

The Town of Cicero's Zoning Board of Appeals held a meeting on **Monday, November 3, 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 October 6, 2008 **(to be done at 12/1/08 meeting)**
- Area Variance, (Deferred from 10/6/08), Timothy Oles, 6390 Long Point Road, to construction on a non-conforming lot **(approved)**
- Use Variance, Richard Laroche, 7621 East Taft Road, to construct an addition on a non-conforming lot **(approved)**
- Area Variance, Radio Shack, 7897 Brewerton Road, to install a second sign on the side of the building **(approved)**
- Area Variance, Fred Elderbroom, 5745 Crabtree Lane, to construct a garage on a non-conforming lot **(approved)**

PRESENT:

Gary Natali, Chairman
Mark Rabbia, ZBA Member
Robert Wilcox, Ad Hoc ZBA Member
Charles Stanton, ZBA Member
Melissa DelGuercio, Esquire
Wayne Dean, Director of Planning & Dev.
Tonia Mosley, Acting Clerk

ABSENT:

Michael Stassi, ZBA Member
Nancy Morgan, ZBA Clerk

Mr. Natali opened the meeting by calling for the membership roll. He noted the locations of the three fire exits and asked everyone to stand for the Pledge of Allegiance. He then stated the Cicero Town Board acknowledges the importance of public input in all public meetings and therefore urges all in attendance who wish to speak to address those present by utilizing the microphones in the front. **He made a motion** that all actions taken tonight are Type II 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. Stanton:	Yes to the motion
Mr. Natali:	Yes to the motion

Mr. Natali noted there was proof of posting for all items on the agenda.

**AREA VARIANCE (DEFERRED FROM 10/6/08 MEETING)
TIMOTHY OLES, 6390 LONG POINT ROAD, TO ALLOW CONSTRUCTION
ON A NON-CONFORMING LOT AND TO DECREASE THE REQUIRED
SETBACKS. THE LOT WIDTH IS 50 FEET WHERE 75 FEET IS REQUIRED.
THE TOTAL SIDE SETBACK IS 12 FEET WHERE 15 FEET REQUIRED.**

Representatives: Timothy Oles and Mr. Martusewicz

Mr. Oles stated he was here to propose construction on a non-conforming lot. At the last meeting there were questions about drainage. I have submitted a proposal to the Board this evening and have spoken with the adjacent neighbors. I went out to the property on Tuesday with my step father-in-law when it was raining. We saw that the natural flow of water was from the roadside down and slightly down. The road side elevation is 173 and at the water side it is 172. The westside corner is lower than the eastside corner. We would eave the house with water moving with that natural flow to the waterside.

Mr. Natali asked who owns the property now.

Mr. Oles responded my grandmother-in-law.

Mr. Natali: Who will own and build on the property?

Mr. Oles: We will.

Mr. Natali: Before you build ownership will transpire?

Mr. Oles: Yes.

Mr. Rabbia asked if any changes were made to the proposed layout of the house from the last meeting.

Mr. Oles: No.

Mr. Stanton: The correct characterization of your drainage proposal is to basically leave it like it is? Don't do anything?

Mr. Oles: Yes. We were out there Tuesday after a weekend of a lot of rain, etc. The property was draining quite well as it is laid out. One corner had standing water. That was the left roadside corner. That will probably be the location of the driveway, increasing the height a little and encouraging that natural flow down to the lake.

Mr. Rabbia: We are getting out of our area of responsibility in terms of setbacks, etc.

I think the reason we are poking around with drainage is because of issues that reflect the character of the neighborhood, environmental conditions, etc. This will weigh on our decision. You are using the natural swales. Will you be using any other drain tiles? You are going to put in a house with a foundation.

Mr. Oles: No but if we need to make more of an aggressive maneuver, for example a french drain, we will. As I have said, besides that one small corner, there was no pooling back there.

Mr. Stanton: That is the northwest corner of the lot, near the road. Would that be overland flow or street flow?

Mr. Oles: The northeast corner is a little higher than the northwest corner. That is why you have pooling. As we increase the height of that corner, everything should flow naturally from high to low.

Mr. Stanton: I wanted to carry over one point you made at the last meeting. My impression was even though you are required for flood insurance to raise the first floor level of your house; you are going to accomplish that raise all inside the foundation of the proposed house. You will not place any additional fill around the house to raise the grade. All of the fill will be inside the foundation.

Mr. Oles agreed. We are going to be building on slab.

Mr. Rabbia: Is that reflected on your current layout plan in terms of the elevation, the slab? I want to make sure that you will not be bringing in a bunch of fill to raise the house up higher than everyone else.

Jeff Martusewicz, Mr. Oles' father-in-law and excavator: The house will not be raised at all. The foundation itself will sit on the existing property. The inside of the slab is the only thing that will be brought up. Nothing on the outside will be brought up. Minimally.

Mr. Stanton clarified. There is a spot elevation I see inside of the proposed house of 373. There is a minimum first floor elevation of 375. That two foot increase will all be within the footprint of the foundation.

Mr. Martusewicz: We are proposing to not bring up the surrounding lot. The slab is the only thing that would be brought up because we are not going to put in a basement or crawl space in the home. The property is higher than the surrounding properties. It has been brought up through the years. Both neighbors currently drain down to the lower part of this property. Everything drains away naturally to the lakeside. There is nothing

created from this property that will block or stop any drainage from those properties.

Mr. Natali: My major concern is the size of the house. One area we have to explore for a variance is if there is an alternative. Instead of 30 feet wide would you consider going to 24 feet wide?

Mr. Oles: Because we are building on concrete forms we want to go with that so that we do not lose living space inside the house.

Mr. Stanton asked for clarity on the form issue.

Mr. Oles: Regular exterior walls are 6 inches. With the concrete forms the walls are 12 inches. So, you lose space on the inside. We are also trying to build a green house, which already requires the loss of some living space.

Mr. Martusewicz: The other alternative for not going to a 24' wide house is blocking the neighbor's view. We would have to move it forward to get the footage that we need. 30' is a balance between the footage we need for the home and the use of the property. We are considering flip-flopping the house.

Mr. Oles: That would make the walkway be on the eastside instead of the westside. It would give us a little more space on the backside. We would be changing the walkway but not shifting the house.

Mr. Martusewicz: We did consider bringing the home over a little more. Unfortunately, we would be dealing with the right-of-way for the power lines. What we are proposing for the setbacks would stay the same. But, how the house is laid-out inside would change.

Mr. Natali: So you are absolutely firm on asking for the 30'?

Mr. Oles: Yes.

Mr. Natali: What do you have for eaves? Can you live with 12? How far over the width are you going to go?

Mr. Martusewicz: The proposed would be 16 inches. We could bring it back to 12 if that was the Board's suggestion.

Mr. Stanton: The front 25' dimension is being driven by the width of your garage. Mr. Natali suggested a 24' width. How would that affect the lay-out of your house?

Mr. Martusewicz: You would have to start from scratch to maximize that footprint.

Mr. Stanton: Are you planning on paving the sides of the house? Will you have a grass area, lawn?

Mr. Oles replied yes to the lawn area.

Mr. Natali opened the public hearing at 7:21 p.m. by asking if there was anyone who would speak for this. (There was no response.) Is there anyone that would like to speak against this?

Bill Muldoon, 6392 Long Point Road: Mr. Oles did come by. We had a nice talk. It seemed like he was going to put eaves on the house. I know that there is no water on the lot now but my concern is once they put a house on the lot, the whole scenario will change. Also, if they do put eaves on the house for drainage, and it goes towards the water, how does it go out to the water? In some cases the eaves would be 60' from the water. Is it going into a sump hole or is it going to be drained underground and out? There could be a lot of open water. If there is a water problem they said that they would put a french drain in. The lot is narrow. How much room would the french drain take up on each side of the property? The print does not show the square footage of the garage. Will it have storage over its top creating a larger square footage? Those are some of my concerns. At this time my wife and I are opposed to giving a variance for the property.

Joseph Soukup, 6388 Long Point Road: My house is on the westside of the property, on the low side. This large footprint would effect drainage a lot. The lot accepts water and runs off now. You spoke of 12 inch walls versus 6 inch walls. That is only a foot inside the house. Obviously it will create a drainage problem for us. We are totally opposed to it.

Mr. Rabbia: What if they submitted a more rigorous plan to deal with water in terms of drain tile to the water?

Mr. Soukup: It would still be a large house for the property. We are not opposed to anyone building there. We are opposed to the size of the house. It is huge for the property. That does not include the garage.

Gary Cannino, 6307 Long Point: I live directly across the street. At the last meeting I mentioned the water problem and the size of the house. The house at 6391 is continually being built upon. It looks like a hotel compared to the rest of the homes on that side of the street. If you allow a house to be built on a property that is too small, it will ruin the way that the neighborhood looks. I also had a drainage problem four days ago from the rain storm. Every time it rains now I have a problem. With the new construction going on

I have an at least an inch of water on my garage floor every time it rains. I think it is coming from the guy building on the property two doors away. I think with all the building going on, the water has no place to go. If this goes up across the street, that is just one more building, one more section of land that will not be able to absorb any water. It will probably go into my driveway and garage.

Mr. Natali asked if anyone else would like to speak against the project. (There was no response.) He closed the public hearing at 7:27 p.m.

Mr. Rabbia was still concerned with drainage. I am not sure that there is enough rigor behind the drainage plan.

Mr. Martusewicz clarified: The property is even higher than the road now. All of the water will be collected in the eaves. The property will naturally flow where the water would be now on the one side. Anything that has to be done to direct the eastside down to that side of the lake will be done. That is a minor thing. If you look at the property water moves through there quickly. There is no standing water what-so-ever on this property because it is higher than the adjacent properties. For the lower piece of property next door, we are not going to bridge their drainage which goes to the lake. It will be more aggressive because Timothy is going to do some shoreline construction which will free up the drainage even more. Right now there are some trees there, a high spot.

I am an excavator by trade. If the Board would feel more comfortable if we collect the water that is what we will do. All the eave water will be collected and dropped to the water's edge. If the Board is more comfortable directing water to the water's edge with drainage tiles that is what we will do.

More discussion occurred.

Mr. Rabbia: When you handle the eave water is it possible to put in some sort of collector box to handle whatever water that may collect on the property as a result of changing the elevation? You are going to do something to the land that may force water to pool, certainly maybe to the westside of the property. On the eastside it would not be an issue due to the natural elevation.

Mr. Martusewicz: We will make that a french drain. Any water that does go to that point will be collected from the surface down.

Mr. Rabbia made a motion for Timothy Oles at 6390 Long Point Road to allow construction on a non-conforming lot and to decrease the required setbacks. The lot width is 50 feet where 75 feet is required and the total side setback is 13.35 feet where 15 feet is required. In addition per the plan submitted to the ZBA which shows the drainage

path for the eave water, all eave water is to be collected and run to the water's edge. In addition on the westside of the property the applicant will install a french drain and run that french drain to the hard pipe which would then run to the water. **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. Stanton:	Yes to the motion
Mr. Natali:	No to the motion

**USE VARIANCE, RICHARD LAROCHE, 7621 EAST TAFT ROAD,
TO CONSTRUCT AN ADDITION TO A RESIDENCE IN A NON-
CONFORMING ZONE. THE AREA IS ZONED GENERAL COMMERCIAL**

Representative: Richard Laroche

Mr. Laroche: I would like to square off the back portion of the house and was told I would need a variance.

Mr. Natali: Did you think that you might have to do that before you started construction?

Mr. Laroche: I did not think that it would be a big deal and started construction. Some friends told me I should talk to the Town. I did the footer and the blocks. I would like to get the room up before the snowfall. I would like to do this right.

Mr. Rabbia: He has a residence in a non-conforming zone. All we are doing is saying that he can make the addition? There are some tough stipulations you have to prove to the Board to get a use variance. You need to tell us that you are unable to make a reasonable return on the property as shown by financial evidence. The hardship has to be somewhat unique and not shared by a majority of the parcels in the same zoning district. The hardship can not be self-created. And, the relief asked for should not alter the essential character of the neighborhood. I am not sure I have seen any of that in this packet.

Mr. Laroche: Do you have the survey? Do you see what I want to do as far as the way the house is shaped? That is why I did not think it was a big deal. I just want to square off that corner of the house. I am in the process of re-siding. I have put in all new windows, insulation, and sheeting. I am re-doing the whole construction. Before I finish the house I would like to square it off to make it look nicer. I have been in the house for about eight years.

Mr. Stanton: When you purchased the house did you know that you were in a General Commercial zone?

Mr. Laroche: I would like to make that an office for my business. I started a small fabrication business.

Mr. Rabbia: How far along are you with the construction of the addition?

Mr. Laroche: I have pictures. I put the footer in and have put blocks in and the sub-floor.

Mr. Rabbia: Did the Town ask you to stop construction or did you do it yourself?

Mr. Laroche: I stopped after I found out that I could get into trouble. I found out about this because I was working on my front porch. I realized I needed a permit for that. So, I came in and talked to Wayne. He filled me in on everything I had to do.

It would give me more room in the house for my office. It would be 8 by 12. And, I would add the front porch. There was already a front porch there. I knocked it down because I was scared. It was falling down. I want to re-build that.

Mr. Stanton: Would it be correct to say that the front porch you are proposing is larger than the one that was there in the beginning?

Mr. Laroche: Yes it would be a little bigger.

Mr. Stanton: 8 by 24 versus 9 by 5.5. Does the use variance allow the construction to occur?

Mr. Natali: That is a separate issue. He would still need an area variance because he does not have the frontage in a General Commercial zone.

Mr. Dean: There are two other problems. He wants to use this for a home business that he would have to go before the Planning Board on. He is in the flood zone and would have to get a flood permit. There are a number of issues. You knew the rules when you built your garage. You did not get a permit and you started construction.

Mrs. DelGuercio: Did we publish this just as a use variance?

Mr. Rabbia: Yes. I think this would have to be advertised a little differently. You have building line, front setback and side setback issues.

Mrs. DelGuercio: You can publish this simply as an area variance.

Mr. Natali: We can only deal with the use variance right now. If we don't get past that you will not need an area variance because we won't entertain it.

Mr. Rabbia: The use variance allows the house to exist, for now?

Mr. Natali: Yes, for a house that is already there.

Mr. Rabbia: That should be straight forward. The more difficult stuff will be the setbacks. If you were to approve a use variance for the home, that does not allow him to go forward with construction.

Mr. Natali agreed. He has to file for that. We have to give notice. Right now we are just going to vote that you can live there.

Mr. Stanton: The business that you are talking about, do you plan of deriving a profit for that? Are you deriving a profit now? Do you plan on doing that in the future?

Mr. Laroche: No. I could use the addition for a lot of things. I could make one of the bedrooms larger. That was just a thought that I had. Right now I might make an office out of it or I might just make the bedroom bigger. It does not matter to me.

Mr. Natali: So the addition is not a necessity?

Mr. Laroche: No, it is not a necessity. But as far as practicality, squaring off the back of the house would make the house look better.

Mr. Rabbia: There are two separate roof lines. What plan would you follow?

Mr. Laroche: I would make it all one roof line, following the original and coming right back.

Mr. Rabbia: You have a roof pitch that basically comes down right through the middle of the back of the house.

Mr. Laroche: Right. That would be eliminated.

Mr. Rabbia: I said some things about the use variance but he is living in the house today. That is not the issue. In my mind it is the area variance that is the issue plus the fact that you started construction without a permit.

Mr. Natali opened up the public hearing at 8:00 p.m. by asking if there was anyone who would speak in favor of the project.

Mr. and Mrs. Wroblewski, owners of the Purple Hippo Pastry Shop, 7623 East Taft Road: We are next door and do not have any objections to what he wants to do. He has

done nothing but improve the neighborhood since he moved in. The house is beautiful. Everything he has done, he has done with class. The property is well maintained.

John Peinske, nephew of the applicant: The proposed office would be for his business. It is not just a side job. He would use it for his business. It is for the business that he runs out of his garage, for his welding and fabrication business. The building to the left of the property is dilapidated. What he has done so far has made the corner look better. He is just trying to make it look nice.

Mr. Stanton: Is this or is this not for business purposes?

Mr. Laroche: Like I said, it could be my office or I could make the bedroom bigger. I said that because I am on a commercial piece of property. I don't know.

Mr. Natali: You can not have a residence and a business unless it is a very small business. What are you going to make on this? Let's make up our mind so that we know which way to go.

Mr. Laroche: Storage.

Mr. Natali: You said something about fabrication. Do you need machinist tools? Do you have enough room for fabrication, in the garage?

Mr. Laroche: I am a fix-it-all.

Mr. Natali: Is there anyone who would speak against this? (There was no response.) The public hearing was closed at 8:06 p.m. We could do the area variance after it is publicized. We have to follow all of the steps. Let's just make sure he can sleep there tonight.

Mr. Stanton made a motion on behalf of Richard Laroche at 7621 East Taft Road. Before I do that I would like to cover the four factors that the Board must consider in the granting of a use variance.

FACTORS TO CONSIDER: No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence: (YES) In this

case we are talking about allowing a residence to exist on a commercial lot. I am going to say that the applicant cannot realize a reasonable return seeing as if we deny this he will not be able to live there.

2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood: (YES). We have very few places on this road and this specific location where we have a residence in a commercial zone.
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood: (NO). This will not alter the character of the neighborhood.
4. That the alleged hardship has not been self-created: (YES). This is the one question where we actually have some leeway because when you purchased the property you may not have been aware that it was residential property in a commercial zone. It was self-created, however we really can't hold that against you. This was an existing house.

With that I am going to request that we allow Mr. Richard Laroche of 7621 East Taft Road to allow a residence in a non-conforming zone. A residence is not allowed in a General Commercial zone. **Mr. Natali seconded the motion.** The motion was **approved** with the following vote:

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

Mr. Natali: Right now you cannot build at all, not on the addition or the front porch. You have to apply for an area variance because the frontage is only 60 feet where 100 feet is required. Your side setbacks also need to be a part of the variance. You can come in tomorrow and Wayne will help you get through the application. Then we can get you right on the agenda for next month.

**AREA VARIANCE, RADIO SHACK, 7897 BREWERTON ROAD
TO INSTALL A SECOND SIGN ON THE SIDE OF THE BUILDING. THE SIGN
IS 38.75 SQUARE FEET. TOGETHER WITH THE SIGN ON THE FRONT
(46.16 SQUARE FEET) OF THE BUILDING, THE SIGNS WOULD TOTAL 84.91
SQUARE FEET WHERE 22 SQUARE FEET IS PERMITTED**

Representatives: James Williams, Syracuse Signage and Patrick Donegan

Mr. Williams: Radio Shack would like to have the side and front elevation. On this particular property when the renovation was done and the ingress/egress was facilitated, from the northbound lane you can not turn where the original entrance was. If you are going northbound you would have to turn in at Starbucks. This sign would be higher than Starbucks's roof.

Mr. Rabbia: Why wouldn't the sign on the front of the store serve as that beacon?

Mr. Donegan: When we obtained site plan approvals, the Planning Board wanted to limit the amount of curb cuts on Route 11. We turned the entrance into a right-in and right-out only entrance. If you are heading north and you only had the one sign on the front, by the time you saw it, you would be past the entrance to the property. That would diminish sales.

Mr. Natali: When you drive north you are in the left-hand lane. You have Starbucks there. From the time Starbucks opens up you have about 3 seconds if you are looking at it before you are right in front of it. So, I don't understand why you are willing to spend so much money for a short window of opportunity. I was actually looking for it.

Mr. Donegan: When you get off the 481 off ramp heading north, the façade that we want to put the second sign on can be seen from that off ramp.

Mr. Rabbia: Would you agree that Metro Mattress has the same problem?

Mr. Donegan: Absolutely. When you are dealing with a national tenant who has various criteria for where they put their businesses, signage is important. Most of the businesses on this street alone: Office Max, Panera Bread, Verizon, AT & T, etc have more than one sign.

Mr. Rabbia: Understandably, but the frontage of those buildings are quite a bit more than the frontage of this particular business, right?

Mr. Donegan: This even lends more credibility to signage being an important part. They need signage to drive their business.

Mr. Natali: I am told Starbucks will be closing. Will they take it down?

Mr. Donegan: No, that building will remain. We never know what is going to happen down the road. Ruby Tuesdays still has not built yet.

Mr. Natali: Starbucks does block that. I can see where you would want to put that higher.

Mr. Donegan agreed. We would put it on that band just above the roof line.

Mr. Stanton: I noticed one thing when you are driving north--at best the sign would be partially obscured. By the time the sight line opened up so that I could see that line, I see the sign on the front of the building.

Mr. Natali: You are on the pylon. Do you want to give that up?

Mr. Donegan: No. They are on the bottom end of it. So, when it comes to visibility, the signage on the store is more important than the signage on the pylon. That is very typical.

Mr. Natali: You are still asking for almost four times what you should get.

More discussion occurred.

Mr. Rabbia: The Radio Shack sign would be above the level of the Sterling Optical sign?

Mr. Donegan: Yes Sir.

Mr. Dean: As long as you are within the square foot allowance, the number of signs and the locations of the sign are not important. The square foot allowance is what is important. Just because someone has two signs does not mean that they are not allowed or that they are not within conformance with the ordinance.

Mr. Rabbia asked for the frontage of the business and the square footage of the sign on the front of the building.

Mr. Natali responded 22.

Mr. Dean noted the front sign is 46 square feet now. The sign that they are requesting on the side is 38.

More discussion occurred.

Mr. Natali opened the public hearing at 8:27 p.m. He asked if there was anyone who wanted to speak for the project. (There was no response.) He asked if anyone wanted to speak against the project. (There was no response.) He closed the public hearing at 8:28 p.m.

Mr. Natali: I think the sign will add to the congestion and that it is not a necessity.

If I really thought that it would help you---we have proven over and over again that we do everything that we can to improve businesses. This Town works with people. How about just the R?

Mr. Donegan: If we move back the aggregate a little, would that help? Is it the mass of the sign that is causing problems?

Mr. Natali: Yes. The next business is going to come in and say you gave them almost four times the signage allowed by code. We would be setting a precedent.

Mr. Williams presented the Board with a list of Radio Shack's standard sizes. That is the smallest one they have.

Mr. Stanton: We are talking 25 square feet for the side. It could possibly be slid towards the front corner of the building and maybe up a little so that the sight line is a little better.

More discussion occurred.

Mr. Rabbia made a motion for the Radio Shack at 7897 Brewerton Road to install a second sign on the south side of the building. The sign would be 25 square feet together with the sign on the front of 46.16 square feet for a total of 71.16 square feet where 22 square feet is permitted.

1. Is the variance substantial? It is fairly substantial. However there are underlying tenant issues in terms of sight lines from various ways going up and down Route 11.
2. I do not believe an undesirable change would be produced in the neighborhood. Again it is a commercial use.
3. Can the benefit be achieved by some other method? There is not that much space on the building. I think that having the second sign would help drive business to the store.
4. Was the difficulty self-created? Looking at the application, I don't think so. The store is an end store. They have a very small frontage and they are looking to use the south side of the building.
5. Will it produce an adverse impact on the neighborhood? No.

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. Stanton:	Yes to the motion
Mr. Natali:	Yes to the motion

**FRED ELDERBROOM, 5745 CRABTREE LANE
TO CONSTRUCT A GARAGE ON A NON-CONFORMING LOT
THE LOT IS 66 FEET WIDE WHERE 85 FEET IS REQUIRED AND THE
GARAGE WOULD HAVE A SIDE SETBACK OF 8.4 FEET WHERE 10 FEET IS
REQUIRED. THE HOUSE HAS A FRONT SETBACK OF 22.4 FEET WHERE 30
FEET IS REQUIRED.**

Representative: Fred Elderbroom

Mr. Elderbroom: I would like to move my garage behind the house, making it a little bigger. I am asking for an 8.5' setback on the east. The house is already there. The garage could be 10. This would line it up with the house.

Mr. Rabbia: From your survey, are we looking at what you want to do or are we looking at what is there?

Mr. Elderbroom: You are looking at what is there. I will line it up directly with the house unless it leans. It is an older home. Ten feet would not be a problem.

Mr. Wilcox: Will the driveway be the same as it is now with a side load?

Mr. Elderbroom: Yes. Currently, the only way to get into the backyard is to drive through my neighbor's yard or come all the way around the other neighbor's yard.

Mr. Rabbia: Basically, you have a bunch of non-useable space back there right now.

Mr. Elderbroom: Yes. My only other option would be to raise the garage and put in doors front and back.

Mr. Rabbia: Is the house square on the property?

Mr. Stanton: The front corner of your house shows as being 8.4' from the eastern property line. Would the 8.4' be constant for the entire distance along that side of the house? Or, would that decrease?

Mr. Elderbroom: I am pretty sure it is close.

Mr. Stanton: If we grant you the 8.4' and it turns out that the back of the house is 8', you would be over what was granted to you.

Mr. Rabbia: Typically what we would like to see on a \$ 5,000 to \$ 6,000 project like this

--it is worth the time to place it on a survey to make sure that when it is actually built it is in the right spot. If we grant you the 8.4' from the side property line and it turns out that your house is not 8.4' at that point in the rear, you would be in trouble.

Mr. Stanton: I see that a 22.4' front setback is being requested. The house has a covered front porch. That reduces us to about 16'. We would have to add that to the variance.

Mr. Elderbroom: Would you like me to have the surveyor come in and stake this? We could put it ten feet from the property line. I don't need the 8.4'. It might be nine if the house leans. If when we strip the back and find that the house is leaning in four inches, I would have to move it in anyway.

Mr. Rabbia: It is not your desire to follow the same side line of the house? You would be willing to go in a little bit?

Mr. Elderbroom: I could go in ten feet if I had to. I am attaching the garage to the house.

Mr. Natali asked for the dimensions of the porch.

Mr. Elderbroom: 5 by 21. It is concrete with brick colors.

Mr. Rabbia: Giving him the benefit of doubt, it is somewhere between 5-6' wide.

Mr. Natali opened the public hearing at 8:40 p.m. by asking if there was any one who would speak for this.

Mr. and Mrs. Greenwood, 5749 Crabtree Lane: We live right next door and have no problem with this.

Mr. Natali: Is there anyone else to speak for this? (There was no further response.) Is there anyone who would speak against this? (There was no response.) Mr. Natali closed the public hearing at 8:41 p.m.

Mr. Stanton made a motion on behalf of Fred Elderbroom of 5745 Crabtree Lane. Before I make this motion I will review the five factors that we need to consider.

1. Would an undesirable change be produced in the character of the neighborhood or would a detriment to nearby properties be created? No. The extension of this house is entirely on the back of the house. It would not cause any type of hardship for the neighbors.
2. Can the benefit sought by the applicant be achieved by some other method feasible for the applicant to pursue other than an area variance? No. The lot is

- what it is. Your house is where it is and an addition pretty much has to be where you are showing it.
3. Is the requested area variance substantial? No. You have a very deep lot. You are constrained by the width that you have.
 4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No. With the Greenwoods stating that they have no problem with this and the fact that you are putting the addition on the back of the house, I can not see this as having an adverse impact.
 5. Was the alleged difficulty self-created? No. The lot is what it is and the applicant must do what he has to do to get the addition put on.

With that I make a motion for Mr. Fred Elderbroom of 5745 Crabtree Lane to construct a garage on a non-conforming lot. The lot is 66 feet wide where 85 feet is required. The garage would have a setback of 10 feet where 10 feet is required. The house has a front setback of 16 feet where 30 feet is required. **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. Stanton:	Yes to the motion.
Mr. Natali:	Yes to the motion.

Mr. Rabbia made a motion to adjourn. **Mr. Wilcox seconded the motion.** The motion was **approved** unanimously.

IN AS MUCH AS THERE WAS NO FURTHER BUSINESS BEFORE THE BOARD,
THE MEETING WAS ADJOURNED AT 8:50 P.M.

Dated: November 17, 2008