

ZONING BOARD OF APPEALS MEETING

November 21, 2019

6:00PM

The meeting was called to order by Chairperson Kathy Taylor at 6:00PM. Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

Kathy Taylor, Chairperson
Neal VanLiew
Ernesto Rivera
Jason Schenck
Maureen Riester, Alternate

Absent: Phil DelloStritto

Also in attendance: Bill Gabak, Jr., Zoning Officer
Edward Norris
Linda Becker
David Liedka

Chairperson Taylor made a motion to approve the minutes of October 17, 2019 as presented by ZBA Clerk, Cindy Schiminske. Approved AYES 4-0. Maureen abstained as she was not present at the last meeting.

The purpose of this meeting was to hear the following request:

Edward Norris, 5864 Sand Beach Drive, Tax Map # 123.18-1-77, is requesting the following variances in order to add a 10' by 16' lean-to on an existing garage: a north side yard area variance of less than 2 ft from the required 20 ft; a variance from the maximum allowable coverage of 25% of the property (Bulk & Use Table Lakeshore District); and a variance to the requirements of Section 7-16 A(2)e which limits the total area of the proposed structure to 20% of the floor area of the principal structure.

Mr. Norris stated that when he puts his boat in the garage, he has to remove his workbench. He has a small, 16 ft fishing boat that he parks in the 24' garage together with his wife's car and he has no room left. What he is really trying to do is to push the back of the garage out to reestablish the work bench, with a tool box and just have a little more dry storage throughout the winter. All summer long it was fine. He didn't realize any of this until Fall, as they just bought the property in January. He was just looking for a little more space so that he can have a work area.

Chairperson Taylor stated that she had a concern with the water runoff, as it cannot run onto the neighbor's property. She stated that the 24' square garage is quite large and that it is quite a bit over the percentage of what you are allowed for footage on greenspace. Mr. Norris indicated that they wanted to put rain barrels out to catch the water to use for watering flowers. He is also not putting a hard floor in, but does understand that the roof is an impervious surface. He stated that the water would all fall on his property. He also submitted a letter from the Boyles, his neighbors to the north, that states there is a 33' right of way that can never be built on. Mr. Norris was hoping that can be considered to help gain the extra 160 sq ft for the 10' x 16' lean-to or, if he went smaller, 8' by 16'. He's just looking to bump the back out. As for the side yard setback, Mr. Norris indicated that his lot is only 34' wide to begin with. He purchased this property as a pre-existing, non-conforming lot.

Bill Gabak asked what the square footage of the home was, which Mr. Norris replied was 30' x 56' which would be about 1500-1600 sq ft. Bill stated that 20% of 1600 would be 320 sq ft. If the garage is 24' x 24', the applicant is almost 100 sq ft over that and if he wanted to add another 10' x 16', it would be an additional 160 sq ft, so that he would be 260 sq ft over what the zoning law allows. Even though the garage was there before he bought it, it still counts as an accessory structure. Bill reiterated that the applicant is asking for some relief from the side yard variance, square footage variance and 75/25 greenspace.

Mr. Norris indicated that this is going to be their permanent residence. They are there as much as they can be now and will be selling their other house. So he was just looking for a little spot to have a workbench, and a toolbox and maybe clean fish and still have the garage for the car and the boat.

Maureen Riester indicated that on the Real Property site, the livable area is reflected as 1,080 sq ft. It shows the first story as having 720 sq ft and the second story having 360 sq ft, for a total of 1,080 sq ft. There was discussion about the living space on the first floor being built out and up, in the past, and that maybe the square footage was never corrected on the property records.

Mr. Norris indicated that with the back of the garage facing his house, it does not inhibit anyone's view and makes no impact to either neighbor.

Bill Gabak commented that, in the past, the ZBA normally had only ever let anyone go to 30% from the 20% required. The applicant is already over 264 sq ft with the new addition. He's over 50-60% and the Board had never gone that far before.

And he is only stating what has been done in the past. He doesn't know what this Board is going to do and it will be their decision.

The neighbors to the south, Linda Becker and David Liedka, were in attendance and stated that they had no objections.

Bill stated that all of the houses in that area are over the 75/25 greenspace.

Chairperson Taylor reviewed the five criteria for granting the area variance with the Board Members.

Chairwoman Taylor made a motion to vote on the north side yard area variance of less than 2 ft from the required 20 ft, seconded by Maureen Riester.

Roll call vote was taken by the Board.

Neal VanLiew	YES
Ernie Rivera	YES
Jason Schenck	YES
Maureen Riester	YES
Chairperson Taylor	YES

MOTION APPROVED

Neal VanLiew questioned whether the applicant could cut down the size of the lean-to, to which applicant suggested 8' x 16'. Chairwoman Taylor suggested 8' x 8' which applicant indicated wouldn't really work.

Chairwoman Taylor made a motion to vote on the variance from the maximum allowable coverage of 25% of the property, based on an 8' x 16' lean-to, seconded by Maureen Riester.

Roll call vote was taken by the Board.

Neal VanLiew	YES
Ernie Rivera	YES
Jason Schenck	YES
Maureen Riester	YES
Chairperson Taylor	NO

MOTION APPROVED

Chairwoman Taylor made a motion to vote on the variance to the requirements of Section 7-16A(2)e which limits the total area of the proposed structure to 20% of the floor area of the principal structure, based on an 8' x 16' lean-to, seconded by Jason Schenck.

Roll call vote was taken by the Board.

Neal VanLiew	YES
Ernie Rivera	YES
Jason Schenck	YES
Maureen Riester	YES
Chairperson Taylor	NO

MOTION APPROVED

Applicant was advised that the project must be started within six months.

Chairperson Taylor made a motion to adjourn the meeting, seconded by Maureen Riester. All in favor. Time was 6:27 PM.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals