

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, October 10, 2023

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

Zoning Board of Appeals members present:

Gerald Drinkard Raymond Skaine Patrick Krey Patricia Burkard

Zoning Board of Appeals members absent: Ryan Mills Richard McNamara

Town Officials present:

Director of Community Development Jonathan Bleuer
Deputy Town Attorney Steven Bengart
Councilman Paul Shear

Other Interested Parties:

Sherry Hunter Tom Tiben Joel Lattimer Ed Schmitt
Josh Jones Jon Cooper

NEW BUSINESS

Appeal No. 1

Sherry L. Hunter
Residential Single-Family

Town Code Reference:

- 1) §229-55(H)
- 2) §229-55(H)
- 3) §229-55(E)(2)

Applicant requests a variance:

- 1) to allow a secondary detached garage; and
 - 2) of 216 sq. ft. to allow a 416 sq. ft. detached accessory structure; and
 - 3) of 2'6" to allow an 18'6" tall detached accessory structure;
- located at 4895 Schurr Road.

DISCUSSION:

Sherry Hunter was present to represent her request, stating that she is requesting a 16 ft. by 26 ft. pole barn. The variance requested is for the height of the proposed barn, which is 18 ½ ft. excluding the cupola on the top of the barn.

Ms. Hunter added that the proposed structure is all metal, with the colors to match the existing house.

Ms. Hunter explained that she had been granted a variance previously for a much larger structure, but once she proceeded to the Building Department, she was advised by the Town that she was located in a wetland and she would need to hire an environmental engineer with the possibility of needing to pursue wetland permits through New York State Department of Conservation (NYS DEC)

As she explored her options, NYS DEC eluded that granting a permit was not a definite.

Considering the time restraints and potential extra financial burden, Ms. Hunter chose not to proceed with the project.

Ms. Hunter noted that they still have a need for the storage which has brought them here with a new plan. This proposed barn is identical to the previous one, but significantly smaller and set further back from the road and set further in from the property line.

Ms. Hunter added that she has removed the shed that had been located on the property. This will make it two accessory structures reduced to one.

Mr. Krey asked Mr. Bleuer why this proposed project needs to come back to the Zoning Board if it was previously approved.

Mr. Bleuer explained that the Town determined there were modifications made from the original proposal causing it to be reviewed again.

Noting that the proposed structure is being placed in a wetland area, Mr. Drinkard asked Ms. Hunter if anyone has advised her as to what the foundation should or should not be.

Ms. Hunter stated that they did hire the environmental engineer who determined that it was not a wetland, therefore she did not need to pursue NYS DEC permits.

Mr. Drinkard asked if the foundation will be cement because of the smaller building size.

Ms. Hunter responded yes; there is a concrete pad there currently.

Mr. Drinkard stated that at the previous meeting where this project was under review, Ms. Hunter explained that she was requesting the larger size so that she could use it as a workshop that would require electricity. This new variance request does not include electricity.

Ms. Hunter confirmed that is correct, there will not be any electricity run to this proposed building.

Mr. Drinkard asked what the major changes are to the structure in terms of what was originally approved, specifically why the variance for height is necessary on a significantly smaller structure.

Ms. Hunter stated that what she is trying to accomplish is dual-purpose. First, there is a second-story loft within the proposed structure, and also the building would be the same height of the house, making it more visually appealing.

Mr. Drinkard asked what the exterior materials consist of.

Ms. Hunter stated that the outside will be a charcoal-colored metal, and the house is a blueish-grey. This is the closest match she was able to achieve.

Ms. Hunter stated that the roof will be burnished slate, identical with the roof on the house.

Mr. Skaine stated that he’s pleased she is moving the proposed structure further in to her property, he sees no problems with the request.

Mr. Krey asked if Ms. Hunter would be in agreement to the same conditions being imposed to this variance as the previous one.

Ms. Hunter responded yes.

Mrs. Burkard reviewed the plans with Ms. Hunter, verifying landscaping and the placement of the structure.

Mrs. Burkard asked what “cold storage” means.

Ms. Hunter explained that it is no electrical or heat source.

Mr. Drinkard noted that the three conditions previously placed on this similar variance request are as follows:

1. no business to be conducted out of the structure
2. two windows facing the Schurr Road with eyebrow pergola
3. landscaping along Schurr Road to be planted at least 1.5 ft. tall

In regards to condition no. 2; Ms. Hunter stated that instead of 2 windows facing the street, she has a man-door and a window with eyebrow pergola.

In regards to Public Participation, no one spoke.

Neighbor Notifications are on file, no comments were received.

ACTION:

Motion by Gerald Drinkard, seconded by Raymond Skaine to **approve** Appeal No. 1 as written, with the following conditions:

1. no business to be conducted out of the structure
2. one window facing the Schurr Road with eyebrow pergola
3. landscaping along Schurr Road to be planted at least 1.5 ft. tall

Ms. Hunter has heard, understands, and agrees to the conditions.

ON THE QUESTION:

Mr. Krey stated that due to the uniqueness of this lot, there is existing substantial foliage on the lot and the applicant plans to add more. The design will fit with the character of the neighborhood.

Gerald Drinkard	Aye	Raymond Skaine	Aye	Patrick Krey	Aye
Patricia Burkard	Aye				

MOTION CARRIED

Appeal No. 2

Kelkenberg Homes
Residential Single-Family

Town Code Reference:
§229-52(B)

Applicant requests a variance of 17' to allow a 28' front yard setback for an addition to the principal structure fronting Lakemont Drive located at 6364 Cloverleaf Circle.

DISCUSSION:

Homeowner Scott Crego of 6364 Cloverleaf Circle was present to represent his request, adding that they would like to add a 3-car garage to replace the garage that they would be using to create a first-floor primary residence, which would eventually be their forever grow-old home.

Mr. Crego stated that their home sits on a corner lot, giving them two setbacks. The addition encroaching on the setback is the proposed garage that will replace the existing garage by approximately 17'.

Mr. Crego explained that the rear living space that is also shown on the drawing does not encroach on any of the setbacks.

Mr. Krey clarified that the existing garage will be turned in to their forever home.

Mr. Crego responded yes; it will be raised up and made level with the house. Kelkenberg Homes will be doing the work to create a single level within the first floor.

Mr. Krey pointed out that they could technically get rid of the garage, but they are keeping it because they'd like to also have a garage for the house.

Mr. Crego said yes.

Discussion continued regarding the placement of the house on the lot.

Mr. Drinkard noted that Mr. Crego has indicated that after the proposed work is complete, the addition will match the existing home perfectly, without looking like an attachment.

Mr. Crego responded yes; it will not look like an attachment. The roof line will coincide or match what is there currently.

Mr. Crego explained that they will be removing the existing driveway, use the same curb cut and put in a new, expanded driveway.

Mr. Skaine asked for clarification on how the applicant will end up with a 3-car garage.

Mr. Crego explained the plans.

Mrs. Burkard clarified the plans with Mr. Crego.

Mr. Crego explained that his wife currently does craft work in the basement, which is why the addition is located in the rear, so that she is able to utilize the first-floor space and bypass the stairs.

Mrs. Burkard asked what the square footage of the house is currently.

Mr. Crego responded that it is slightly over 2,800 sq. ft. and this proposed addition will add approximately 680 sq. ft.

Neighbor Notifications are on file, no comments were received.

Mr. Drinkard asked if the proposed addition will have a basement under any of the area.

Mr. Crego responded no.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Raymond Skaine, seconded by Patricia Burkard to **approve** Appeal No. 2 as written.

ON THE QUESTION:

Mr. Krey stated that the applicant explained the benefit of being able to have a first-floor bathroom so that they are able to age in place and have their home forever. Based on the drawings reviewed and discussion, there will not be an undesirable change in the neighborhood, or a detriment to surrounding properties.

Gerald Drinkard	Aye	Raymond Skaine	Aye	Patrick Krey	Aye
Patricia Burkard	Aye				

MOTION CARRIED

Appeal No. 3

Thomas Tiberi / The Arc Erie County
Restricted Business

Applicant requests a variance of 9' to allow a 46' front yard setback located at 8300 Sheridan Drive.

Town Code Reference:
§229-79

DISCUSSION:

Thomas Tiberi was present to represent The Arc Erie County, a non-profit agency that provides many services for people with intellectual and developmental disabilities. This particular house provides services for 10 high-need individuals.

Mr. Tiberi explained that because of their needs, each resident has multiple pieces of adaptive equipment, with limited space inside the house for storage when not in use. They would like to enclose their existing unused patio so that they can utilize it for storage purposes.

There will not be any need for plumbing, and Mr. Tiberi stated that they will do what the Board wishes in order to help it get approved so that they are able to meet their needs.

Mr. Skaine stated that he had spoken to one of the managers at The Arc who did explain that the current situation is a fire hazard, because they are currently storing all the equipment inside. He thinks it is a great idea to utilize the currently unused space and it will also act as a safety feature more than anything else.

Mr. Skaine asked if the materials on the proposed addition will match the existing structure.

Mr. Tiberi responded yes.

Mrs. Burkard asked if it will be completely closed in, and the side will match the current house.

Mr. Tiberi responded yes to both.

Mrs. Burkard asked if the entrance will be where the sidewalk is located on the left.

Mr. Tiberi responded yes; that is currently the main entrance and it will remain. They don't utilize the side entrance leading to this porch area.

Regarding the porch that they are requesting to enclose, Mr. Drinkard asked if it is an entry-way in to one of the suites, or in to a main area.

Mr. Tiberi responded that it is a living room.

Mr. Krey asked where the house is currently set back.

Mr. Bleuer responded that the existing home's setback is at 55 ft. from Sheridan Drive.

Mr. Krey noted that this proposed addition will stick out 9 ft. from the current structure.

Mr. Tiberi explained that they will be utilizing the existing overhang that is already there, and just enclose it.

Mr. Skaine explained that it won't go any further out towards Sheridan Drive than what is already there with the overhang, they will just be enclosing the space.

Mr. Krey noted that the only change is that the area will be sided rather than open with an overhang.

Mr. Tiberi responded yes.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patricia Burkard, seconded by Raymond Skaine to **approve** Appeal No. 3 as written with the following condition:

1. siding to match the house

ON THE QUESTION:

Mr. Krey stated that he does not feel this will produce any change in the neighborhood, and may go mostly unnoticeable due to the fact the only change will be the enclosed patio.

Gerald Drinkard	Aye	Raymond Skaine	Aye	Patrick Krey	Aye
Patricia Burkard	Aye				

MOTION CARRIED**Appeal No. 4**

Dan Friend
Agricultural Rural Residential

Applicant requests a variance of 10' to allow a 15' rear yard setback for a detached accessory structure (pole barn) located at 5865 Strickler Road.

Town Code Reference:
§229-44(F)

DISCUSSION:

Dan Friend was present to represent his request.

Mr. Friend distributed photos that had not been included with his submitted packet.

Mr. Friend explained that he would like to build a garage that conforms with the house, but does not look like a garage. Mr. Friend stated that it will be a parco type building, but rather than steel, the proposed building will have siding on three sides. Rather than a long roof-line, it will be peaked to match the house with the jut-out.

The other photos give an idea of what they are planning to do with replacing the old garage with a new, consistent garage.

Mr. Krey noted that the photos submitted tonight are marked Exhibit A.

Mr. Bengart stated that Exhibit A includes two pages with 4 photographs as described by Mr. Friend.

Mr. Friend stated that he wants to get the area cleaned up, put the cars currently in the driveway in to the garage. The pole barn will store lawn furniture, equipment, etc.

Mr. Krey asked if the existing garage is within the setback.

Mr. Friend responded that he believes it is a couple of feet over, if he is reading the survey correctly it is at 23 ft. rather than 25 ft. off of the property line.

Mr. Krey asked if there was a variance for the existing garage, or has the code been changed since the garage was built.

Mr. Friend stated that he is not sure, the house was built by the previous owner.

Mrs. Burkard complimented the project and the pole barn, pointing out that she likes the peak.

Mrs. Burkard asked Mr. Friend if he plans to widen his driveway as it is reflected in the photo.

Mr. Friend responded no; the driveway will remain as it currently is.

Mrs. Burkard asked if the roof and doors are black as shown in the photo.

Mr. Friend responded that because his roof has a pan setting on it, he plans to match the proposed structure to the house, so that it blends with the house.

Mr. Krey asked Mr. Friend what the space behind his home is.

Mr. Friend responded that it is owned by Michael McHugh. Mr. Friend invited him over to his property to show him what he plans to do.

Mr. Drinkard noted that the property behind Mr. Friend appears to be a delineated lot, and asked Mr. Bleuer if it is one large parcel.

Mr. Bleuer explained that there is a bit of history with the area including an Open Development approval, so while it is the McHugh estate, there are multiple lots in the area.

Mr. Drinkard asked if this proposed project would interfere with any approved but not developed lots in that area.

Mr. Bleuer responded no.

Mr. Drinkard asked if the photos in Exhibit A are a close replica of what Mr. Friend plans to build.

Mr. Friend responded yes, but the siding will match the house rather than the white shown in the photos. The proposed structure will not have a second floor, but will have a ceiling and an access door where they can store things.

Mr. Drinkard asked Mr. Friend if he has any intention of running a business from the proposed pole barn, and if not, would he have any issues if it was a condition of approval.

Mr. Friend responded no to both questions.

Mr. Skaine asked why Mr. Friend requested them to walk the property.

Mr. Friend stated that he just wanted to share his plans and talk with the Board members at the site to better describe his thoughts.

Mr. Skaine stated that the driveway shows what is planned, and noted that the current accessory structure will be removed.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gerald Drinkard, seconded by Patricia Burkard to **approve** Appeal No. 4 as written, with the following conditions:

1. no business to be conducted from the structure
2. reasonably match the colors to the house

ON THE QUESTION:

Mr. Krey noted that due to the garage being set so far back from the street, there will be limited visibility. The lot behind the property is not developed, therefore there is no issue with the neighbors. As the applicant explained, the building will be aesthetically pleasing and will not be a detriment to the character of the neighborhood.

Gerald Drinkard	Aye	Raymond Skaine	Aye	Patrick Krey	Aye
Patricia Burkard	Aye				

MOTION CARRIED

Appeal No. 5

Jon & Clairice Cooper
Agricultural Rural Residential

Applicant requests a variance to allow a detached accessory structure (pole barn) to be located within the front yard setback located at 10605 Keller Road.

Town Code Reference:
§229-44(E)

DISCUSSION:

Jon Cooper was present to represent his request, explaining that they would like to locate the proposed pole barn ahead of the house. The site they would like is located off of the existing driveway, and would be easier to access than locating it in the back yard.

Mr. Cooper noted that their house is located 700 ft. off of Keller Road, and the proposed structure would not be visible from the road due to the location they would like to place it. The view from Salt Road would be blended with the surrounding houses out in what appears to be an open field.

Mr. Cooper noted that the proposed barn itself is 40 ft. by 60 ft., with a total footprint of 48 ft. by 60 ft. this includes an 8 ft. covered lean to on the side, facing south towards the existing house.

Mr. Cooper added that there will be a 5 in. concrete base, and two 14 ft. garage doors, for the 38 ft. camper that they plan to keep inside the proposed barn as well as two enthusiast cars, a tractor and other assorted lawn equipment as well as snow removal equipment.

The proposed structure will be built by Statley Builders.

Mr. Drinkard noted that the property is set very far back from the road, with a very long driveway and it is well enough wooded that this proposed pole barn would not be within eyesight of the neighbor located behind it.

Mr. Cooper explained that there are 4 rows of Blue Spruce and Norway Spruce trees that are at least 30 ft. high. Mr. Cooper stated that they did include a note with the neighbor notifications explaining that they don't plan to groom or thin the trees, and it is 40 ft. from the neighbor's property line to the where they are proposing to place the pole barn.

Mr. Drinkard asked Mr. Cooper if he intends to run a business out of the proposed structure.

Mr. Cooper responded no; it will only be used for storage purposes.

Mr. Skaine asked if there are neighbor notifications.

Mr. Bleuer responded yes.

Mr. Skaine asked which house is in front of this property.

Mr. Bleuer responded yes, 10625 is the lot in front.

Mr. Skaine asked what the distance from the proposed pole barn to that house is.

Mr. Cooper responded approximately 40 ft. it is through all of the trees, which he will not be touching or thinning. He would only remove or trim the trees if they were diseased or dying.

Mr. Bleuer clarified that the proposed pole barn is approximately 40 ft. from the property line, not the neighbor's house.

Mrs. Burkard asked what color the proposed pole barn will be.

Mr. Cooper responded that he has not chosen colors with the builder yet, but his plan is to choose a color that allows the barn to blend in to the surroundings.

Mr. Krey noted that Mr. Cooper has a flagship lot and due to that and also because there are so many trees on the large property, he doesn't feel it will be seen from the street.

Mr. Krey asked why Mr. Cooper wants the proposed barn placed in the front yard of the property rather than the back.

Mr. Cooper noted that because the driveway is already there, it will be a natural progression rather than installing another long section of driveway leading to the back.

Also, Mr. Cooper noted that there is an existing red shed in his back yard that was put there by the previous owners, which is visible from Salt Road. The location of the proposed pole barn would be hidden from view on Salt Road by his house, which he feels would be better than seeing a barn out in the middle of a field in the middle of nowhere. It would be within view of all of his neighbors if it was placed in his backyard, which would not be ideal.

In terms of potential conditions placed on an approval, Mr. Krey asked if Mr. Cooper would have any issue with a condition regarding removal and replacement of the trees.

Mr. Cooper responded he would be in complete agreement.

In regards to Public Participation, no one spoke.

Neighbor Notifications are on file, no comments were received.

ACTION:

Motion by Raymond Skaine, seconded by Gerald Drinkard to **approve** Appeal No. 5 as written, with the following conditions:

1. trees to the north are to be preserved and remained, and replaced in-kind if trees die
2. no business is to be conducted from the structure

ON THE QUESTION:

Mr. Krey noted that as the applicant stated, the proposed pole barn will fit in better in the location that he is requesting at the northern corner of the lot by the trees. It will not produce any undesirable changes to the character of the neighborhood.

Gerald Drinkard	Aye	Raymond Skaine	Aye	Patrick Krey	Aye
Patricia Burkard	Aye				

MOTION CARRIED

Appeal No. 6

Edward Schmitt
Residential Single-Family

Applicant requests a variance to allow a detached accessory structure (shed) to be located within the front yard setback fronting Ericson Drive located at 4490 Harris Hill Road.

Town Code Reference:
§229-55(G)

Note: A corner lot shall be considered to have two front yards from the public road right-of-way to the closest point of the principal structure.

DISCUSSION:

Ed Schmitt was present to represent his request, explaining that he has run out of storage room and while looking in to sheds, he found out that although what he considers to be his backyard is fenced in, it is considered frontage. He is looking for approval to place his 10’ by 14’ wooden garden shed inside his 6 ft. fence on the Ericson frontage side of his property. It would be approximately 40 ft. off of the road, and approximately 30 inches from the fence so that he can mow around it.

Mr. Schmitt explained that the shed walls are roughly 6 1/2 ft. tall, and with the shelves it won’t be much higher than the 6’ fence.

Mrs. Burkard noted that Mr. Schmitt previously explained to her why he wants to locate the shed on this side of the property, due to the trees and attached garage on the south side of his lot.

Mr. Schmitt added that he would not be able to place the shed anywhere on the south side of his property due to multiple factors including the trees, garage, and property line. The only other option would be at the end of his deck, which would be inconvenient as well as on the septic. The proposed area is basically the only area of his backyard that is not septic.

Mrs. Burkard noted that the fence is 6 ft., and asked how tall the shed is.

Mr. Schmitt responded that he believes the walls are 6 ½ ft., so not much of the shed will be showing over the top of the fence.

Mr. Krey asked Mr. Schmitt how he chose 10' x 14' shed.

Mr. Schmitt stated that he wants to be able to swing his gate open all the way, and this size worked well. Also, he put in some raised garden beds and based on where those are located, it made sense.

Mr. Skaine stated that while he has no problem with the shed, he had trouble finding the entry way in the fence to the backyard.

Mr. Drinkard noted that although a variance is needed to locate the proposed shed in this location you placed it to the rear of the house, behind the house, and therefore I don't have any problem with it.

Mr. Krey noted that the disadvantage to a corner lot is that they are considered to have two front yards. The fencing around this yard, as well as the trees around the property will hide the majority of the shed, and make it barely visible.

ACTION:

Motion by Gerald Drinkard, seconded by Raymond Skaine to **approve** Appeal No. 6 as written.

ON THE QUESTION:

Due to the size of the shed and the fencing and the lot, Mr. Krey does not believe it will create any undesirable changes to nearby properties.

Gerald Drinkard	Aye	Raymond Skaine	Aye	Patrick Krey	Aye
Patricia Burkard	Aye				

MOTION CARRIED

Appeal No. 7

Jeff Karl
Residential Single-Family

Applicant requests a variance of 5' to allow a 7'6" side yard setback for an addition to the principal structure located at 4675 Hedgewood Drive.

Town Code Reference:
§229-52(B)

DISCUSSION:

Jeff Karl, primary property owner, was present to represent his request, explaining that they would like to have a 2-story addition added to their house.

Mr. Karl added that he currently works full-time from home, and has been working at their dining room table since the beginning of Covid, which is not ideal. This proposed addition would be for an office and additional master closet to allow for more space.

Mr. Karl explained that the first floor is garage space which would also allow for additional storage, as they have 3 children under the age of 10 with a lot of toys and bikes, etc.

If they were to look at purchasing another house and moving in to a house that has more of the needs they desire, it would not be feasible. This addition would be much more feasible and efficient.

Mrs. Burkard agreed that this is a much more economical plan than moving.

Mrs. Burkard asked if the siding would match the house.

Mr. Karl noted that the siding and roof will match the house, they may have to slightly change the colors because they would have to redo at least half of the roof on the house as it is. The part of the roof that they wouldn't have to touch is older, and the previous owner only updated one part of the roof. Anything they would have to do would all match, they would re-roof the entire house.

Mr. Drinkard stated that looking at the front of the house and the front of the elevation, the siding would match the best that they can. At this point in time there will not be a brick front because it is difficult to get brick to match.

Mr. Karl stated that if they can't get brick that matches identically, then it will be siding. The siding will match completely to the main house, but they would definitely not put a different brick on the front of the proposed addition.

Mr. Drinkard noted that looking at the elevations it doesn't appear that once the proposed addition is complete, it will look like an original part of the house and not an addition.

Mr. Karl explained that he has had many conversations with the architect and has gone through great lengths to make sure it won't look like an addition, but rather original to the house. Both of the front corners would be set back symmetrically and their intent is that you would not be able to tell that it is an addition.

Mr. Drinkard noted that there are a couple of houses in the immediate area that are 2-story houses with 3 car garages and this would not be out of character for the neighborhood.

Mr. Skaine stated that 4648 Hedgewood Drive is very similar to this proposed addition, this proposed addition would fit right in to the neighborhood.

Mr. Krey asked if there is anything that can be done to address the closeness to the south property line, as it does appear this proposed addition will bring it close to the property line.

Mr. Karl explained that the shrubby fence is the neighbor’s fence and the black quasi fence is also the neighbors that they put up to protect their Arborvitae from the deer, but the deer tore it down. Mr. Karl stated that he would be interested in working with the neighbor to establish a cleaner solution to allow for both of their privacy.

Neighbor Notifications are on file, with one comment from Laura Zaepfel of 4660 Greenbriar in support of this variance request.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Raymond Skaine, seconded by Patricia Burkard to **approve** Appeal No. 7 as written.

ON THE QUESTION:

Mr. Krey noted that due to the unique nature of this house and the project will symmetrically even the house out and not look like an addition, but will appear to be an original design of the house.

Additionally, Mr. Krey added that because there are two other 3-car garages on the street which means it will not be a detriment to the character of the neighborhood, and will be visually appealing from the street.

Gerald Drinkard	Aye	Raymond Skaine	Aye	Patrick Krey	Aye
Patricia Burkard	Aye				

MOTION CARRIED

Appeal No. 8

Lattimer Landscaping
Residential Single-Family

Applicant requests a variance of 484 sq. ft. to allow a 684 sq. ft. detached accessory structure (pool house) located at 4715 Goodrich Road.

Town Code Reference:
§229-55(H)

DISCUSSION:

Present for this project was Joel Lattimer of Lattimer Landscaping, representing the homeowner, Josh and Karen Jones.

Mr. Lattimer explained that they are proposing an 18 x 38 sq. ft. pool house that will include a golf simulator and entertainment space for weather not suitable for outside entertaining.

Mr. Bengart entered in to the record a letter from Joshua and Karen Jones, permitting Joel Lattimer to represent them at tonight’s meeting.

Mr. Skaine noted that the pad is already in, and it looks good according to placement and photos submitted with the supporting documents.

Mr. Drinkard asked if the pad that is already in is for this proposed pool house.

Mr. Lattimer responded yes; Jesse Gilbert from the Building Department informed him that he would need to get a variance for this project. Mr. Lattimer explained that they are trying to beat the weather and get the pad in. He had a foundation detail done by the architect to be sure it was done properly, the pad inspected by Jesse who took photos and inspected it prior to pouring the pad foundation, a 6 in. slab with rebar directly in to bedrock.

Mr. Bengart asked Mr. Lattimer if he understands that if this Zoning Board denies the request, he will need to remove the work that he has already done.

Mr. Lattimer responded yes; he understands that.

Mr. Drinkard noted that because of the location of this proposed structure, it will not be visible from anywhere around it, and it will not have any effect on the neighborhood. Additionally, it adds value to the house once completed.

Mr. Drinkard added that there is extensive landscaping in the area, adding to the mitigation of the views to any surrounding areas.

Mr. Krey asked if there is a rendering of what the proposed pool house will look like.

Mr. Lattimer responded yes.

Mrs. Burkard asked what size the structure is.

Mr. Lattimer reiterated that it is 18 x 38 sq. ft.

Mrs. Burkard asked what materials will be used.

Mr. Lattimer responded that it will be Hardee siding to match the area under the deck that is currently being built. There will be electricity inside the proposed structure, with a golf simulator and bar/entertainment area.

Mr. Krey asked what a golf simulator is.

Mr. Lattimer explained that it is when someone can play golf against a screen with a projector-type machine behind you.

Mr. Krey asked if there will be a bathroom inside the proposed pool house.

Mr. Lattimer responded no.

Mr. Krey agreed that the structure will not be visible from the street or adjacent properties. Also, in relation to the size of the house the size seems appropriate.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gerald Drinkard, seconded by Raymond Skaine to **approve** Appeal No. 8 as written.

ON THE QUESTION:

Mr. Krey stated that the unique circumstances of the lot attribute to the approval, due to the slope of the lot you can barely see the pool house from the street.

Additionally, Mr. Krey noted that with the significant landscaping, the character of the neighborhood will not be negatively affected.

Gerald Drinkard	Aye	Raymond Skaine	Aye	Patrick Krey	Aye
Patricia Burkard	Aye				

MOTION CARRIED

Meeting adjourned at 6:43 p.m. with a motion by Raymond Skaine.

MOTION CARRIED.

Amy Major
Senior Clerk Typist