

The Zoning Board of Appeals of the Town of Cicero held a meeting on **Monday, August 4, 2008 at 7:00 p.m.**, in the Town Hall at 8236 South Main Street, Cicero, New York 13039.

Agenda:

- Approval of the ZBA minutes from the July 7, 2008 meeting. (**approved w/corrections**)
- Area Variance, Patrick J. Honors, 8880 Beach Road, to allow construction of a residence on a non-conforming lot (**approved.**)
- Area Variance, Mike Cahill, 9182 Beach Road, to allow construction of a garage on a non-conforming lot and to decrease the required setbacks (**approved.**)
- Area Variance, Marshall D. Shupe, 6462 Long Point Road, to allow the future construction of a one family dwelling and a garage on a 58 foot building lot where 75 feet is now required in an R-10 zone (**deferred.**)
- Area Variance, Schultz Shanty Trust/Ronald Schultz, 8913 Beach Road, to allow construction of a two story residence on a non-conforming lot (**approved.**)
- Area Variance, Evans P. Panos, 7020 Van Antwerp Drive, to allow construction of a two car garage on a non-conforming lot (**approved,**)
- Area Variance, Evans P. Panos, 7019 Van Antwerp Drive, to allow construction of a two story residence on a non-conforming lot (**approved.**)
- Set date for September 2008 ZBA meeting.

PRESENT:

Gary Natali, Chairman
Mark Rabbia, Board Member
Robert Wilcox, Ad Hoc Board Member
Richard Griola, Board Member
Michael Stassi, Board Member
Charles Stanton, Board Member
Melissa DelGuerico, Esquire
Steven Procopio, Code Enforcement Officer
Tonia Mosley, Acting Clerk

ABSENT:

Wayne Dean, Director of Planning & Dev.
Nancy Morgan, Clerk

The meeting was opened by Mr. Natali calling for the membership roll. He then noted the locations of the three fire exits and asked all present to stand for the Pledge of Allegiance.

APPROVAL OF THE ZBA MINUTES FROM JULY 7, 2008

Mr. Natali noted two changes located on page four. In paragraph three Mr. Shupe's statement should read: The lot size is 50 ft. X 345 ft. I would like a variance so a single

family dwelling could be built on this lot. It will be no closer to the lake than the front of the house located at 6313 Muskrat Bay Road. The second correction is the address of Genevieve Codington and Richard Culkin. 6009 should be corrected to 6309. **Mr. Rabbia made a motion** to approve the July 7, 2008 meeting minutes. **Mr. Stassi seconded the motion.** The motion was **approved** with the following vote:

Mr. Rabbia:	Yes to the motion.
Mr. Wilcox:	Abstain
Mr. Griola:	Yes to the motion.
Mr. Stassi:	Yes to the motion.
Mr. Stanton:	Yes to the motion.
Mr. Natali:	Yes to the motion.

Mr. Natali read: The Town Board of Cicero acknowledges the participation and the importance in all public meetings and therefore urges all who wish to address those in attendance to utilize the microphone located in the front of the room. **Mr. Natali made a motion** that all actions taken tonight are a Type Two Unlisted and have a negative impact on the environment unless otherwise indicated. **Mr. Stanton seconded the motion.** The motion was **approved** with the following vote:

Mr. Rabbia:	Yes to the motion.
Mr. Wilcox:	Yes to the motion.
Mr. Griola:	Yes to the motion.
Mr. Stassi:	Yes to the motion.
Mr. Stanton:	Yes to the motion.
Mr. Natali:	Yes to the motion.

Mr. Natali noted that there was proof of posting for all variance items on the agenda in the Star News.

**AREA VARIANCE, PATRICK J. HONORS, 8880 BEACH ROAD
TO ALLOW CONSTRUCTION OF A RESIDENCE ON A NON-CONFORMING
LOT. THE LOT WIDTH IS 44 FEET WHERE 75 FEET IS REQUIRED.
THE TOTAL SIDE SETBACK IS 12 FEET 10.5 INCHES WHERE 15 FEET IS
REQUIRED.**

Representative: Patrick J. Honors

Mr. Honors: I am proposing to place a modular home on top of a two-car garage which is the same size as the home being placed on top of it. Things have changed since our last meeting. Originally I was proposing to put it across the road next to my garage. I have now changed the proposal to put it on the lake side lot.

Mr. Rabbia: It looks like on the northeast side you will be about 6 feet from the sideline, from the stairs to the sideline. It looks like 6.87 feet on the other side.

Mr. Honors: Correct. If you are looking at the lake on the left hand side, yes that will be 6 feet. The 6 feet is going to a set of stairs going up to enter the side entry to the house. The stairs are 3.5 feet wide. Basically, it is exactly as it was going to be across the road. The only difference now is that the garage bay doors will face Beach Road.

Mr. Rabbia: You will have roughly 36 feet from the front of the garage to the edge of the road, correct?

Mr. Honors: It would be a little more than that. It would match up with my existing drive. The proposed home is shorter than my house. The yard would be a little bigger. I am lining up the front because I like the parking spaces we have now.

Mr. Natali asked for the distance from the lake to the house.

Mr. Honors: The new home would be 44 wide by, to the seawall edge, 42 feet. I asked for the front variance so that the homes and the driveways would line up.

Mr. Rabbia asked if the front yard setback had to be addressed.

Mr. Natali: I think he is okay there. I think he just has a combination of the sides and the non-conforming portion.

Mr. Griola: Wouldn't the alternative to a variance be the joining of the two properties? Then you would not need a variance. It is an alternative.

Mr. Honors: They are deeded as two properties.

Mr. Natali: He wants to own two homes.

Mr. Griola: I understand that. But you are asking for an exemption to the law. The law requires that the Board look at alternatives. One alternative is the joining of the two properties to obtain a conforming lot.

Mr. Honors: I do not need a bigger home. There is no reason to join the two lots and add on to my existing home.

Mr. Natali **opened** the public meeting at **7:14 p.m.** by asking would anyone like to speak for this. (There was no response.) Is there anyone who would like to speak against this? (There was no response.) Mr. Natali **closed** the public meeting at **7:15 p.m.**

Mr. Rabbia made a motion for Patrick Honors at 8880 Beach Road to allow construction of a residence on a non-conforming lot where the lot width is 44 feet where 75 is required. In addition the total side setback is 12 feet 10.5 inches where 15 feet is required. The proposed deck and house will be no closer than 6 feet to the east property line and no closer than 6.8 feet to the west property line. **Mr. Stassi seconded the motion.** The motion was **approved** with the following vote:

Mr. Rabbia:	Yes to the motion.
Mr. Wilcox:	Yes to the motion.
Mr. Griola:	Abstain
Mr. Stassi:	Yes to the motion.
Mr. Stanton:	Yes to the motion.
Mr. Natali:	Yes to the motion.

Mr. Honors thanked the Board.

**AREA VARIANCE, MIKE CAHILL, 9182 BEACH ROAD
TO ALLOW CONSTRUCTION OF A GARAGE ON A NON-CONFORMING
LOT AND TO DECREASE THE REQUIRED SETBACKS. THE R-10 ZONING
REQUIRES A 75 FOOT BUILDING LINE AND THE LOT IS 74 FEET WIDE.
THE FRONT SETBACK IS APPROXIMATELY 3 FEET WHERE 30 FEET IS
REQUIRED.**

Representative: Mr. and Mrs. Mike Cahill

Mrs. Cahill: The last time we spoke to you we had proposed building a garage on a lot on one side of Beach Road. We intend to build a home on the lot on the other side of the road. We have made some significant changes. The Board wanted us to ensure that we received a letter from the DEC for a permit to build within 100 feet. We did receive that permit and you should have a copy of it. We reversed the direction of the garage. We are now side loading it from the other side, the west side, to utilize the space more efficiently. We pushed the garage a little closer to the wetland to center it and to give us a little more room in the front. We have about a 10 foot buffer between the wetland line and the corner of the garage. The DEC was okay with that. We are not attempting to fill in that area so they granted the permit.

The layout of the garage required a couple of modified variances from what we gave you before including a side variance of 3 feet in order to push the garage over far enough to be able to side load it. We have a boat that we are trying to get into the garage. That forces a 22 foot variance on the front based upon the position of the southwest corner of the garage. This is the layout we thought would utilize the space the best. We would not be too close to the wetland and we would maximize our distance from the road. Our

setbacks measure from the property line and not the road. It is actually 22 feet from the side of the road.

Mr. Natali: You call it a garage and yet your plans for the house include a garage. Is this more for your boat?

Mrs. Cahill: Exactly. It is a storage structure.

Mr. Natali: Do you need 45 feet to accommodate your boat and trailer?

Mrs. Cahill: Yes. I believe the trailer is 42 feet. We would also have storage for anything that would not fit in our basement.

Mr. Rabbia was concerned with the way this was advertised. You said the front setback is 3 feet where 30 is required. Is that correct?

Mrs. Cahill: We were told that we would not have to re-advertise. That was the setback in the original request.

Mr. Natali: They were told that. We are trying to fit a large building on a very small space. We are looking at a variance on every corner.

Mrs. Cahill: For the front and one side, not the back or the other side.

Mr. Natali: Where is the back, the closest corner to the back? You are saying that it is 10 feet.

Mr. Rabbia: Could you get into that 10 foot buffer zone?

Mrs. Cahill: No. The DEC limited us. This was the site plan given to the DEC. They granted the permit based upon this. When I brought this to them, they requested that we ask for a variance.

Mr. Stanton: That was one of the things that confused me. I was looking at the DEC permit. They mentioned special conditions. There were no special conditions attached to what I received. Did they actually get a copy of this plan?

Mrs. Cahill responded yes, everything. They got a copy of the survey and the site plan. I and not sure that you can modify it once they give a permit because that is the layout.

Mr. Stanton: You would have to re-submit it.

Mrs. Cahill: Yes but I don't know if they would accept that.

Mr. Wilcox: The 8 feet is from the corner?

Mrs. Cahill: To the front property line, not to the side of the road. That is where we were told we need to measure from for the variance. I guess because it is two separate parcels. If it were one parcel I guess we would measure from the road. I was confused about where we actually measure the variance from. It is actually 22 feet from the side of the road. The wetlands are behind it. A wetland biologist came up from Cortland and flagged the wetland. The revised survey is what you have here. The wetlands were flagged and mapped by the biologist. The pile of rocks is on the lakeside lot property.

Mr. Rabbia: Compared to last time, I like what you have done. You have moved the garage back another 5 feet or so off the road. You did encroach on the sidelines a little more than last time but given the fact that we are trying to get you off the road as much as possible, I think that we have a better situation.

Mr. Wilcox: You said you are going to side load. That is pretty close.

Mr. Stassi: What side are you looking to pull it in, the end or the side?

Mrs. Cahill: The gravel drive would lead right into the front of the—the overhead doors would be on the southwest angled corner. Our driveway on the other side of the property will be there, allowing us to utilize the drive on the other property by giving us a little more room.

Mr. Stanton: Do you know how tall the structure would be?

Mrs. Cahill: 25 feet tall.

Mr. Rabbia: The elevations are essentially the same as you presented last time. You just changed the location from where it was.

Mrs. Cahill: Correct. It may have a loft in if for dry storage at the top but it will not be a two-story structure.

Mr. Cahill: We are adding trusses so that we can have space for stuff that we have in our basement at our current house which we will not have at our new house.

Mr. Stassi: Will it have a pull down set of stairs?

Mr. Cahill: We are looking at putting in a set of stairs going up to the landing for the

attic truss portion. We will lose some space there for parking.

Mr. Griola: My concern would be, although there are a lot of lifts on Beach Road, this does not seem to fit into any of them. It has a different look. It would be an oddity there.

Mr. Cahill: We don't know exactly what this will look like. We are trying to have it look like a camp, somewhat similar to the home. We may be putting the cart before the horse. We have to get this done first. Our plan is to build our house next year in the Spring of 2009.

Mrs. Cahill: We wanted it to match the idea of the home with the stone, etc. The structure on the east is a little dilapidated.

Mr. Cahill: Our neighbor to the left has seen what we have done to our property and is bringing it up. He has added siding, put on new roofing shingles, painted the block—he has done a lot of work. I think what we are doing is a positive impact on the area.

Mr. Natali **opened** the public hearing at **8:27 p.m.**, by asking if there was anyone here to speak for this. (There was no response.) Is there anyone who would speak against this? (There was no response.) The public hearing was **closed** at **8:28 p.m.**

Mr. Rabbia: If you look at what we have done here and you perform the area variance test against it you would ask:

1. Whether an undesirable change would be produced in the character of the neighborhood. As we discussed earlier I do not think that is the case at all. In fact, I believe it would be an improvement to the neighborhood based upon the look of the proposed garage they want to tie into their house.
2. Can the applicant achieve their goals via a reasonable alternative which does not involve the necessity of an area variance? You might be able to by doing a smaller garage but they have their reasons for going for the length of the garage they are looking for. I think they have done good work in terms of positioning the garage on the property to meet our wishes of getting the garage off the road as much as we could.
3. Is the variance substantial? It is not anymore substantial than anything else we have heard in the Beach Road area.
4. Will it have an adverse effect or impact in the physical or environmental conditions? I think we went through that. We did due diligence with the DEC. They have stepped up and said it will not be an issue if they place the garage on the place noted on the survey.
5. Has the alleged difficulty been self created? I do not think that it has. They bought the property and are looking to maximize their use out of it.

Mr. Rabbia made a motion for Mike Cahill at 9182 Beach Road to allow construction of a garage on a non-conforming lot and to decrease the required setbacks. The zoning in this area requires a 75 foot building line and the lot is approximately 74 feet wide. The setback to the east property side with the garage is to be no closer than 3 feet to the east property line. To the south the garage is to be no closer than 21 feet to the edge of the road. **Mr. Wilcox seconded the motion.** The motion was **approved** with the following vote:

Mr. Rabbia:	Yes to the motion.
Mr. Wilcox:	Yes to the motion.
Mr. Griola:	Yes to the motion.
Mr. Stassi:	Yes to the motion.
Mr. Stanton:	Yes to the motion.
Mr. Natali:	Yes to the motion.

**AREA VARIANCE, MARSHALL D. SHUPE, 6462 LONG POINT ROAD
TO ALLOW THE FUTURE CONSTRUCTION OF A ONE FAMILY DWELLING
AND A GARAGE ON A 58 FOOT BUILDING LOT WHERE 75 FEET IS NOW
REQUIRED IN AN R-10 ZONE**

Representative: Marshall D. Shupe

Mr. Natali noted Mr. Shupe was present. It has been agreed that this agenda item will be deferred until the September 10, 2008 ZBA meeting. Is that correct Mr. Shupe?

Mr. Shupe: Yes.

Mr. Natali: Please record that as correct with Mr. Shupe.

**AREA VARIANCE, SCHULTZ SHANTY TRUST/RONALD SCHULTZ
8938 BEACH ROAD, TO ALLOW CONSTRUCTION OF A TWO STORY
RESIDENCE ON A NON-CONFORMING LOT. THE LOT IS 49.5 FEET WIDE
WHERE 75 FEET IS REQUIRED. ALSO TO REQUEST A FRONT SETBACK
OF 11 FEET WHERE 30 FEET IS REQUIRED**

Representative: Mr. Schultz

Mr. Schultz: We have a property at 8938 Beach Road. It is a summer cottage, single story. We would like to take that down and construct a two-story year round residence. We were told the 49.5 feet wide lot is a non-conforming lot and requires a variance. We would also like a variance for the setback for the front. We have out lined the current structure. The proposed building, shown on the survey as black, is 28 feet wide and 36

feet deep. It would give us 13 feet from the property on the north side and 7 feet from the property on the south side while keeping the current setback line on the front. The new house holds the same property line front and back. It widens it a little while staying within the rule of 15.

Mr. Rabbia: For the front setback it says 11 on the application. You said that you are going to stay right in line with the existing property.

Mr. Schultz: It measures 22 feet from the road for 11.7. The property is inside of two more structures that are right next door and that are currently built closer to the road.

Mr. Natali: The property to your right facing is almost in line. The property to the left sits closer. Do you want more room for parking there? Would you consider moving it forward? You do not have to stay within that footprint if you are going for a variance. You could go towards the lake.

Mr. Schultz: That is what we are trying to avoid.

Mr. Natali: Is that because of the existing patio?

Mr. Schultz: No. We are going to put a deck there. It is just so that when you come off the deck you are not stepping right onto a sea wall. On the west side we are keeping it as a driveway so that we will not need parking behind the structure. We currently park at the 13 feet. It is deep enough to park four cars off the road.

Mr. Wilcox: You have 58 feet from the seawall to the deck?

Mr. Schultz: 58 feet from the new deck to the sea wall.

Mr. Rabbia: How far would you say it is from the corner of your house to the edge of Beach Road right now? Estimate.

Mr. Schultz: 22 maybe 24 because the lot is angled.

Mr. Rabbia: Typically when someone is putting in a house I like to see everything laid out on a survey done by a surveyor. I am trying to determine what you have here. You have a blow-up of your existing survey.

Mr. Schultz: The front and back are not going to change from the current structure.

Mr. Stanton clarified. If we approve a 22 foot variance from the edge of pavement and it

turns out that the house is actually 20 or 21 feet, you would be forced to move it back—based upon the variance that was granted. We might feel more comfortable with an actual measurement put on the survey. It is for your protection also.

Mr. Schultz: Why don't they give us the actual survey out there?

Mr. Stanton: That is your actual survey. That is the offset to the road right-of-way, the 11.7. We also use the criterion to the edge of pavement.

Mr. Schultz: They did not do that, I dropped the tape on that.

Mr. Stanton: Then you would be comfortable with us using 22 feet?

Mr. Schultz: Yes if you used 22 feet from the pavement.

Mr. Wilcox: Will the patio be covered?

Mr. Schultz: The concrete patio will be removed. That shows up on the current survey. The deck will replace the patio.

Mr. Wilcox: How far down the side where it juts out will it be?

Mr. Schultz: That is just a part of the structure. That is currently just a jut out. The new property line will be solid. Basically it is a box on top of a box. The only wall that would change would be the south wall. The three remaining sides would touch with the current property.

Mr. Rabbia: On the south wall you still will be 7 feet off the property line?

Mr. Schultz: Correct.

Mr. Rabbia: Will this be a modular or a stick built home?

Mr. Schultz: Built.

Mr. Wilcox: You said two stories. You will have plenty of room from the roof of your deck to the seawall. But you want to keep it that way?

Mr. Schultz: Yes to match the other properties we are in line with.

Mr. Wilcox: Otherwise you could move it a little closer to the lake.

Mr. Schultz: That is what we are trying to avoid. When we are there people are not hanging out between the road and the property. They are hanging out on the water side.

Mr. Natali: The layout of the house is 28 by 35. On your hand drawn you have it 28 by 36.

Mr. Schultz: It should be 36. The current survey from front to back is 35 point something. It would stay the same. Those two dimensions are not going to change. We will not go any further towards the road or any further towards the water for the structure.

Mr. Natali: I know you are trying to stay close to the footprint but now is the time to get what you really want. The 28 by 36 will work?

Mr. Schultz: Yes it will.

Mr. Natali opened the public hearing at 7:44 p.m. by asking if anyone here wanted to speak for the variance. I have a letter from your neighbors Don and Dotti Kompf at 8940 Beach Road. They state that they have no objections to your request for a variance. We will let that go on record. Is there anyone who would speak against this? (There was no response.) The public hearing was closed at 7:45p.m.

Mr. Stanton: Mr. Chairman I would like to make a motion but before that I would like to review the five factors we need to consider.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created. I would say no. This house will obviously be an improvement to the area.
2. Whether the benefits sought by the applicant can be achieved by some method feasible for the applicant to pursue other than the area variance. No, you are roughly matching the existing dimensions of the house that is there.
3. Is the requested variance substantial? No, again they are roughly matching the existing area of the house.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No, again this will be an improvement to the area.
5. Was the alleged difficulty self-created? No. You are looking to replace the existing structure in kind, that you already own.

Mr. Stanton made a motion on behalf of the Schultz/Shanty Trust to allow construction of a two-story residence on a non-conforming lot. The lot is currently 49.5 feet wide where 75 feet is required. We request a front setback of 22 feet where 30 is required.
Mr. Stassi seconded the motion.

Mr. Rabbia asked for clarification regarding right-of-way and property line. It was noted that the survey says road line and that the 22 feet measurement is correct. The motion was **approved** with the following vote:

Mr. Rabbia:	Yes to the motion.
Mr. Wilcox:	Yes to the motion.
Mr. Griola:	Yes to the motion.
Mr. Stassi:	Yes to the motion.
Mr. Stanton:	Yes to the motion.
Mr. Natali:	Yes to the motion.

**AREA VARIANCE, EVANS P. PANOS, 7020 VAN ANTWERP DRIVE
TO ALLOW CONSTRUCTION OF A TWO CAR GARAGE ON A NON-
CONFORMING LOT. THE LOT IS 50 FEET WIDE WHERE 75 FEET IS
REQUIRED.**

Representatives: Mr. and Mrs. Panos

Mr. Panos: We are looking to put a garage on our lot a 7020 Van Antwerp Drive. The lot is only 50 feet wide. There used to be a house on the property which I tore down when I bought the property. One side of the garage is longer than the other to accommodate our boat and trailer in the winter.

Mr. Rabbia: You or someone drew the garage in. You are going to comply with all of the setbacks?

Mr. Panos: Correct.

Mr. Natali **opened** the public hearing at **7:50 p.m.** by asking if there was anyone to speak for this. (There was no response.) Is there anyone who would speak against this? (There was no response.) The public hearing was **closed** at **7:51 p.m.**

Mr. Stassi made a motion to grant the variance for Evans P. Panos at 7020 Van Antwerp Drive to allow construction of a two-car garage on a non-conforming lot. The lot is 50 feet wide where 75 feet is required. **Mr. Griola seconded the motion.** The motion was **approved** with the following vote:

Mr. Rabbia:	Yes to the motion.
Mr. Wilcox:	Yes to the motion.
Mr. Griola:	Yes to the motion.
Mr. Stassi:	Yes to the motion.
Mr. Stanton:	Yes to the motion.

Mr. Natali added there is no change to the character of the neighborhood. That side of the street does have garages at this point. There is no alternative; you can't buy any more land. You are fulfilling the setbacks so that is not a problem. At this point that is all I think we should add to this variance. I vote yes to the motion.

**AREA VARIANCE, EVANS P. PANOS, 7019 VAN ANTWERP DRIVE
TO ALLOW CONSTRUCTION OF A TWO STORY RESIDENCE ON A NON-
CONFORMING LOT. THE LOT IS 50 FEET WIDE WHERE 75 IS REQUIRED.
THE EAST SIDE SETBACK IS 5.2 FEET WHERE 6 FEET IS REQUIRED. THE
TOTAL SIDE SETBACK IS 14 FEET WHERE 15 FEET IS REQUIRED.**

Representatives: Mr. and Mrs. Panos

Mr. Panos: We currently have a house on 7019 Van Antwerp Drive. We are looking to tear it down and build a new house on the same property. We are looking to make it about 1.5 feet wider. Some of the plans we have looked at are 36 feet wide and we are looking at trying to build it within those limits. The existing house is as old as I am and needs repair.

Mr. Rabbia: Is this an official survey? I am looking at something from Computer Drafting Technologies.

Mr. Panos: Yes, the current house is dotted in there.

Mrs. Panos: I have a survey from Ianuzi & Romans, P.C. that you can look at.

Mr. Rabbia: I see the existing house. You were going to line it up with east line? It is going to be 5.2?

Mr. Panos: Correct. The difference we are looking at will be on the west side.

Mr. Rabbia: To get the 15 you require 9.8 with the 5.2, right? But you are actually going to be about 8.6, correct?

Mr. Panos: That is correct. It is 8 feet on the west side.

Mr. Rabbia: Mr. Wilcox is correct. 8.33 is your closest dimension to the west line.

Mr. Panos: Correct. The house is a little angled.

Mr. Stanton: When I look at the drawings from Computer Drafting Technologies, I see the existing house if roughly L-shaped. For your proposed 36 by 60 envelope you are actually coming closer to Van Antwerp—14 to 15 feet closer.

Mr. Panos: Approximately. 60 is the biggest that it is going to get. The 36 feet was the important part for us. It is a two story house.

Mr. Rabbia: From the computer drawing it looks like you are going to be about 11 feet from the house to the east eave. Which way will the roof pitch go on your house?

Mr. Panos: It is hard to tell right now because we are just trying to figure out what size we can get before we make a drawing. Right now the house pitches toward the east and the west. We do have gutters on both sides. It has been discussed with our neighbors. We will probably keep it the same way.

Mr. Stanton: Are we close enough here to the water so that we have to worry about flood regulations?

Mr. Panos: We are about 30 feet out. It is pretty high.

Mr. Natali **opened** the public hearing at **7:56 p.m.** by asking if there was anyone who would speak for this. (There was no response.) Is there anyone here who would speak against this? (There was no response.) The public hearing was **closed** at **7:57 p.m.**

Mr. Wilcox made a motion to approve the area variance for Evans Panos at 7019 Van Antwerp Drive to allow construction of a two story residence on a non-conforming lot. The lot is 50 feet wide where 75 is required. The east side setback is 5.2 feet where 6 feet is required. The total side setback is 14 feet where 15 feet is required. It is a little less than 14. 8.33 is required on the west side.

Mr. Wilcox reviewed the factors to be considered for an area variance.

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties? That would be no.

Mr. Natali added it would be no because it is similar to the existing properties currently there.

Mr. Wilcox continued: 2. Can the applicant achieve his goals with a reasonable alternative that does not involve the necessity of an area variance? I would say that is no.

Mr. Rabbia: I would say that he is following the same line of construction as the previous building.

Mr. Wilcox: 3. Is the variance substantial?

Mr. Natali: I would say that it is not substantial but reasonable. They are asking for over

50% on the width but the side setbacks are not substantial.

Mr. Wilcox:

4. Will the variance have an adverse impact on the physical or environmental conditions in the neighborhood or district? I would say that was also no.

5 Was the alleged difficulty self-created? That would be no also.

Mr. Rabbia seconded the motion. The motion was **approved** with the following vote.

Mr. Rabbia:	Yes to the motion.
Mr. Wilcox:	Yes to the motion.
Mr. Griola:	Yes to the motion.
Mr. Stassi:	Yes to the motion.
Mr. Stanton:	Yes to the motion.
Mr. Natali:	Yes to the motion.

CHANGE OF DATE FOR THE SEPTEMBER 2008 ZBA MEETING

Mr. Natali noted that due to the Labor Day holiday, the September 2008 ZBA meeting date would be changed to Wednesday, September 10, 2008.

Mr. Natali made a motion to adjourn. **There was no second.** The motion was **approved** unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD,
THE MEETING WAS ADJOURNED AT 8:03 P.M.

Dated: August 17, 2008

Tonia Mosley, Acting Clerk