there will be a light on the outside of the garage, otherwise the electricity will be only for the garage door openers. There may be a light switch in the structure to make it easier to see but the structure is strictly for storage. Mrs. Guenther is amenable to a condition, if approved, stating there will be no living space, because there will be no living space.

ACTION:

Motion by Jonathan Hickey, seconded by Patricia Burkard, to **approve** Appeal No. 1, A.) As a 653 square foot variance to allow for the construction of a 1,613 square foot total attached garage space. B.) as written. The approval is conditioned upon the addition being used as garage space only, no living quarters. The approval also excludes the use of the structure as any office, professional or other commercial space.

ON THE QUESTION:

Mr. Hickey said the details of the project have been reviewed by the Board at length. The footprint of the project is not changing. This is a sizeable variance but the Guenther's are committed to the property and to the neighborhood in a personal and professional way.

Patrick Krey	Aye	Jonathan Hickey	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

MOTION CARRIED.

Appeal No. 2

Sharon Amoia
Residential Single Family

Requests the Board of Appeals approve and grant a 200 square foot variance to allow a 400 square foot secondary detached garage located at 8221 Stahley Road.

Appeal No. 2 is in variance to §229-55(H).

DISCUSSION:

There are two (2) neighbor notification forms on file.

Sharon Amoia is present and explained that she needs storage for her and her husband's vehicles. Her current garage has a ramp in it so she can only fit one vehicle in there.

Mrs. Burkard referenced her conversation with the applicant and said they discussed having three (3) buildings when only two (2) are allowed. Mrs. Amoia said there are items in one of the structures that will be stored in the new garage, she asked if she would have to take one (1) structure down before putting up the proposed structure. Deputy Town Attorney Steve Bengart said it would have to be done simultaneously. The structure that will be removed is the wood shed on the southern portion of the backyard, the exact structure is circled on the document entitled Exhibit A, which is on file.

Mr. Mills asked what materials will be used for the new structure. Mrs. Amoia said it will be vinyl siding, a single garage door and a man-door, no windows, no electricity, no driveway access. It will have a concrete floor.

Chairman Michnik asked if the applicant has a contractor in mind to build the garage. Mrs. Amoia said yes however she does not remember his name. She is hoping to start the project by October. The structure will look like the one in the photo, which is on file.

Mr. Krey asked if there will be landscaping around the outside of the garage. Mrs. Amoia said she may do some flowers, she has not thought that far ahead. Mr. Krey asked if she would be ok if landscaping was made a condition of the approval. She said yes, she will do whatever the Board asks.

ACTION:

Motion by Patrick Krey, seconded by Daniel Michnik, to **approve** Appeal No. 2, as written with the following conditions:

- That there be foundation plantings around the structure, the plantings/flowers/shrubbery are to be installed within six (6) months of the project being completed.
- The wood structure circled on Exhibit A is to be removed within 30 days of the Certificate of Occupancy being issued for the garage.

Patrick Krey	Aye	Jonathan Hickey	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

MOTION CARRIED.

Appeal No. 3

Richard E. McNamara
Industrial Business Park

Requests the Board of Appeals approve and grant:

- A.) A 10' variance to allow a 10' side yard setback on the west property line.
- B.) A 10' variance to allow a 10' side yard setback on the east property line.
- C.) A 15' variance to allow a 10' rear yard setback on the south property line.

All requests apply to 8615 Roll Road for the construction of industrial accessory structures.

Appeal No. 3 is in variance to A.) §229-102(F), B.) §229-102(F), C.) §229-102(G).

DISCUSSION:

Mr. Mills noted that there is a consent letter on file dated July 17, 2019 stating that the applicant, Richard McNamara, gives Paul Kazmierczak the authority to represent 8615 Roll Road LLC in front of the Zoning Board of Appeals for the Town of Clarence in the matter of side and rear setback variances.

There are four (4) neighbor notification forms are on file.

Mr. Kazmierczak said they are requesting a side 10' easement and a rear 15' easement. The requested variance will allow the proposed development to keep parking and deliveries well in the rear of the property away from Roll Road. In addition, the variance will keep proposed development traffic localized on the site, minimizing traffic impacts on Roll Road. Parking will be in the back per the attached sketches. It allows loading ramps for tractor trailers and allows those vehicles to turn behind the building so as not to impact parking or any traffic on Roll Road.

Mrs. Burkard asked what the building will be used for. Mr. Kazmierczak said the intended purpose of the building is to be a storage facility for a contractor type environment. The structures would be approximately

325' x 50' on the east side, 240' x 50' on the south side, and 125' x 50' on the west. Mr. Kazmierczak referenced Exhibit A, which is on file, and said the brick building in the front will remain, the two (2) other structures will be removed and replaced with what is indicated by red on the Exhibit A. There are open roofed lean-tos that are also going to be removed.

Mr. Hickey asked more details regarding the usage as storage facilities for contractors. Mr. Kazmierczak said an example would be a storage facility for other industrial businesses, however he does not have information as to what exact type of tenants would be using the facility. Currently there are no tenants. A closet design company is an example of a possible tenant, they would store their racking and shelving at the facility but would actually do the work off-site. A landscaper could potentially store their mowers and trailers in the facility, do their work off-site, then return the equipment to the storage facility. Another example could be an electrical contractor who would store conduits, switch gears and other equipment. An average size bay would be 25' x 50'. The entrance would be an overhead door, however Mr. Kazmierczak does not know the dimensions of the door. There would also be a man door entrance for each unit. The size of the doors would be uniform for all units. Mr. Kazmierczak believes the size of the door would be about 10' x 12' industrial-type door, which is a standard size. Mr. Hickey asked what will be done with the equipment that is currently on the property. Mr. Kazmierczak said it is Mr. McNamara's equipment and the intent is for Mr. McNamara to use one of the units to store his equipment. Mr. Hickey then asked for details on the parking and the traffic that will visit the site. Currently there is no organized parking. However the existing parking in the front and on the side for Clarence Kitchen Design will remain the same. Traffic comes off of Roll Road with a lot of room to stage and get off of Roll Road. The plan is for an improved gate at the site. The variance would allow for organized, ample parking of 32 additional parking spaces, for the tenants and their employees. An example of an employee would be a landscaper who would leave his personal vehicle on the site and drive the landscaping vehicle to the off-site job. It is confirmed that there is no business or retail sales being run out of this site.

Mr. Krey said this is a large request and asked if there has been any evaluation as to whether the benefit sought could be achieved by some method feasible for the applicant to pursue other than the variance requested. Mr. Kazmierczak said this request would allow tractor trailers to make deliveries and make the turn without having to circumvent the parking area.

Mr. Mills asked about the exterior siding on the structure. Mr. Kazmierczak said it would be metal exterior siding and a metal roof. Mr. Mills referred to the 3D drawing dated June 13, 2017, which is entered into the record as Exhibit B, and asked what the open bay will be used for. Mr. Kazmierczak said it is for general access to the rear of the property. Mr. Mills referred to a document titled A1, entered into the record as Exhibit C, and asked if the two larger units on each end will be used for larger rental bays. Mr. Kazmierczak said yes, one is a mechanical room for electrical distribution. He went on to say there will be no selling of any products out of these bays. The floors will be concrete. Mr. Mills asked if there will be fire walls between each unit, Mr. Kazmierczak said he does not know and figured that will be handled at the next step of the development. Mr. Mills asked if the parking lot is going to be striped, Mr. Kazmierczak said it could be, but it will not be paved, the initial plan is for proper grading for drainage but to keep it a crusher-type run. Mr. Mills asked if the tractor trailer is used for Mr. McNamara's business. Mr. Kazmierczak said yes that is one use, but could also be used for a common loading bay for the tenants. Mr. Mills asked what percentage of use will be used as rentals versus Mr. McNamara using space for his business, Mr. Kazmierczak does not know. The cabinet shop is part of Mr. McNamara's business, the existing building is the retail outlet. Mr. Mills asks what is going on in the rear of the property, Mr. Kazmierczak said it will be maintained as natural buffered green space, there are no plans for that area.

Chairman Michnik said Mr. McNamara is unable to attend the meeting because he is stuck in Carolina, however he advised that the garage doors were 14' x 14', Chairman Michnik asked why they are so big. Mr. Kazmierczak said to allow for ladder racks on the vehicles. They are oversized in lieu of someone damaging the door. There will be no restrooms in the proposed facility, there will be a common rest room in the cabinet shop. Chairman Michnik asked if the leach field is up to size as it is depicted on the drawing. That is where the leach field currently exists, Mr. Kazmierczak does not know if it will require modification. Chairman Michnik referenced the parking and said there is a space on the west side of the building. There are six (6) units on the west side of the building. He asked if the large empty space will be used for parking vehicles but nothing parked overnight. Mr. Kazmierczak does not know but he thinks that it would be used for storage of Mr. McNamara's materials, which is the current use. Chairman Michnik asked if it would be acceptable, as a condition if approved, that there be no outside vehicles or equipment parked after 9:00pm. Mr. Kazmierczak believes that would be acceptable. He went on to say there is no specific lighting plan but he assumes the lights will be mounted on the buildings and shine out, this can be discussed at the next phase of development. Chairman Michnik would like to see more details on all that was discussed this evening such as the height of the doors, the height of the buildings, parking information and possible additional parking in the future, the size of the loading dock, the size of the cabinet shop, the size of the two (2) large buildings on the south side, and details on the gap between the two (2) buildings that looks like an archway to somewhere.

Mrs. Burkard asked about the parking lot, Mr. Kazmierczak said it will be stone and can be marked off. This will be a rental business and will be operated out of Mr. McNamara's core business that is in the building now. Mr. Kazmierczak presumes that there will be some type of advertising outside. Mrs. Burkard asked if this will increase traffic on Roll Road and if a traffic study needs to be done. Mr. Kazmierczak does not know.

Mr. Mills would like to see more details on the buffer from Roll Road. There was some discussion regarding a motorized or stockade fence that would shield the visual site lines from Roll Road and back to the warehouse area. Mr. Kazmierczak said the location of the fence will be at the end of the existing brick building. Mr. Mills said he would like to know the height, material and size of the fence, what part will be motorized and what part will be fixed, and the aesthetics of it.

Chairman Michnik asked for details of signage to be submitted by the applicant.

Mr. Kazmierczak agreed to table the request to allow the applicant the opportunity to provide the details requested by the Board.

ACTION:

Motion by Ryan Mills, seconded by Patrick Krey, to **table** Appeal No. 3, under New Business.

ON THE QUESTION:

Mr. Callahan said the concern is the use more so than the setback. The Industrial Zone requires Town Board approval, so prior to it coming back to the Zoning Board of Appeals, it should go to the Town Board. The Town Board may send it to the Planning Board for review.

Patrick Krey	Aye	Jonathan Hickey	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

MOTION CARRIED.

Appeal No. 4

Denise M. Williams
Residential Single Family

Requests the Board of Appeals approve and grant a 280 square foot variance to allow a 1,000 square foot detached garage located at 4770 Ransom Road.

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

DISCUSSION:

Denise Williams was present. The property was staked and balloons were attached to the stakes, there was orange paint in the corners. She wants to build a 20' x 50' pole barn to store four (4) vehicles and a snow plow that gets attached to the pick-up truck. These vehicles were stored in the garage but that garage has been torn down.

Mr. Krey asked if they tore the garage down because they were planning on replacing it with the proposed structure. Ms. Williams said yes, they also tore down a chicken coop that was attached to the old garage.

There are two (2) neighbor notification forms on file. Ms. Williams submitted the architect's plan and said the pole barn will be white. Andy Maken is the contractor and said the structure will be white vinyl siding with architectural shingles roofing. The garage doors will be white. There are two (2) man-doors on the side, which is the side that does not face the neighbor.

In response to Mr. Hickey's question, Ms. Williams said the proposed is the smallest they could go in order to fit all the vehicles and lawn maintenance equipment. She and her husband have lived at the property for almost five (5) years. Mr. Maken said the walls will be 12' high and the peak is at 17'9".

Chairman Michnik asked what type of floor will be in the pole barn. It is confirmed that it will be a concrete floor. The garage door in the front will be 16' x 8', the garage door in the back will be 9' x 8'. Water, gas and electric will be run to the pole barn. Mr. Williams works for Moog. He is not a mechanic but will work in the pole barn on his antique car as a hobby. They have plug-in yard tools so they need electricity to charge them. They really tried to do smaller but this is the smallest they could go. The cost of this project is approximately \$50,000. Chairman Michnik voiced his concern regarding the size of the proposed structure, he referenced the neighbor's pole barn which is not quite as big. Ms. Williams said that pole barn is not as high as the one she is proposing but it is very close to the same size otherwise. The foundation of the proposed pole barn will be 6' from the property line. Chairman Michnik asked if there would be brick on the front half way up the structure to tie into the brick home. Ms. Williams said she would consider that but the existing garage was white. She went on to say that the front of the proposed structure looks the same as the previous one except for the peak. Chairman Michnik said this is a big variance and if approved the applicant may be required to do some things to make it blend in with the character of the neighborhood. Ms. Williams said if the Board wants her to add the brick she will, although she would prefer not to because she liked the look of the white garage.

ACTION:

Motion by Patricia Burkard, seconded by Ryan Mills, to **approve** Appeal No. 4, as written, with the condition that brick be used on the front façade to tie in with the home. The brick is to go up 4' high plus a cap.

Patrick Krey	Aye	Jonathan Hickey	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

MOTION CARRIED.

Appeal No. 5

Richard Tesmer/Tesmer Builders
Residential Single Family

Requests the Board of Appeals approve and grant a 3' variance to allow a 7' side yard setback for the placement of a detached accessory structure (emergency generator) located at 5445 Waterlefe Drive.

Appeal No. 5 is in variance to §229-55(E)(1).

DISCUSSION:

Two (2) neighbor notification forms are on file. The applicant said he is looking to place an emergency generator on the side of the house, the ruling is 10' off the lot line so they need a 3' variance.

Mr. Mills referred to the landscape plan, entered into the record as Exhibit A, and asked if that will be exactly what is implemented. The applicant said yes unless the Board wants something else. Mr. Mills said the plan shows a good buffer around the generator. Chairman Michnik compliments the builder on the cove in which the generator will be located.

ACTION:

Motion by Jonathan Hickey, seconded by Ryan Mills, to **approve** Appeal No. 5, as written, with the condition that the landscape design depicted in Exhibit A will be implemented.

Patrick Krey	Aye	Jonathan Hickey	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

MOTION CARRIED.

Appeal No. 6

Richard Tesmer/Tesmer Builders
Residential Single Family

Requests the Board of Appeals approve and grant a 4' variance to allow a 6' side yard setback for the placement of a detached accessory structure (emergency generator) located at 5439 Waterlefe Drive.

Appeal No. 6 is in variance to §229-55(E)(1).

DISCUSSION:

Two (2) neighbor notification forms are on file.

The applicant said he is looking to place an emergency generator on the side of the house, the ruling is 10' off the lot line so they need a 4' variance. The houses in this area are all stone houses so the noise should not be an issue. There is a landscape plan from Draves Tree & Landscape Service referred to as Exhibit A on file showing at least two (2) Alberta Spruce placed around the generator.

ACTION:

Motion by Jonathan Hickey, seconded by Daniel Michnik, to **approve** Appeal No. 6, as written, with the condition that the landscape plan, known as Exhibit A, will be completed according to the submitted plan.

Patrick Krey	Aye	Jonathan Hickey	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

MOTION CARRIED.

Appeal No. 7

Edward Baumler
Residential Single Family

Requests the Board of Appeals approve and grant:
A.) A 320 square foot variance to allow a 786 square foot attached garage addition.
B.) A 16' variance to allow for a 29' front yard setback located at 9341 Pine Breeze Lane.

Appeal No. 7 is in variance to A.) §229-55(E), B.) §229-52(A)(1).

DISCUSSION:

There are three (3) neighbor notification forms on file.

Edward and Jane Baumler are present. Mr. Baumler explained that they are looking to attach a two-car garage. They need room for storage of a tractor, lawn maintenance equipment, garbage cans, etc. It will be done in brick to match the house, so it will look like it has always been there.

Mrs. Burkard said Exhibit A shows there is more garage space than house. Mr. Baumler said no the house is bigger than the garage space. There will be a window at the top of the garage as depicted, along with trusses.

The number in the first request should be 768 square feet, not 786. Mr. Baumler confirmed that the addition to the garage is 768. The variance request of 320 square feet is correct. The Baumler's moved in to the house last November, it is their retirement house. There will be no commercial work done out of the garage. There is no contract for this project yet, but they do have an architect. Mr. Hickey said it is a unique piece of property in regards to shape which necessitates the variance, Mr. Baumler agreed. Mr. Hickey asked if he considered any other size or moving it to get it closer to the code. Mr. Baumler said he did and he would consider alternatives. He explained that in looking at the side view of the house, he was trying to keep it the same look as the house where it steps down. He would not be opposed to moving it back further, however he needs to consider the bedroom window that is there. If he moved the addition behind the window it

would be in the back yard and not as aesthetically pleasing. Whether he moves the addition or not he needs the same size as proposed because he has four (4) vehicles to be stored, a lawn mower and a lawn tractor with a snow blower attachment.

Mr. Krey voiced his concern saying this is a lot of garage space, it is bigger than the existing garage doors. It will be one single two-car garage plus the two single-car garages.

Mr. Mills is concerned with the front elevation which will have four (4) garage bays. He is struggling with the design and suggested a few changes. Mr. Mills asked if the driveway from the structure will be extended to the street. Mr. Baumler said no, it will be aproned in to the existing driveway. Mr. Mills referenced Exhibit B, the side elevation, and asked if it will be vinyl sided to match the house. Mr. Baumler said yes. The back area is an extended covered porch. Mr. Mills asked if it is included in the square footage. It is confirmed that the extended covered porch will have no foundation, just a pad.

Chairman Michnik referred to Exhibit A and suggested adding a peak to better fit in with the character of the neighborhood. He prefers to see a good drawing of the proposal. He suggested tabling the request to allow the applicant to come back with a detailed architectural drawing so the Board can see what is being proposed and see that it ties in with the neighborhood. Chairman Michnik is not comfortable approving this.

Mr. Mills would suggested the applicant come back with architectural plans with particular focus on the front elevation, perhaps submit a couple different design ideas which may include a peak, more glass, some windows to make it more visually appealing from the street. Mr. Baumler will be able to match the brick that is on his home.

Mr. Baumler agreed with tabling his request and understands that there is no guarantee of an approval when he comes back before the Board.

ACTION:

Motion by Ryan Mills, seconded by Daniel Michnik, to **table** Appeal No. 7.

Patrick Krey	Aye	Jonathan Hickey	Aye	Patricia Burkard	Aye
Ryan Mills	Aye	Daniel Michnik	Aye		

MOTION CARRIED.

Meeting adjourned at 9:30pm.

Carolyn Delgato
Senior Clerk Typist