

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, May 14, 2024

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

Zoning Board of Appeals members present:

Chairman Ryan Mills	Patrick Krey	Richard McNamara
Gerald Drinkard	Patricia Burkard	

Zoning Board of Appeals members absent: Raymond Skaine

Town Officials present:

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

Other Interested Parties:

Michael Rogowski	Steve Fisher	Richard Kubiak	Chris Lavocat
Dominick Farbo	Sharon Barker	Margaret Smeeding	Gregory Lund
Nate Streicher	David Fischer	Richard Kenyon	

Motion by Gerald Drinkard, seconded by Richard McNamara, to **approve** the minutes of the meeting held on April 9, 2024 as written.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Patricia Burkard	Abstain		

MOTION CARRIED

A brief Attorney-Client session commenced at 5:32 p.m.

The regular meeting resumed at 5:41 p.m.

NEW BUSINESS

Appeal No. 1

Chris & Meredith Lavocat
Agricultural Rural Residential

Applicant requests a variance to allow a 250' front yard setback fronting Croop Road located at 6510 Salt Road.

Town Code Reference:
§229-41(A)

DISCUSSION:

Chris Lavocat was present to represent his request, explaining that they would like to set back 250' from the right-of-way, it is a large parcel. Beeman Creek runs through the property, and the way it comes up to the west, it will give them a nice view of the creek, which is a primary reason they purchased this property.

Mr. McNamara asked how many acres the lot is.

Mr. Lavocat responded that it is 65 acres.

Mr. McNamara asked if they have any additional plans for the property such as subdividing it.

Mr. Lavocat responded no; not at this time.

Mr. McNamara asked if there are any drainage problems from the creek.

Mr. Lavocat responded no.

Mr. McNamara asked how big their proposed home is.

Mr. Lavocat responded that they have not finalized everything yet, but it is approximately 3,000 sq. ft.

Mr. Drinkard asked Mr. Lavocat if he is the owner of the lot.

Mr. Lavocat stated that they are closing the beginning of June.

Mr. Drinkard asked if it will be peeled off as a separate lot from the big parcel that is on Salt Road and extends to Croop Road.

Mr. Lavocat stated that they split the farmhouse which is at 6510 Salt Road. The Planning Board approved the split, which consists of the farmhouse being split off and the remainder of the parcel will be in his and his wife's name.

Chairman Mills asked what the plan is for the farmhouse that is splitting off.

Mr. Lavocat stated that the farmhouse is a 2-unit, they will keep and maintain it, and will get a real estate LLC.

Chairman Mills reiterated that the farmhouse will be a separate parcel, and the new home will be constructed on the remaining 64 acres.

Chairman Mills asked if there are any other plans for the 64 acres.

Mr. Lavocat stated that they are currently working with a farmer, a lot of the property will be farmed with a portion for themselves for lawn and trees. Most of the farming that is currently there will continue.

Chairman Mills asked if in terms of reasoning for the setback, is it primarily for the aesthetics.

Mr. Lavocat explained that yes; they purchased a larger piece of land so that they were able to set the house back. The placement also gives them a good view out the back of the creek, and the land is a bit higher in that location also.

Regarding the front yard setback, Mr. Krey asked Mr. Bleuer if it based on the same side of the street.

Mr. Bleuer responded yes.

Mr. Krey stated that looking across the street, the houses there appear to be significantly more than 55 ft. from the street.

Mr. Krey asked Mr. Lavocat if he looked in the area to see if there are other homes that are set back a similar amount.

Mr. Lavocat stated that when he spoke with the Planning Office, he was told that code states that the setback of the homes within 1,000 ft. is what is used, but since there are no other homes in the adjacent area, the 200 ft. setback is applied. They are requesting an additional 50 ft.

Mr. Bleuer explained that the allowable setback in this zone, should there be no established setback, is anywhere from 45 ft. – 200 ft. However due to the size of this parcel, it abuts a 55 ft. setback, but the property is so large it is a significant distance away.

In regards to Public Participation, no one spoke.

Neighbor Notifications are on file, no comments were received.

ACTION:

Motion by Patrick Krey, seconded by Gerald Drinkard to **approve** Appeal No. 1 as written.

ON THE QUESTION:

Mr. Krey noted that due to the large parcel size of 65 acres, the 250 ft. setback will work well, and will not be a detriment to the character of the neighborhood or the existing properties.

Also, the homes across the street have larger setbacks than what the applicant is requesting.

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

MOTION CARRIED

Appeal No. 2

Brett Rawdin
Residential Single-Family

Town Code Reference:

1. §229-55(H)
2. §229-55(H)

Applicant requests variances:

1. to allow a secondary detached garage; and
 2. of 808 sq. ft. to allow a 1,008 sq. ft. detached accessory structure (garage);
- located at 5021 Kraus Road.

DISCUSSION:

Dominick Farbo was present to represent this request, explaining that he listened to the concerns that were stated at the previous meeting, with the main concerns being the size of the proposed structure, building materials, the appearance, site lines, and drainage.

Mr. Farbo stated that they took each of the concerns in to consideration and reduced the size from the original request of 40'x42' 1,680 sq. ft building to a 42' by 24' building that is 1,008 sq. ft., reducing the size of the building by 40%.

Mr. Farbo added that they also switched from a pole barn to a similar building material, and changed the design to be consistent with the existing secondary garage structures on Kraus Road.

Mr. Farbo stated that they moved the proposed garage closer to the home, and turned it sideways so that it would not be so long on the property.

Mr. Farbo noted that he went to the property after several days of steady rain to observe the drainage, and submitted photos for that. There were no puddles on the property after the rain, therefore supporting the drainage. Mr. Farbo added that the builder mentioned that the sump pump has not turned on in the home yet, he does not feel there are any drainage issues.

Mr. Farbo explained that the proposed garage will have three doors, with the middle door being a double door, making it a 4-car garage. The building materials will be similar to the house with a slatted type shingle, regular siding and then 3 ft. of brick to match the front of the house as well as some windows.

Mr. Farbo stated that he put his best efforts in to taking everyone's concerns in to updating the design of the proposed structure.

Chairman Mills noted that Mr. Farbo made some nice adjustments, taking in to consideration the feedback that he received at the previous meeting, the aesthetics are very nicely improved.

Chairman Mills stated that in terms of conditions, would Mr. Farbo agree to conditions stating that the aesthetics look like what was presented in the architectural drawings in Exhibit A; mainly the stone at the corner point all the way around, with the remainder being some type of vinyl siding.

Mr. Farbo responded yes.

Mr. McNamara thanked Mr. Farbo for being attentive to the concerns.

Regarding the Home Occupation code, Mr. Drinkard confirmed with Mr. Farbo that he intends to use the proposed garage for his classic cars.

Mr. Farbo stated that one is a classic car, the others are his personal cars.

Mr. Drinkard asked Mr. Farbo if he will do work on the cars like painting and other work.

Mr. Farbo responded no; he shows the cars, and mainly cleans them.

Mr. Drinkard asked if any chemicals will be used.

Mr. Farbo responded no.

Mr. Drinkard asked Mr. Farbo if he charges money for the services of showing his cars that it would constitute a home occupation.

Mr. Farbo responded no; it is just a hobby.

Mr. Drinkard stated that he spoke with someone on-site at the property while he was there, and asked about potential landscaping. Has Mr. Farbo given any consideration to landscaping and how he will hide the building from the road.

Mr. Farbo submitted photos to the board showing the view from the neighbor's property on the left side, showing that the house cannot be seen through the existing foliage. They do not plan to take all of the trees out, only the ones that need to be removed for the footer.

Mr. Farbo added that the doors are in front, there will be concrete leading to the doors.

Mr. Drinkard noted that on the previous plans Mr. Farbo had included a lean-to where a trailer was going to be stored. Are there still plans to store a trailer on the property next to the proposed structure.

Mr. Farbo responded that he has permission from West Herr to keep the trailer there, as he is doing currently at his residence in Loch Lea.

Chairman Mills asked if Mr. Farbo would agree to another condition stating no business is to be run from the structure.

Mr. Farbo responded yes.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, the following resident spoke:

1. Sharon Barker of 5045 Kraus Road:
 - biggest concern is the buffer in between the garage
 - currently a lot of trees, they plan to add more to their lot line
 - the grade of the proposed garage is quite high compared to the level of the trees that are growing, so she assumes a lot of the trees will be removed to put the garage there

- not sure how much will be removed on the property in between them, but since the reason for the garage is to work on the cars, will there be any replacement or buffer to screen the cars or noise that will develop from that

Mr. Farbo responded to the concerns, noting that there will not be any modifications to exhaust on his cars, they will not sit and run, none of them are loud. They are factory style exhaust, no louder than the cars that will be in the front garage.

Mr. Farbo noted for the record the photo he submitted of the view from his patio to the existing garage that the neighbor at 5045 Kraus is putting up. There is no buffer between it, that will be his view when he sits on his patio. The only way Mrs. Barker will have a view of his proposed garage is to walk out past her house and two other structures to see it.

Mr. Farbo stated that he is confused with the concern for a buffer, when there is no consideration given to the view from his property. He does not plan to take any more of the trees down than those that need to be removed for the footers. He and his wife love the trees, so they will preserve as many as possible. He plans to put the man-door on the far side, so as to not need a sidewalk in to the tree area.

Public Participation was closed for this item.

Mr. Drinkard asked if the driveway will be a cement driveway all the way to the road.

Mr. Farbo stated that he does not believe it can go all the way to the road, it needs an asphalt buffer but he would like it to be, so that it does not break up.

Mr. Drinkard noted that there will be fill needed behind the proposed garage, and two large trees will need to be taken down, the rest are smaller.

Mr. Drinkard asked Mr. Farbo if he will be attempting to save one of the larger trees.

Mr. Farbo responded yes; the healthy one on the far side, it is the biggest tree there.

Mr. Krey stated that he is working on a condition that would keep the existing trees on the property, and asked if it is ok to speak with the neighbor from 5045 Kraus Road.

Mrs. Barker returned to the podium.

Mr. Krey noted that Mrs. Barker expressed concerns with the view of the proposed garage, and keeping the trees there that if the other trees on the lot aside from the two large ones that Mr. Farbo has identified as needing to be removed, would that be sufficient.

Mrs. Barker stated that she had been informed by an outsider that Mr. Farbo was going to be removing a sufficient number of trees. If that is his choice to do that, she would appreciate a buffer.

Mr. Krey asked if keeping existing trees is sufficient.

Mrs. Barker responded yes.

ACTION:

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

1. no business is to be operated out of the structure
2. stone or brick veneer or solid stone or brick up to a quarter or more of the front façade of the structure
3. vinyl siding either straight vinyl or cedar shake or similar vinyl product
4. make every effort to preserve as many trees as possible during the construction process

ON THE QUESTION:

Mr. Bleuer asked that the roof material be specified for the ease of the Building Department.

Chairman Mills stated asphalt shingle to match the home.

Mr. Farbo confirmed yes.

Mr. Krey stated that considering the uniqueness of this variance request, and that both neighboring properties either already have, or are in the process of building additional accessory structures, this proposed structure will not be out of character.

Also, the conditions imposed on the variance approval will alleviate any other concerns.

Chairman Mills noted that as a Board, they need to look at the environmental conditions as well as the character of the neighborhood. As Mr. Krey pointed out, the applicant’s revisions to the structure go a long way to help it fit in with the character of the neighborhood. There are some older and larger accessory structures on the street, one that is directly adjacent. There is a neighbor to the north that has a home set farther back also adding an accessory structure.

This will not have any adverse effects on the environmental conditions or the character of the neighborhood.

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

MOTION CARRIED

Appeal No. 3

Richard Kubiak
Residential Single-Family

Applicant requests a variance of 2' to allow a 6' fence to be located within the front yard setback located at 5472 Martha's Vineyard.

Town Code Reference:
§101-3(C)(2)

DISCUSSION:

Rich Kubiak was present to represent his request, explaining that he’d like to replace his current fence with a privacy fence for protection from the wind, and to keep their dog from escaping and getting loose.

Mrs. Burkard asked if there is a fence there now.

Mr. Kubiak stated that there is a chain-link fence there currently, and they are looking to go out a little further out.

Mr. Krey asked Mr. Kubiak if they have issues with their dog jumping the fence and that is why they are requesting a 6 ft. fence.

Mr. Kubiak responded no, but they have some issues with people looking over as they walk by, as well as privacy issues with a neighbor.

Chairman Mills stated that an aerial view was provided that shows where the fencing will be, and asked if the vinyl fence will only encompass the one side of the property.

Mr. Kubiak stated that it will go all the way around the property, where the pool is. It will go exactly where the current fence is, but extend two feet out further.

Chairman Mills confirmed that it is the white line as shown on the view as submitted.

Mr. Kubiak responded yes.

Mr. Krey clarified that if Mr. Kubiak was not to receive the variance, he could still do 6 ft. on every other side except for the side facing Bonnie Fay.

Mr. Kubiak stated that they could align with the house, but then they do not cover up some of the trees and stone. This was suggested by the fence company.

Mr. Drinkard stated that he spoke with Mrs. Kubiak, who brought up a privacy issue and stated that it would be very difficult to see their pool from the street. A 4 ft. privacy fence would be more than sufficient in providing privacy.

Mr. Drinkard added that Mrs. Kubiak stated none of the trees on the immediate other side of the fence will be taken down.

Mr. Kubiak confirmed that to be true.

Discussion continued regarding Mr. Drinkard's conversation with Mrs. Kubiak.

Mr. Kubiak reiterated that they are going in the same place as where the current fence is, but extending out a bit further to cover where the landscaping is falling down.

Mr. Drinkard stated that if Mr. Kubiak wanted to soften the look of the fence, he would ideally have the landscaping on the street side of the fence.

Neighbor Notifications are on file, no comments have been received.

In regards to Public Participation, no one spoke.

Mr. Krey asked if there is a Homeowner's Association in Martha's Vineyard, he did not see many vinyl fences in the neighborhood.

Mr. Kubiak responded no.

ACTION:

Motion by Richard McNamara, seconded by Gerald Drinkard to **approve** Appeal No. 3 as written.

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

MOTION CARRIED

Appeal No. 4

Margaret M. Smeeding
Residential Single-Family

Town Code Reference:

1. §229-55(H)
2. §229-55(H)
3. §229-55(F)

Applicant requests variances:

1. to allow a secondary detached garage (shed); and
2. of 360 sq. ft. to allow a 560 sq. ft. detached accessory structure (shed); and
3. to allow an accessory structure (shed) greater than 400 sq. ft. to use materials different from the principal structure;
located at 8960 The Fairways.

DISCUSSION:

Margaret Smeeding and Gregory Lund both of 8960 The Fairways were present to represent their request, explaining that they would like to put up a larger, more secure and permanent shed.

Chairman Mills asked what type of materials will be used, and what will be stored inside.

Mr. Lund stated that they will store lawn equipment, outdoor furniture, a canoe, ladders and other items that are not currently secure in the yard.

Mr. Lund noted that the building itself will be metal with a concrete floor. They want something that is more permanent than the 10 ft. by 10 ft. wooden shed currently on the property.

Chairman Mills asked if the proposed shed has a lean-to included on it.

Mr. Lund responded yes.

Chairman Mills asked Mr. Bleuer if the lean-to is counted in with the overall square footage.

Mr. Bleuer responded yes.

Mr. Lund explained that in the plans that were submitted for this proposed project, they show the lean-to facing towards the north, but it will actually be facing towards the south.

Mr. Drinkard noted that one of the variances requested is for the material of the proposed building.

Mr. Lund explained that the proposed shed will be a rustic red, similar to the red brick that the house is made of.

Mr. Drinkard congratulated the applicants for their nice submission.

Mr. Krey asked what the size of their lot is.

Mr. Lund responded that it is approximately one and a half acres.

Chairman Mills asked the applicants if they will be running a business out of the proposed building.

Mr. Lund responded no.

Chairman Mills confirmed that they plan to remove the 10 ft. by 10 ft. shed.

Mr. Lund responded yes.

Mrs. Burkard asked if the neighbors across the street have any objection to this proposed building, as they will be looking right at it.

Mr. Lund stated that he was not aware they had to notify the property across the street, only adjacent neighbors.

Discussion continued regarding the view of the lean-to that the neighbors will have.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, the following resident spoke:

1. Richard Kenyon of 8953 Gaskin Road:
 - he has no issues with this request. The applicant keeps their property immaculate; this will only improve it
 - they have worked together to improve the drainage on the applicant's property

Public Participation for this item was closed.

ACTION:

Motion by Patrick Krey, seconded by Richard McNamara to **approve** Appeal No. 4 as written, with the following conditions:

1. no business is to be conducted from the building
2. remove the existing shed once the new garage is built, within 3 months of when the Certificate of Occupancy (C/O) is issued

ON THE QUESTION:

Mr. Krey stated that what makes this appeal unique is that the lot is a good size of approximately 1.5 acres, and the existing shed is being torn down. A structure of this size will blend in more naturally than if it was a smaller lot.

Chairman Mills noted that the computation of the overall square footage is inclusive of the lean-to, so it is not the overall finished interior space, but the open exterior space.

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

MOTION CARRIED

Appeal No. 5

Jamie & Nathaniel Streicher
Residential Single-Family

Town Code Reference:
Relief from Zoning Board of Appeals
Condition of Approval on 6/14/2011.

Applicant requests relief from a previously imposed Zoning Board condition of approval limiting the total amount of living space; therefore, the applicant is seeking a variance of 437 sq. ft. to allow a total of 2,687 sq. ft of living space for a single-family home located at 4921 Kraus Road.

DISCUSSION:

Nate Streicher was present to represent their request, they are requesting to finish the existing space above their garage to serve as a game and playroom for their twin boys. They would like an area for them to hang out that is not their bedrooms. They are not adding anything to the property, they are finishing the existing space above the garage.

Mr. Drinkard asked Mr. Streicher if they have owned the house since it was built.

Mr. Streicher responded yes; since 2014

Mr. Drinkard stated that it appears that the unfinished portion that they are requesting to finish, was built like that.

Mr. Streicher responded yes.

Mr. Drinkard asked Mr. Streicher if they had an expectation of someday finishing the space.

Mr. Streicher responded that it had crossed their minds, but they had never put much thought in to it until recently.

Mr. Drinkard asked if they knew from the start when they had the house built and before moving in, that there was a variance that was attached to the house.

Mr. Streicher responded yes; when they purchased the home from the developer, they were informed that there was a variance for 2,150 sq. ft. and if they wanted to add on to the back of the house, they would need a variance.

Mr. Drinkard complimented the applicants on their house, noting that it shows very well on the outside.

In terms of the square footage, Chairman Mills noted that the request for 437 sq. ft., but from the architectural drawings it appears to be 22' by 24'.

After some clarification and discussion of roof trusses, Chairman Mills confirmed that Mr. Streicher is confident they will be finishing 437 sq. ft.

Mr. Streicher responded yes.

Chairman Mills asked if the space is drywall or studded.

Mr. Streicher responded that it is studded, non-insulated.

Chairman Mills asked if there is electrical hooked up already.

Mr. Streicher responded no; there is a light switch, but there are no outlets.

Chairman Mills asked if they have had architectural drawings drawn up yet.

Mr. Streicher responded not yet.

Chairman Mills asked if they could make it a bedroom with a closet.

Mr. Streicher responded that they do not need an additional bedroom, they will utilize the space better this way.

Mr. Krey asked if any of the changes being made will be visible from outside of the home.

Mr. Streicher responded no.

Mrs. Burkard asked if there is already access to that room.

Mr. Streicher responded yes; after the main stairway there is a long hallway with a fire-rated door to the attic above the garage.

Mrs. Burkard asked if there was only one window.

Mr. Streicher responded no; there is a window at the front of the house, there are two windows facing south, and only one facing the back of the yard.

Mrs. Burkard asked what the dimensions of the room will be.

Mr. Streicher responded that they are hoping for either a closet or built-ins so that they can continue to it for storage also. The rest of the space will be open and have an air-hockey table, and room to play and hang out.

Chairman Mills clarified that Mrs. Burkard is looking for the size of the room.

Mr. Streicher responded that it will be approximately 17' by 20'.

Mrs. Burkard asked if there will be a bathroom in the proposed room.

Mr. Streicher responded no.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gerald Drinkard, seconded by Ryan Mills to **approve** Appeal No. 5 as written.

ON THE QUESTION:

Chairman Mills noted that this request is seeking relief from a prior condition by the Zoning Board of Appeals from June, 2011.

One of the elements that makes this different from other requests for square footage relief, is the footprint of the home is not changing or enhancing. The existing home's footprint is being used, and finishing off additional interior space. It will not look any different from the exterior of the home.

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

MOTION CARRIED

Appeal No. 6

David Fischer
Residential Single-Family

Town Code Reference:
§229-55(B)

Applicant requests a variance to allow a detached accessory structure (emergency generator) to be located within the front yard setback located at 5260 Via Del Sole.

DISCUSSION:

The applicant, David Fischer was present to represent his request. Mr. Fischer explained that they are on a corner lot on Via Del Sole, with the side-lot facing Greiner Rd., making it so that they have two front-yards per Town of Clarence Code.

Mr. Fischer stated that all of their other equipment including the pool heater, pool pump, air conditioner, breaker box and electric meter are all on that side already. They are all shielded in the front by a very large pine tree, and to the south by a berm with fully mature trees that separates it from Greiner Road.

Mr. Fischer added that the property on the other side of Greiner Road is the Eastern Hills Wesleyan Church with an approximate 300 ft. setback.

Mr. Krey asked Mr. Bleuer if the Town Code specifies anything about the other equipment that Mr. Fischer also has in that area.

Mr. Bleuer responded not to his knowledge.

Mr. Krey asked Mr. Fischer if he would be open to adding more landscaping if that was a condition of approving the variance.

Mr. Fischer responded that they would be open to it, but it would not be easily seen from the road, and neither is the equipment because of the existing berm. The berm is at least 4 ft – 4 ½ ft. high with trees down the entire length of it. There are two large Willow trees on the west side, blocking from that direction.

Mr. Fischer explained that unless someone stops in the middle of the street and looks between the trees, there is not much of a chance of seeing the equipment or generator.

Chairman Mills stated that the applicant has a nice existing buffer. Whereas they typically like to see additional landscaping around a generator to protect the aesthetics of the area, there is a sufficient berm with foliage already existing.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patrick Krey, seconded by Patricia Burkard to **approve** Appeal No. 6 as written.

ON THE QUESTION:

Mr. Krey noted that what distinguishes this from other similar requests is the large berm and the tree placement mitigates the view from Greiner Road. There will not be any change in the aesthetics from Greiner Road

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

MOTION CARRIED

Appeal No. 7

Joel & Katie Blanchet

Planned Unit Residential Development

Applicant requests a variance of 127 sq. ft. to allow for a total of 1,087 sq. ft. of attached garage space located at 9762 Cobblestone Drive.

Town Code Reference:
§229-55(D)

DISCUSSION:

Katie and Joel Blanchet were present to represent their request, explaining that they currently have a 3-car garage with dead space at the end of it. They have 2 very active children, they would like to utilize that space with a front-facing garage spot with a second floor that can be used for other purposes that they have not decided on yet, but possibilities include storage or a rec room.

Mrs. Blanchet stated that it would be an attached garage.

Chairman Mills stated that architectural drawings have been included, citing A1 and A2 for the record, noting that the stone façade will be continued along the front elevation.

Mr. Blanchet responded yes; it will all match the existing house.

Chairman Mills asked if the breezeway will be incorporated.

Mr. and Mrs. Blanchet responded yes.

Chairman Mills asked if they plan to run a business out of the proposed garage.

Mr. Blanchet responded no.

Chairman Mills asked if they will be re-doing the backyard to have a fire pit area.

Mrs. Blanchet responded that is to be determined, but it is not part of the variance request.

Chairman Mills asked if there will be an additional covered patio space in the back of the proposed garage.

Mr. Blanchet responded that they have not decided on that definitively yet. It is also subject to the Homeowner's Association process as well.

Chairman Mills noted that the Homeowner's Association approval is separate from any approvals potentially received from the Zoning Board.

Mr. Blanchet confirmed that he was aware. Nothing is finalized, but they plan to do what was presented to the Zoning Board.

Mr. McNamara asked if an office is planned for the proposed second floor of the structure.

Mr. Blanchet responded that it was written up as an office, but it will simply be a space.

Mr. McNamara asked if the entrance to the garage will be an outside entrance.

Mr. Blanchet responded yes.

Mr. McNamara asked if there will be a bathroom in the proposed garage.

Mr. Blanchet responded yes.

Mr. Krey noted that this proposed garage could be done without a variance, at 127 sq. ft. and asked Mr. Blanchet what made it so that he needs a variance.

Mr. Blanchet responded that he believes the extra square footage of the second floor puts them slightly over the allowable amount.

Mr. Krey asked Mr. Blanchet what the need is for the second floor of the proposed garage.

Mr. Blanchet stated that it will be either an office, storage area, or rec room.

In terms of conditions placed on this variance, Chairman Mills asked Mr. Blanchet if they would agree to the front façade being stone, the breezeway being incorporated, and no business being operated out of the structure.

Mr. Blanchet responded yes.

Neighbor Notifications are on file, no comments were received.

Mr. Bleuer noted that the Planning Office did not calculate the second-floor space as garage space, therefore their calculation specifically for this variance request is garage space. The second-floor is considered livable space, and not subject to a variance.

Regarding a Homeowner's Association (HOA) Agreement, Mr. Drinkard asked Mr. Blanchet if they have a written document stating what can and can not be done.

Mr. Blanchet responded yes; he served on the HOA and generally the rule is any type of architecture regardless of whether it falls in to the hardline, needs approval from the HOA.

Mr. Drinkard asked if there needs to be written confirmation of approval from the HOA.

Mr. Bengart responded, stating yes.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Ryan Mills, seconded by Patrick Krey to **approve** Appeal No. 7 as written, with the following conditions:

1. stone façade on the front elevation of the addition to match the existing façade of the house as close as possible
2. breezeway element is to be incorporated

3. no business to be operated out of the accessory structure

ON THE QUESTION:

Mr. Bengart noted that written approval from the Homeowner’s Association is required.

Mr. Krey stated that the home is a large home, distinguishing this request from others for an additional garage space. It is also a side-load garage, therefore there will not be any negative impact from the street view or be out of character with the neighborhood.

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

MOTION CARRIED

Appeal No. 8

Michael Rogowski
Residential Single-Family

Applicant requests a variance of 3% to allow for a 21% lot coverage to allow for the addition to a single-family home located at 8911 Michael Douglas Drive.

Town Code Reference:
§229-56

DISCUSSION:

Michael Rogowski was present to represent his request, adding that he would like to add a 22’ by 23’ master bedroom and bathroom, due to the consolidation of two houses and two families.

Mr. Rogowski noted that the addition will also square out the house on the back side.

Noting that 3% is not a lot, Mr. McNamara asked Mr. Rogowski if they have considered going a bit smaller so as to not need a variance.

Mr. Rogowski stated that he and his daughter currently live in the house, and they will be adding his fiancé and her three children. The expansion is small in relation to the number of people that are being added to the home.

Mr. Drinkard asked if the siding and roofing of the proposed addition will match the existing materials on the house.

Mr. Rogowski stated that they plan to match it as closely as possible. The house is approximately 20 years old; they are hopeful that the existing white siding has not faded too much and they are able to match it with white siding.

Chairman Mills noted that Mr. Rogowski’s property butts up to the bike path, giving him additional green space behind the home, which helps the overall aesthetic of the property. Basically because of that footprint, Mr. Rogowski is just squaring off the back of the house.

Mr. Rogowski explained that they did look at other options with regards to the house, including adding a room to the basement. They would need to put living quarters down there, as well as egresses, and it got to be too much.

Mr. Krey asked how many bedrooms the home currently has.

Mr. Rogowski stated that there are currently 3 bedrooms.

Mr. Krey asked if there will be a basement under this proposed room.

Mr. Rogowski responded no.

Mrs. Burkard noted that there is currently an existing bathroom in the hallway near the proposed additional room.

Mr. Rogowski responded yes; as well as a laundry room.

Mrs. Burkard asked what the pantry is near the television.

Mr. Rogowski explained that the pantry is basically a linen closet labeled pantry.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Richard McNamara, seconded by Gerald Drinkard to **approve** Appeal No. 8 as written with the following condition:

1. vinyl siding to match the house with the option of using the shingle-style siding versus the conventional vinyl siding, pursuant to Exhibit A option 3

ON THE QUESTION:

Chairman Mills explained that this request may differ from others in terms of the overall percentages because of the visual aesthetics of the additional greenspace due to backing up to the bike path.

Chairman Mills added that this proposed addition will allow it to be squared off with the house, from an architectural perspective there would be no unevenness with the proposed addition.

Chairman Mills stated that it does not affect the character or environmental conditions of the neighborhood.

Mr. Bleuer added that if approved as motioned, the applicant would have the ability to choose any of the 3 rear elevation options that were provided, unless further detail is provided to the Building Department.

Referring to the three options that were submitted, Chairman Mills noted that some of them incorporate brick while others incorporate siding.

Mr. Rogowski stated that it will all be siding to match the home.

Chairman Mills noted that one of the elevations has a shingle vinyl option.

Mr. Rogowski stated that they will be using the traditional vinyl siding.

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

MOTION CARRIED

Appeal No. 9

Steven Fisher
Residential Single-Family

Applicant requests a variance of 2' to allow a 6' fence to be located within the front yard setback located at 8373 Black Walnut Drive.

Town Code Reference:
§101-3(C)(2)

DISCUSSION:

Steven Fisher was present to represent his request, explaining that they would like to remove the existing 4 ft. metal fence and replace it with a 6 ft. privacy fence along the east end of his property around his pool.

Mr. Fisher explained that they would like the privacy fence because there is a berm adjacent to the fence with 12 pines approximately 25ft – 30ft. tall that they are hoping to remove, as they have become unsightly.

Mr. Fisher stated that they would also re-grade the entire area and plant new plantings in front of the privacy fence.

Chairman Mills asked if the fence will be white vinyl.

Mr. Fisher responded that it will be vinyl, but not white. Explaining that it will be an earth tone type color, Mr. Fisher submitted a photo for reference.

Chairman Mills confirmed that the proposed fence will just be along the east side.

Mr. Fisher explained that there is a gate on the south side that it will extend to. The rest of the pool is surrounded by a chain-link fence, which will stay. The metal link / gate and remaining fencing will be removed and replaced with the proposed vinyl fence.

Mr. McNamara reiterated that the existing fence, trees, and berm will all be removed and the area will be made flat. The new proposed fence will be installed with shrubs planted in front of the fence.

Mr. Fisher responded yes; there are some miscellaneous plantings in the existing berm that he may use as well. There is a decent amount of road and foot traffic around the corner, and they would like to have some privacy while in their backyard.

Mr. Krey asked Mr. Fisher if he provided specific plantings that he is planning to use.

Mr. Fisher responded no; but he plans on low-growing plants, possibly some trees where the existing berm is.

Mrs. Burkard confirmed that the proposed fence will only be on one side.

Mr. Fisher explained that it is slightly angled, but yes it will be only one side, and include the gate.

Mrs. Burkard asked why 6 ft. instead of 4 ft.

Mr. Fisher responded for privacy, because they are on a corner and there is a lot of activity in the area. They would like some privacy while in their backyard.

Chairman Mills asked if the shed that is on the property will stay.

Mr. Fisher responded yes, for now.

Mr. Drinkard commented on the earth tone fence and how nice it is, then asked Mr. Fisher if he would have any objection to the Board placing a condition on the landscaping.

Mr. Fisher responded no; he would agree to that.

Mr. Bengart stated that it can not be left open-ended, it needs to be specific.

Discussion continued regarding the potential landscaping to be installed, and the fact that placing a condition on the landscaping creates an enforcement issue.

Neighbor Notifications are on file, no comments were received.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gerald Drinkard, seconded by Ryan Mills to **approve** Appeal No. 9 as written with the following condition:

1. fence is to be earth tone color

The applicant agrees to that condition.

ON THE QUESTION:

Chairman Mills noted that due to the unique nature of the lot being a corner lot, and because it is a high traffic area, the additional privacy requirements will not adversely affect the character or environmental conditions of the neighborhood.

There are no specific conditions on the landscaping, the applicant understands the Board's wishes on landscaping.

Mr. Krey added that the trees that are currently there will be removed, and the privacy fence will act as compensation for the loss of the privacy from the existing berm and trees.

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

MOTION CARRIED

Meeting adjourned at 7:02 p.m. with a motion by Richard McNamara

MOTION CARRIED

Amy Major
Senior Clerk Typist