

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, November 14, 2023

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

Zoning Board of Appeals members present:

Chairman Ryan Mills	Raymond Skaine	Richard McNamara
Gerald Drinkard	Patricia Burkard	

Zoning Board of Appeals members absent: Patrick Krey

Town Officials present:

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

Other Interested Parties:

John Iorfida	Jacob Piorkowski, Atty.	Natalie Mendez	Joshua Bloom
Charlene Brenton	Jack Wilcox	Kim Iorfida	Ignazio Napoli
James Pauly			

Motion by Raymond Skaine, seconded by Gerald Drinkard to **approve** the minutes of the meeting held on September 12, 2023.

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

MOTION CARRIED

Motion by Gerald Drinkard, seconded by Raymond Skaine to approve the minutes of the October 10, 2023 meeting with the following change:

1. Chairman Mills was not present therefore Patrick Krey was Chair of the meeting.

Gerald Drinkard	Aye	Raymond Skaine	Aye	Ryan Mills	Abstain
Richard McNamara	Abstain	Patricia Burkard	Aye		

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

Charlene Brenton
Residential Single-Family

Applicant requests a variance of 40 sq. ft. to allow for a 240 sq. ft. detached accessory structure (shed) located at 9480 Maple Street.

Town Code Reference:
§229-55(H)

DISCUSSION:

Charlene Brenton and Jack Wilcox were present to represent this request, explaining that they have a small property with a small home and small garage. They would like to build a small shed, and add a little porch to the side of the shed to use for a social area.

Mr. Wilcox did not realize that the small porch attached to the shed would be included in the total square footage. The proposed porch will face their yard.

Mr. Drinkard asked if this proposed building will be to simply store their stuff, with no intentions to run a business out of it.

Mr. Wilcox and Ms. Brenton responded yes, it is to store their stuff, and they have no intentions to run any business.

Ms. Brenton added that it will be primarily lawn and garden equipment.

Mr. Drinkard asked what color the shed will be.

Mr. Wilcox stated that as of now the shed will be all wood, dark grey exterior finish to match some of the grey areas on their house.

Mr. Skaine asked how high the proposed shed will be.

Mr. Wilcox responded that the limit is 14 ft. tall, he will keep it at that height.

Mr. Wilcox noted that part of the porch area is a fire pit. Between he and Ms. Brenton, they have a very large family with children and grandchildren. Their goal is to have a social area so as much as it is a utility building, they would also like for it to be attractive.

Chairman Mills asked how it will be built and if there will be electric or any utilities run to it.

Mr. Wilcox stated that he will build it himself, there will be electric so that they can have lights on it and inside.

Chairman Mills asked if it will be slab constructed.

Mr. Wilcox responded yes.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

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

- 1. no business is to be conducted out of the structure

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

MOTION CARRIED

Appeal No. 2

John & Kim Iorfida
Agricultural Floodzone

Town Code Reference:

- 1) §229-27
- 2) §229-31

Applicant requests variances:

- 1) to allow two principal structures on one parcel; and
- 2) of 92' to allow a 150' front yard setback for the new principal structure; located at 8730 Wolcott Road.

DISCUSSION:

John and Kim Iorfida were present to represent their request, explaining that they have a dilapidated horse barn on their property that they would like to knock down and build a house in the footprint of the horse barn.

Mr. Iorfida continued, stating that once the new house is built, he would like to move all of his stuff in to the new house and knock down the old house. He plans to build a 1,500 sq. ft. ranch for their residence, and demolish their existing two-story house.

Mrs. Burkard asked about the time limit to demolish the other structure, and whether it will go down.

Mr. Iorfida responded that he already has a quote to demolish both the horse barn and the house, remove it all and level it out.

Mr. Iorfida would like to begin construction on the new house in May once the weather is nicer. Demolition of the old (current) house will occur as soon as he is able to move everything in to the new (proposed) house. He does not want to pay taxes on two properties.

Mrs. Burkard asked if the proposed home will have a garage.

Mr. Iorfida stated that it will have a two-car garage.

Mrs. Burkard asked Mr. Iorfida if he is keeping the other building.

Mr. Iorfida responded yes; the pole barn will remain.

Mr. McNamara asked how long Mr. Iorfida thinks it will take him to build the proposed house.

Mr. Iorfida responded that he is unsure, but he'd like to have it completed as soon as possible.

Mr. McNamara asked if 12 months would be enough time.

Mr. Iorfida responded yes.

Mr. McNamara stated that if approved, he would like a condition stating that the house is to be built within 12 months, and then within 3 months after that the other house is to be demolished.

Reluctantly, Mr. Iorfida responded that he thinks that should be plenty of time. Once the other house is demolished, the area will remain lawn.

Chairman Mills reviewed and confirmed what has been discussed thus far, beginning with construction commencing in May.

Mr. Iorfida noted that he'd like to start by demolishing the barn and digging the foundation in May when the weather begins to improve.

Chairman Mills then stated that the house will be built within 12 months, and 90 days after the Certificate of Occupancy (C of O) is issued, the old house will be demolished.

Mr. Iorfida responded yes. He was hoping to get approximately 6 months to be able to move all of their stuff from the old (current) house to the new (proposed) house.

Chairman Mills stated that 90 days is more reasonable.

Mr. Iorfida responded okay.

Chairman Mills asked for more details regarding the proposed house itself including size, materials, etc.

Mr. Iorfida stated that it is 1,500 sq. ft., 3 bedroom, 2 full baths, vinyl sided with a metal roof and will be stick built.

Mr. Skaine asked Mr. Bleuer what the setback is for the property to the right of Mr. Iorfida's.

Mr. Bleuer responded that he does not have that setback called out, but it appears to be slightly in front of the established setback at 8730 Wolcott Rd.

Discussion continued regarding the setbacks in the area including the existing home at 8730 Wolcott Rd.

Mr. Drinkard noted that after visiting the property and seeing the properties in the surrounding area, it would not mischaracterize Mr. Iorfida’s house or make it stand out. Mr. Iorfida is attempting to beautify his property.

Mr. Drinkard asked if Mr. Iorfida has checked with the historical commission regarding his current house, considering it was built in the 1950’s.

Mr. Iorfida responded yes, he has been through the process with the Preservation Board and has received approval to demolish the structure.

Mr. Bleuer confirmed that it has been through the review with the Historic Preservation Commission and has been approved for demolition.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Richard McNamara, seconded by Ryan Mills to **approve** Appeal No. 2 as written, with the following conditions:

1. 12 months from the date of the building permit to the temporary C of O at minimum to get the house completed and built and;
2. 90 days after the final C of O to have the existing house demolished

Mr. Iorfida has heard, understands, and agrees to the conditions.

ON THE QUESTION:

Chairman Mills noted that as it relates to the first part of the variance, this will be mitigated by the fact that the one structure will be demolished after 90 days of the C of O is issued, and in terms of the setback, Chairman Mills believes that there are numerous homes on Wolcott Road and Northfield Road that are setback similar amounts. He does not believe it will affect the character or the aesthetics of the neighborhood.

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

MOTION CARRIED

Appeal No. 3

Ignazio A. Napoli
Residential Single-Family

Town Code Reference:
§229-52(A) *Established front yard setback of 40'

Applicant requests a variance of 37' to allow for a 77' front yard setback for the construction of a single-family home as a replacement to the existing structure located at 8529 Stahley Road.

DISCUSSION:

Ignazio Napoli was present to represent his request, explaining that he'd like an accessory structure to become the principal structure. They'd like to build a single-family ranch home, and after considering all possibilities they are going to remove the pole barn currently on the property, and replace it with the new home.

Mr. Napoli stated that the proposed home will be an approximately 2,400-2,700 sq. ft. stick-frame ranch.

Referring to a previous variance for a setback in February, 2023 that Mr. Napoli was granted, Mr. McNamara asked what has changed since that variance request.

Mr. Napoli explained that he was originally attempting to save the pole barn by attaching the proposed home to the pole barn. After careful consideration and having blueprints drawn up, Mr. Napoli felt that it would never look "right". Therefore, they decided to take the pole barn down and start over.

Mr. Napoli stated that unlike the last variance, they do not need a side yard setback. All he is looking to do this time is remove the structure that is currently on the site and replace it with a single-family home.

Mr. McNamara asked if everything will be removed including the foundation, pad, etc.

Mr. Napoli responded yes; it is a pole barn, post frame and although he had originally wanted to save some of it, it does not appear that he will be able to.

Mr. McNamara confirmed that they are only considering the 77' front yard setback, and no side yard setback.

Mr. Napoli responded yes, where they are hoping to place the home, they have plenty of room on either side.

Mr. McNamara asked Mr. Napoli if he can describe the house that he intends to build.

Mr. Napoli responded that it will be a stick-built ranch between 2,400-2,700 sq. ft. The colors indicated in the photo submitted will probably change, the photo shows the model that they are looking to build not necessarily the colors.

Referring to the photo that Mr. Napoli is describing, Chairman Mills marked the photo Exhibit A.

Chairman Mills asked if there will be the same amount of stone as indicated on Exhibit A.

Mr. Napoli responded yes, there will be stone in the front.

Mr. Skaine stated that it will look very nice upon completion.

Mr. Drinkard stated that reading the minutes from the two previous meetings, he can see that Mr. Napoli did not jump in to this proposed project.

Mr. Napoli responded that is correct.

Mr. Drinkard noted that this proposed project is a vast improvement from the previous plans.

Mr. Drinkard asked if there have been any neighbor complaints on record.

Mr. Bleuer stated that there is correspondence from Susan Anders from 8550 Stahley Road sharing her concern regarding an existing business on the property. She would like to know if a variance is considered by the Zoning Board, what the status of a landscape business would be that she believes is operating on the existing site.

There was a similar concern with the previous variance requests for this property.

Mr. Drinkard believes it would enhance the neighborhood, with no negative affects on the character or aesthetics of the neighborhood, and vastly improve the property compared to what is there currently.

Mrs. Burkard confirmed that Mr. Napoli is removing the pole barn.

Mr. Napoli responded yes; it is a 2,300 sq. ft. slab that he was hoping to save but realized he is not able to.

Mrs. Burkard asked if the proposed home will have a basement.

Mr. Napoli responded yes.

Regarding the additional footage since the last variance, Chairman Mills asked why they are moving even further back

Mr. Napoli stated that he is unsure why his architect moved the house closer to the street. He just wants to have a nice deep driveway, possibly a turnaround in the driveway.

Chairman Mills pointed out that previously the front yard setback request was for 71' 6" and this one is for 77'. They are curious as to why there is the extra footage.

Mr. Napoli responded that if the building is already there, why can't he just place the proposed building where the current (to be removed) building's front line is. That is why he is requesting the 77', it is a nice depth, it will allow him to have a long driveway.

Mr. McNamara asked if the existing building (pole barn) is at 77'.

Mr. Napoli responded yes; he believes it is.

Mr. Bleuer confirmed that the existing pole barn setback is 77'.

Chairman Mills asked if they make it a condition of the variance that Mr. Napoli is rescinding the side yard setback, would he be agreeable to that.

Mr. Napoli responded yes.

Chairman Mills asked if Mr. Napoli has any plans to operate a business out of his home.

Mr. Napoli responded no, not at all. The business that is there currently is his son’s business, he will be renting a place elsewhere.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Raymond Skaine, seconded by Gerald Drinkard to **approve** Appeal No. 3 as written, with the following conditions:

1. no business to be conducted from the structure
2. rescind and supersede previous variances.

ON THE QUESTION:

Chairman Mills noted that the existing structure, which is not very aesthetically pleasing will be eliminated, and this setback with the variance will be the same distance that the current structure is, as well as other structures in the area. Additionally, it will improve the character of the neighborhood.

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

MOTION CARRIED

Appeal No. 4

Thompson Home Properties, LLC.
Residential Single-Family

Town Code Reference:

- 1) §229-55(H)
- 2) §229-55(D)
- 3) §229-55(H)
- 4) §229-55(E)(2)
- 5) §229-55(F)

Applicant requests variances:

- 1) to allow a secondary detached garage; and
- 2) to allow the detached accessory structure to be located within the front yard setback; and
- 3) of 2,200 sq. ft. to allow a 2,400 sq. ft. detached accessory structure (pole barn); and
- 4) of 11' to allow a 27' tall detached accessory structure; and
- 5) to allow an accessory structure greater than 400 sq. ft. to use materials different from the principal structure;

located at 4794 Thompson Road.

DISCUSSION:

Jacob Piorkowski, Attorney for Natalie Mendez, and Natalie Mendez on behalf of Thompson Home Properties, LLC were present to represent these requests.

Mr. Piorkowski stated that they are seeking these variances to build a pole barn on the front property of Mrs. Mendez’s single-family home. The pole barn will function for two things: storage of winter snow removal and landscaping equipment, and also to build an indoor sport area for her children.

Mr. Piorkowski stated that this will not be a business, it will not be open to the public, it will solely be for the family's use. Aside from the entrance, it will be completely surrounded by the existing trees, and no additional trees outside of where the proposed structure will be located will be removed.

Mr. Piorkowski added that it will be set back approximately 200 ft. from Thompson Road and 150 ft. from the trees. The colors will be muted, and significantly similar to the colors of the home, blending in well with the trees. When there is foliage on the trees there should be no visibility from Thompson Road.

Mr. Skaine asked if the detached garage is part of the pole barn.

Ms. Mendez responded that they are not putting up a garage, they are including a garage door on the pole barn so that they can be inside / outside when using the sport court.

Mr. Piorkowski explained that there will not be a secondary garage, it will be a pole barn. The term garage is confusing, because there is no garage in the plans.

Chairman Mills noted that the property at 4794 Thompson Road was recently acquired, as well as the front parcel.

Ms. Mendez responded yes to both; the deeds have been merged so that it is now all one parcel located at 4794 Thompson Road.

Chairman Mills asked Mrs. Mendez if she has considered placing the pole barn behind the house.

Mrs. Mendez responded that they did look in to that, and it can not be done because of a pool and the septic which is located directly behind the house and running the whole length of the backyard. The pool is located next to the septic system.

Chairman Mills suggested placing it in the back corner of the property.

Ms. Mendez stated that it would not work because the neighbor owns part of the land and the Town of Clarence owns the other part, and they would not have any backyard.

Chairman Mills is concerned with the aesthetics of the proposed structure when there is not any foliage on the trees.

Ms. Mendez explained that they are using Parco Building Systems, she has the full plan, but they intend to make it look like a house. The property is zoned and approved as a buildable lot for a single-family home, so their intention is to have it look like a house.

Mr. Piorkowski stated that they do not intend to have it look like an industrial building and an eye sore.

Chairman Mills asked what materials will be used.

Ms. Mendez stated handed a copy of the plans to Chairman Mills for the Zoning Board to look at.

Chairman Mills asked if there is a plan to ever place a single-family residence on that property.

Ms. Mendez said she doesn't believe so, but if they ever did, they would tear down the pole barn if her children wanted to build a house on that property.

Chairman Mills noted that it will be metal siding.

Ms. Mendez responded yes, but it will match the color of the house. It will be board and batten siding, and match the color of the trim of the house.

Chairman Mills noted that the additional height is needed to accommodate the sports activities.

Mr. Piorkowski stated that the height of the pole barn will not surpass the height of the trees.

Chairman Mills asked if they have considered using the other materials on the exterior of the proposed pole barn.

Ms. Mendez stated that she can look in to it. She believes she added a photo in her submission of samples that Parco has built previously, and how her proposed pole barn will look.

Chairman Mills asked Ms. Mendez what the budget is for this project.

Ms. Mendez responded roughly \$150,000.

Chairman Mills asked if they plan to do any landscaping around the proposed structure.

Ms. Mendez noted that the entrance of the pole barn will be facing their house, and the side facing Thompson will be covered by trees. There would not be a need for additional landscaping there, but around the barn itself they can landscape and make it look nice. She plans to make it look just as nice as her house.

Chairman Mills reiterated his concern for the aesthetics of the area for the people driving down Thompson Road, nearby neighbors, he is looking at different ways to mitigate the view. This could be done by design architecturally with materials being used, or landscaping, berms, and / or trees and foliage.

Ms. Mendez stated that her plan is to not remove any trees. Right now, you can't see her house from Thompson Road, their hope and plan is to keep every tree that is there now other than the 40' by 60' area where the proposed pole barn will be located. If anything does show, she has no problem aesthetically making it look nicer and blending it. They plan to put windows and a shingled roof on the proposed structure to make it look like a house.

Mr. Piorkowski stated that this proposed structure will be visible from Ms. Mendez's house, so the aesthetics of it are important to her because they will have a constant view of it. The intention is not to have an industrial structure in the front yard, but to have something that compliments the property.

Ms. Mendez noted that from Thompson to the new lot is 236 ft. and she can push the proposed structure back further if need be. The intention is to have it hidden in the woods.

Ms. Mendez stated that there will not be any driveway access to the structure, but they can move it back closer to the driveway itself. The only access to the structure will be a walking path from their home to the proposed pole barn.

Mr. McNamara noted that the proposed structure could fit in the back northwest corner of the property, amongst the trees.

Ms. Mendez responded that then she would not have any yard for her children.

Mr. McNamara stated that they'd have the whole front yard.

Ms. Mendez said that it is not cleared.

Mr. McNamara voiced his concern with this proposed project. If she can move it closer to her driveway that would help.

Ms. Mendez responded that she can move it right next to her driveway.

Mr. Piorkowski confirmed that they would be happy to do that. The idea is that it will have 150' of tree between the road and the closest point of the barn to Thompson Rd. It should not be visible in any direction to the public.

Mr. McNamara asked if the property to the South is owned by the Town of Clarence.

Ms. Mendez responded yes.

Mr. McNamara asked for clarification on what the proposed pole barn will be used for.

Ms. Mendez responded basically it will be a sports park for her kids, for batting practice, pitching, and a place to play in winter. No teams or business, just their personal use.

Mr. McNamara asked what will become of it when they grow up and move out.

Ms. Mendez said they can use it for entertaining.

Mrs. Burkard asked about the use of the facility and whether Ms. Mendez is planning to have any team practices in there.

Ms. Mendez reiterated no; it is solely for personal use, family and friends.

Mr. Drinkard stated that Ms. Mendez's property is a little private community and the neighborhood is that community that surrounds her property.

Mr. Drinkard asked if the homes that are situated back in that area have any formal homeowner's agreement.

Ms. Mendez responded no, they have an easement for the driveway, and an informal agreement in terms of snow plowing and that type of stuff.

Mr. Piorkowski added that when Ms. Mendez purchased the lot, part of the contract was that this proposed structure would be built on it. The neighbor who sold the lot was explicitly made aware of this plan.

Mr. Drinkard pointed out that in his opening remarks, Mr. Piorkowski stated that the proposed barn will also be used for snow and landscaping equipment also, and asked if this will be their personal lawn and snow equipment.

Ms. Mendez responded yes.

Mr. Drinkard asked if any of the equipment will be used for a business.

Ms. Mendez and Mr. Piorkowski responded no, there will be no business activity whatsoever.

Mr. Bleuer stated that they received correspondence from the Town of Clarence Engineering Department with the identification of the possibility of wetlands. The applicant has been made aware of that finding as well, and notified that they will have to investigate any wetlands if they do exist.

Ms. Mendez responded that she has started that process, and according to the Department of Environmental Conservation (DEC) there is no concern, and it is more towards the property that the Town of Clarence owns. Ms. Mendez has also reached out to the Army Corp of Engineers and is waiting for a response from them.

In regards to Public Participation, no one spoke.

Chairman Mills asked if there will be any utilities run to the proposed structure.

Ms. Mendez responded only electric.

Chairman Mills asked how far the proposed pole barn can be tucked in closer to the house.

Mrs. Mendez stated that they have a circular driveway, realistically they can put it basically touching the first part of the circular driveway. When it was staked out with Parco, it was placed approximately 15 ft. from the driveway.

Discussion continued regarding how close to the driveway the proposed structure could be placed.

Chairman Mills asked if they can make the structure any smaller.

Ms. Mendez noted that it would be difficult to have it any smaller and still accomplish what they want to use it for. She has no issues with making it look as nice as a single-family home, she does not want it to look like a barn.

Chairman Mills asked if the height can be decreased at all.

Mr. McNamara asked what the wall height is.

Ms. Mendez responded that it is 20 ft.

Chairman Mills pointed out the highest point of the proposed structure is 27 ft. tall with the pitched ceiling.

Chairman Mills asked what the height of Ms. Mendez’s home is.

Ms. Mendez responded taller.

Mr. Drinkard suggested considering the possibility that all of the trees on the property and surrounding the proposed structure die; would Ms. Mendez have an issue if the Board puts a condition on any approval stating that vegetation is kept there as long as she is owner of the property.

Ms. Mendez responded she has no problem with that.

Mr. Piorkowski stated that when his client purchased the original draw was to the park, they want to be in nature as much as possible. There is no intention to clear the land and replace it with an industrial looking barn.

ACTION:

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

- 1. no business is to be operated out of the additional structure
- 2. no more than 20’ off of the driveway of the principal residence
- 3. subject to the receipt of the building plans and elevations

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

MOTION CARRIED

Appeal No. 5

Joshua A. Bloom
Residential Single-Family

Applicant requests a variance to allow a detached accessory structure (garage) to be located within the front yard setback located at 4810 Kraus Road.

Town Code Reference:
§229-55(D)

DISCUSSION:

Joshua Bloom was present to represent his request, explaining that he is requesting to build a garage where it fits best with the layout of his property. His neighbor has a garage that is set up even further than what he is requesting. The proposed garage will be a wood frame structure with vinyl siding, asphalt shingle roof, on a concrete pad. There will be electricity run to the proposed garage, and there will be both a window and a door on the back side of the proposed garage with a garage door facing north towards Greiner Road.

Mr. Drinkard confirmed that Mr. Bloom is requesting a two-car garage with a standard 8 ft. garage door and a man-door on the side.

Mr. Bloom responded he believes so.

Mr. Drinkard asked why Mr. Bloom wouldn't place it back further so that it is even with the house.

Mr. Bloom responded that if it is placed even with the house, then there is no way to gain access to the backyard. The trees that he planted several years ago are maturing and provide privacy from the neighbor. The proposed structure will fit well within the trees. There will be trees between his house and his neighbor's house, as well as additional landscaping.

Mr. Drinkard asked what color the garage will be.

Mr. Bloom stated that he'd like to do a dark grey with perhaps a blue tint, but his plan is to re-do the house to match the proposed garage.

Referring to the large Colorado Pine tree on Mr. Bloom's property, Mr. Drinkard asked if it will be removed.

Mr. Bloom noted that he will not remove it, but instead will cut down some of the branches on the side so that he can fit in the proposed garage.

Mr. Drinkard stated that he does not believe it will change the character of the neighborhood, also Mr. Bloom's next-door neighbor has a similar situation.

Mr. Skaine noted that it is almost directly in line with the neighbor's garage to the south.

Chairman Mills asked Mr. Bloom if he has considered adding any connection points to link it to the main structure.

Mr. Bloom responded that he had contemplated it, but he needs to have access for the landscaper to the back yard. He'd prefer to keep grass between the two structures.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

Mr. Drinkard asked Mr. Bloom if he intends to run a business out of the proposed garage.

Mr. Bloom responded no, absolutely not.

Chairman Mills asked Mr. Bloom if that was placed as a condition on the variance whether he would have an issue with it.

Mr. Bloom responded no, not at all.

ACTION:

Motion by Gerald Drinkard, seconded by Richard McNamara to **approve** Appeal No. 5 as written with the following condition:

1. no business is to be operated out of the structure

ON THE QUESTION:

Chairman Mills noted that based on some similar properties nearby including an adjacent parcel as well as an examination of Kraus Road it does not appear that this will adversely affect the characteristic or environmental conditions of the neighborhood.

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

MOTION CARRIED

Appeal No. 6

Mr. & Mrs. William Lunney
Planned Unit Residential Development

Applicant requests a variance of 2'6" to allow a 10' side yard setback for an addition to the principal structure located at 5430 Center Pine Lane.

Town Code Reference:
§229-52(B)

DISCUSSION:

James Pauly, owner of Pauly Construction was present to represent the applicants, he is also the contractor for the project. The proper paperwork has been filed allowing Mr. Pauly to speak on behalf of the applicant.

Mr. Pauly stated that the location is the front right corner of, as the back corner is very close to where the property line comes in at an angle. They are 10 ft. off of the property line. They would like to add an attached one-car garage, attached with a breezeway.

Mr. Pauly added that he has done several of these projects in the same area, including one right next door. The front of the proposed garage will be all brick to match the front of the house. He will also be changing the front of the existing garage to brick to match the house.

Chairman Mills asked about the brick that will be added to the existing garage, confirming that it will be the side of it.

Mr. Pauly responded yes, the whole thing will wrap around the front, down the existing garage door and across the front, making everything will match.

Chairman Mills asked if it will be full brick.

Mr. Pauly responded that it will be full or quarter brick.

Chairman Mills asked if it can be pulled in any tighter away from the property line.

Mr. Pauly responded no; it would lose space from the breezeway. It is as tight as it can go from a design standpoint.

Mr. Skaine complimented the other structures in the area that Mr. Pauly has done, adding that it will complement the area very nicely.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Richard McNamara, seconded by Patricia Burkard to **approve** Appeal No. 6 as written.

ON THE QUESTION:

Chairman Mills pointed out that there are numerous three and four-car garages similar to this throughout the Loch Lea neighborhood. The design considerations of the façade being brick as well as the attached breezeway will help mitigate any negatives associated with the additional structure. It will not change the character or environmental characteristics of the neighborhood.

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

MOTION CARRIED

Meeting adjourned at 6:34 p.m. with a motion by Raymond Skaine.

MOTION CARRIED

Amy Major
Senior Clerk Typist