

**TOWN OF PARMA
ZONING BOARD OF APPEALS
OCTOBER 17, 2013**

Members Present: Blake Keller
Veronica Robillard
Dean Snyder
Tim Thomas
Jim Zollweg

Members Excused: Stephen Shelley

Others Present: Jack Barton, Gary Comardo

Public Present: Tim Case, Lori Case, Dave Maggio, Jodi DeMarte, Eric DeMarte, James Philipppone, Esq., Martin Philipppone, Esq., Kris Schultz, Joseph Selvaggio

The meeting was called to Order by Chairperson Robillard at 7:00 p.m. She explained the function of the ZBOA and the decision-making process. She also explained that a quorum of three is required to pass a motion.

TABLED PUBLIC HEARING FROM THE AUGUST 15, 2013 MEETING

1. JOSEPH SELVAGGIO – 765 BURRITT ROAD

The application of Joseph Selvaggio, owner, for two area variances and a Special Permit at 765 Burritt Road. The applicant has added a second floor to the existing pole barn increasing the area of the accessory structure to 3,036 square feet and is proposing to construct a 1,056 square feet accessory apartment on the second floor. The applicant is requesting relief from Town Zoning Article 5, subsection 165-31.C.2 which limits the area for accessory structures to 2,000 square feet and Article 9, subsection 165-76.E which limits an accessory apartment on this property to 560 square feet. Accessory apartments are allowed in this district with a Special Permit. This property is currently zoned Agricultural/Conservation (AC).

Chairperson Robillard explained that this matter was tabled in August to allow the applicant time to provide additional information per the Zoning Boards request on August 15, 2013. James Philipppone, attorney for the applicant, stated that he understands that the further information requested has been provided and most Board members have been to the property and wondered if there were further questions from the Board. Jim Zollweg explained that after his site visit he has no further questions and stated that he feels that trying to add an addition to the house would be costly and the inconveniences would be excessive. Jim Zollweg felt that using the ground floor of the accessory building would also not be a good option because of the amount of equipment being stored that is used to maintain the property. At the site visit he was able to see and hear the inconveniences with using and not using the building as is being requested. After touring the floor space and the items that fill up the bottom floor he feels all of these belongings are of a personal nature not a business one and did not see another reasonable option for storage, everything seemed organized and had a place. Based on the applicant's description, Jim Zollweg's understanding is that they are not used for a business. The Board asked the applicant about the pieces of equipment being stored. James Philipppone stated that none of the equipment is business related. Tim Thomas feels that Jim Zollweg has addressed the two key outstanding issues.

Dean Snyder stated he is having difficulty appreciating the difficulty with building the addition and asked if there was a drawing of said addition to go with the estimate. He asks because when he looks at the project and it is significantly larger than what our code allows, taking an area that would normally not be allowed to be used and needs a variance to even use it, because currently that is not even acceptable to be used, and when through with the use normally you would have to reverse the access, in this case how do you do that with a whole other building. Jack Barton explained that the kitchen and bath would still have to be removed whether detached or attached, that part of the code did not change. Dr. Snyder feels that the Board has to determine what will cause the less amount of change or deviation from the code and he feels that an addition to the house would be less of a change, which would minimize the variances and after reviewing would have less of an impact or even an off-site location would be better. The money invested at this point was a risk that the applicant took. Dr. Snyder wants to know what precludes the main structure from having an addition attached to it? Tim Thomas feels that the Town Code changed to allow detached accessory structures and a tremendous amount of work has been put into this building, he understands that there are other alternatives but also 560 square feet for two adults is

small and this structure is well sheltered from the surroundings. Tim Thomas does not feel that he could comfortably support a denial because he feels forcing the applicant to comply would be unfair and not the right thing to do in this particular application. Jack Barton stated that after this use is done, the variance would be in place for the square footage to use for storage and all cooking appliances and bath facilities would have to be removed. Blake Keller asked the applicant what this would be used for in the future. The applicant's attorney stated it could be used for storage, as a teen center/recreation room but it would be unlivable. Dean Snyder and Chairperson Robillard asked again what the reason is for not being able to do the addition to the house. Tim Thomas and Chairperson Robillard stated that the Board is commissioned to look at this like it has not been done but when you see the structure it is difficult to imagine that it is not there. The Board went through the three options and quotes that were provided.

Option A – Addition to the house	\$66,000
Option B – Finish First Floor of structure	\$44,410
Option C – Finish Second Floor of structure	between \$40,000 and \$45,000 (includes past and future expenses).

There was discussion about Option A being physically unable to work because of the terrain of the property. Tim Thomas stated that it would be doable with some variances for a road setback and there is a leach bed issue.

Martin Philippone stated that he went to the Town Board to have the law changed because the Zoning Board requested that and feels that now this is allowed and not that the applicant has to prove why he needs this. Dr. Snyder disagreed and said that when the Board is making their finding, they have to find out if the benefit can be achieved by other means feasible to the applicant. There was discussion about the existing structure and the Code. It was felt that the concern circles around can the benefit be achieved by other means feasible criteria and Dr. Snyder wants to know why the addition does not work and stated that it is the Boards responsibility to examine all options. There was further discussion about the quotes, the quote for Option A does not say that it is unable to be built. There was discussion with Martin Philippone about the amount of money spent and the money that needed to be added to the quote for expenses already made, there was a discrepancy between the amount either being \$20,000 or \$40,000, after discussion it was decided that the \$40,000 was a more accurate number. Dean Snyder stated to the Chairperson what he is looking for. There are three options and there are dollar amounts associated with these options. The option of building onto the house is approximately 57% more than converting the upstairs, when finished the addition on the house can continue to be used. Whereas the addition to the top of the barn would have significant limitations on what it can be used for. He is trying to examine all options. For Option A he has heard some comments that are issues to building this and he felt the applicant was the best person to ask what the issues were and how they would impact it. Dr. Snyder is trying to get that information so that the Board can find out as they are required to do if the benefit can be achieved by other means feasible to the applicant and so far he feels he has been unsuccessful doing that. Tim Thomas felt that now detached accessory structures are allowed under the Code and does not feel that it is up to the Board or even relevant if the addition gets put onto the house or the barn and what it is used for when it is done, and wondered if the Board would feel better if the applicant could give a financial summary and show a financial difficulty. Dean Snyder stated that he is looking for information showing whether it is impossible to build onto the house or is it only a question of a needed variance, the Board is responsible to look at this as starting now and comparing the three options and what the difficulties would be for Option A. Martin Philippone stated that these are all viable options and feels the focus should be on impact and esthetics, an addition would look awkward. There was discussion about the size of the house which is 1500 square feet and an addition of 560 square feet, not an addition that is the same size of the house currently, as stated by Martin Philippone. Chairperson Robillard stated to the applicant that when she was at the property the applicant was able to explain this to her and they communicated well and she could see better through his eyes why this is important, she stated that she felt the attorneys were adding a dimension to this that is confusing the issue and the Board is taking steps backwards instead of moving forward, and maybe the applicant would consider answering the questions and talking with the Board like when they visited. Chairperson Robillard gave a summary of information and not to hash over the information but to get a better understanding and move forward taking each option one by one. Tim Thomas thought maybe the Board could do a straw vote and see how the Board was leaning. He stated that this is all within the footprint of the building and sometimes you just have to do the right thing, to ask the applicant to spend another \$66,000 just does not seem right. Dean Snyder stated that due diligence still needs to be done and the Board has certain responsibilities. Chairperson Robillard stated that this matter was tabled for specific reasons and when she asked Jim Zollweg if those had been satisfied, Jim Zollweg stated he was satisfied with the information provided for himself but Dr. Snyder is looking for more information. Dean Snyder asked again if Option A is feasible? His understanding is that this might not be feasible because of locations, because of setbacks and he is trying to find out why this is not feasible, what is not included in this price that makes this unable to be done. This option would be more

consistent with the code and not increasing the size of the accessory use by 100%, when the code calls out 35%, Option A is an opportunity to make this fall within the code. The Board is responsible to come up with a proposal that minimizes the amount of variation from the code. He does agree that it is not for the Board to decide what the value after the use would be. Tim Thomas stated he has not heard yet that it can't be done. Chairperson Robillard asked the applicant to share the reasons why this would be difficult with the Board. The applicant explained that the only place the addition could be on the house would be the north side of the house, which New York State has taken an additional 25' of this frontage to widen the road, placing the addition there, would be putting the apartment close to the road. There is a septic system there that would have to be moved, and he cannot afford the \$66,000 to do this. Blake Keller asked if there would be additional expenses involved that were not included in the original estimate. The applicant said there would be additional costs with moving the leach field and excavating the property. There was discussion about a slope on the property and the addition being to close to the slope or how it would sit on that plateau. Chairperson Robillard explained that the contour of the land makes this placement not practical. The applicant stated mature trees would have to be cut down, the ground is not flat. Dean Snyder stated that those costs are not included in this estimate and would only increase the final costs. Dean Snyder is worried about setting a precedent and feels that there are other structures like this and is against saying that because it is there let's approve it. Blake Keller felt addition to the main structure would be difficult because of the topography and sewer lines. Tim Thomas felt that an addition to the main structure would change the character of the neighborhood. Jim Zollweg agrees that there must be something in the record stating why option A would not work. Chairperson Robillard stated that the applicant inviting them to the property and showing them and walking around the property was helpful for her to understand why that option of the addition does not work. Tim Thomas feels that an exact number is not needed for the additional costs but that there would be an increase. Tim Thomas asked when the original barn was built. After looking at the meeting minutes it was determined that it was approved in April 2012.

Board Discussion: Jack Barton reported in a previous meeting that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required.

Public Comment: None. Public Hearing Closed.

A **Motion** was made by Tim Thomas to approve the application of Joseph Selvaggio, owner, for two area variances and a Special Permit at 765 Burritt Road. The applicant has added a second floor to the existing pole barn increasing the area of the accessory structure to 3,036 square feet and is proposing to construct a 1,056 square foot accessory apartment on the second floor. The applicant is requesting relief from Town Zoning Article 5, subsection 165-31.C.2 which limits the area for accessory structures to 2,000 square feet and Article 9, subsection 165-76.D which limits an accessory apartment on this property to 560 square feet. Accessory apartments are allowed in this district with a Special Permit. This property is currently zoned Agricultural/Conservation (AC).

In making this determination:

1. I don't believe the benefit can be achieved by other means feasible to the applicant. Relevant to Option A – Addition to the house. If the applicant were to locate the accessory apartment as part of the primary structure and comply with the 560 square foot requirement, the particular location on the property because of the unique topography and where the addition would most likely fit becomes difficult to comply with and would actually require several mature trees to be removed, relocation of the septic tank, an issue with proximity to a significant change in grade to the southeast corner and other significant excavation work would be required. Although we do not have a dollar value to assign to that in addition to the \$66,305 that was shared with us for construction costs it is reasonable for this Board to assume that those items mentioned would be very significant in costs by nature plus the natural growth in this area. In conclusion the board has determined that this option is not feasible. Relevant to Option B – Construct a 560 sq. foot addition to the first floor. There are private vehicles and other equipment stored there to maintain the property of which are not of commercial use and nature. To construct the addition in the first floor it would require that these be stored outside or off site. If they are stored outside that would create an issue for the applicant as far as the weather and the equipment as well as any other neighbors who might potentially have a line of site. Storing off site would incur additional costs to the applicant. Option B would also not be feasible to the applicant. Relevant to Option C – Construction of the second floor space and the additional square footage that is being requested. While recognizing the code calls for 560 sq. feet as our limit, in this particular case, the barns overall footprint does not increase at all. This is a unique situation with this structure and taking advantage of the additional sq. footage on the second floor is

a reasonable request for two adults and their lifelong belongings. In addition the additional sq. footage that is to be used as the accessory apartment is something that would not be detectable by passerby's or neighbors and is actually in the confines or the foot print of the existing building.

2. There will be no undesirable change in neighborhood character or to nearby properties because the apartment is undetectable by passerby's or neighbors. If the apartment were to be located behind the house that could potentially impact the neighborhood character as well as people driving by on Burritt Road.
3. The request is absolutely substantial. It is a 100% increase in what our code calls for, however some of the mitigating factors relative to their being two adults living in this space with their lifelong belongings justifies the extra space to provide a comfortable atmosphere for the parents to live in.
4. There will be no adverse physical or environmental effects.
5. The alleged difficulty is self-created; however, it is mitigated to some extent because if the applicant were to locate the accessory apartment as part of the main structure there would certainly be some other difficulties created both financial and as far as the location relative to the street and people passing by. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

Seconded by Dean Snyder. **Motion carried (5-0) (Ayes:** Blake Keller, Veronica Robillard, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Stephen Shelley).

A **Motion** was made by Tim Thomas to approve the special permit at 765 Burritt Road for a period of two years renewable in October 2015. The names of the parents living in the accessory apartment are Georgia and Salvatore Selvaggio.

Seconded by Jim Zollweg. **Motion carried (5-0) (Ayes:** Blake Keller, Veronica Robillard, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Stephen Shelley).

The Board recessed at 8:45 p.m.

The Board reconvened at 8:50 p.m.

TABLED PUBLIC HEARING FROM THE SEPTEMBER 19, 2013 MEETING

2. ERIC AND JODI DEMARTE – 120 NORTH AVENUE

The application of Eric and Jodi DeMarte, owners, for three area variances at 120 North Avenue. Applicants are proposing to construct a 400 square foot shed and a 2,400 square feet pole barn. The pole barn is proposed to be set back five feet from the southerly property line. Applicants are requesting relief from Town Zoning Article 5, subsection 165-31.C.2 which limits the total area of all accessory structures to 2,000 square feet, Article 10, subsection 165-82.C.3 which states in part that all detached accessory buildings shall be located in the rear yard. This property is a corner lot and is considered to have two front yards, two side yards and no rear yard and Zoning Schedule 1 which requires a side setback of 25 feet. This property is currently zoned Agricultural/Conservation (AC).

Eric DeMarte, owner explained that the intent of this application is to provide storage for pool filtration, lawn equipment, trailers, tractors, gators, and mowers. He is looking to have storage in the upper portion of the building with permanent stairs. Jack Barton explained that as soon as there is permanent stairs then that space must be added into the square footage even though it is just attic. Dean Snyder explained to the applicant the options regarding the stairs and it was determined that the stairs would be stricken from the proposal and if the applicant wanted he could come back at a later date to add the stairs and the space above. Tim Thomas asked where all of the vehicles are currently stored. The applicant stated that they are in his driveway and current two car garage. The applicant also stated that he would like the 5' feet instead of the 25 feet setback to keep this close to his neighbors' garage for security issues between the two. Chairperson Robillard asked the applicant what the equipment is used for. The applicant stated that all of the equipment is used for personal use and maintenance of the property.

Board Discussion: Jack Barton reported that notifications were in order, one address number was inverted but Jack did talk to the owner of that property and while he did not get the notice, he was aware of the meeting and had no concerns with this request. The request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required.

Public Comment: None. Public Hearing Closed.

A **Motion** was made by Jim Zollweg to approve the application of Eric and Jodi DeMarte, owners, for three area variances at 120 North Avenue. Applicants are proposing to construct a 400 square foot shed and a 2,400 square feet pole barn. The pole barn is proposed to be set back five feet from the southerly property line. This motion grants relief from Town Zoning Article 5, subsection 165-31.C.2 which limits the total area of all accessory structures to 2,000 square feet, and Article 10, subsection 165-82.C.3 which states in part that all detached accessory buildings shall be located in the rear yard. This property is a corner lot and is considered to have two front yards, two side yards and no rear yard and this motion will also provide relief from Zoning Schedule 1 which requires a side setback of 25 feet. This property is currently zoned Agricultural/Conservation (AC).

In making this motion:

1. I don't believe the benefit can be achieved by other means feasible to the applicant. The applicant has a significant amount of equipment that is personal in nature and used to maintain the property that needs to be stored in a protected structure and there is no other location available on this site that would support such a large structure. The applicant stated that he needs to locate this structure with driveway access on a prepared site with a foundation and that he wants this new structure to correspond with a structure on the neighboring property. These needs limit the location of the structure to the requested location.
2. There will be no undesirable change in neighborhood character or to nearby properties. This is in concordance with development on the neighboring property.
3. The request is substantial. The total square footage requested is 2,800 square feet compared with the statutory limitation of 2,000 square feet.
4. There will be no adverse physical or environmental effects.
5. The alleged difficulty is self-created; this motion addresses the setback issue and the size as well as approve the location of the accessory structure to be in the side yard of the property as it is a corner lot. This property is a corner lot and is considered to have two front yards, two side yards and no rear yard. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

Seconded by Dean Snyder. **Motion carried (5-0) (Ayes:** Blake Keller, Veronica Robillard, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Stephen Shelley).

NEW BUSINESS

3. TIMOTHY CASE – 765 EAST AVENUE

The application of Timothy Case, owner, for two area variances at 765 East Avenue. The applicant is proposing to construct a 3,072 square feet pole barn with a wall height of 14 feet and is requesting relief from Town Zoning Article 5, subsection 165-34.C.2 which limits the total area of all accessory structures to 400 square feet and Article 10, subsection 165-82.C.2 which limits the wall height of detached accessory structures to 12 feet. This property is currently zoned High Density Residential (HD).

Tim Case, owner, explained that his property is across from the High School and borders Parkwood Apartments and his front yard is behind the Monroe Development Center, which is 300 feet from the road. He is looking to build this accessory structure behind his house and would like the increased height to store a fifth wheel that he is looking to purchase that would need a 12 foot door. He would like the length and size to also store three trailers, 2-18 feet and 1-12 feet, one pickup truck, one dump truck, cars, a small tractor for the lawn. He wants to be able to get the stuff out of the front yard. There was discussion about the building depicted on the map and the Board would like to have a drawing shown to scale, the building is 5 times larger than the sketch on the map given to the Board, the townhomes would be directly in the line of site. Tim Thomas asked if any of this equipment is used for business use. Applicant stated no he uses all of this equipment for personal use including the dump truck. There is concern with this building because of the proposed size and the location in high density. Tim Thomas asked how many acres, applicant responded almost three acres. Blake Keller asked if this would protrude into the sewer easement. Applicant stated no and also that this building will not be visible from the road. Tim Thomas is concerned with the size of this being right next to the village line and the residents of Parkwood looking at this and asked if any of the applicant's equipment has been vandalized before. The applicant stated no. There was discussion about a building that the Village Zoning Board approved. Tim Thomas asked the applicant if he had a layout of where the equipment would be. The applicant stated no it would just go in as it fits. Tim Thomas would like to see a floor plan of how the equipment would fit and whether there has been an attempt to look at a smaller sized building. Applicant stated when he built his house it was not high density. This building is actually 7 times the size of what is allowed.

Jim Zollweg stated that this is in a High Density residential district under the Code it states that stuff stored in a structure must be incidental to the use of the property and he is not clear how a dump truck would be used for the property. The applicant stated that this is a smaller truck with a box on it, not a full sized dump truck. Tim Thomas would also like the applicant to address the line of site issue for the neighbors to the west and cannot at this point support this application as it stands. There was discussion about how to address the line of site for the neighbors.

Chairperson Robillard stated that currently the applicant does not own a fifth wheel and what if this is approved and then they don't get one and that is why the applicant is requesting the height. Tim Thomas asked if the applicant is willing to look at other options. The applicant stated he would but he would like to keep the height and length because of the intent to buy the fifth wheel. Dean Snyder also stated he would need a layout to help justify this, other possible options for size and an approximate distance to the apartments and the height of the buildings.

Board Discussion: Jack Barton reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required. Dean Snyder asked if notifications were mailed to the Village residents. Jack Barton stated that the Town is only required to notify the Village not the residents and the Village posts the notice.

Public Comment: None. Public Hearing Closed.

A **Motion** was made by Tim Thomas to table the application of Timothy Case, owner, for two area variances at 765 East Avenue without prejudice to the November 2013 meeting to allow the applicant time to gather additional information requested by the Board as follows:

1. Prepare and present a floor plan that reflects the various equipment and vehicles to be stored.
2. A site plan with the proposed accessory structure drawn to scale.
3. Approximate distance to the apartment/townhomes to the west and their approximate heights.
4. Other alternative options and sizes of the accessory structure for the Board to review.

Seconded by Dean Snyder. **Motion carried (5-0) (Ayes:** Blake Keller, Veronica Robillard, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Stephen Shelley).

4. DAVID AND LAURIE MAGGIO – 638 PECK ROAD

The application of David and Laurie Maggio, owners, for three area variances at 638 Peck Road. Applicants have constructed a shed in the rear yard after obtaining a building permit. The shed is setback six feet from the rear property line and applicants are requesting relief from Town Zoning schedule 1 which requires a 25 feet setback from the rear property line. Applicants are also requesting that the shed constructed in the front yard at a front setback of 7.5 feet and a side setback of 15.5 feet by the previous owners without a building permit be allowed to remain in place. They are requesting relief from Town Zoning Article 10, subsection 165-82.C.3 which states in part that all detached accessory buildings shall be located in the rear yard and Article 11, subsection 165-87.A which requires a 16 feet side setback. This property is currently zoned Agricultural/Conservation (AC).

David Maggio, owner, explained that he purchased the property in May and put a 12x16 shed in its location in June after getting a building permit not knowing that different zones require different setbacks and his measurements were wrong, he put crushed stone down and anchored the shed and to move it now would require a bobcat and an excavator. Moving it closer would also place it closer to the septic leach field and that corner is very wet. The cost would be about \$750.00 to relocate it. There was discussion about the layout of this house. The front door actually faces Hilton Parma Corners Road, but the address is Peck Road. Chairperson Robillard asked if it is difficult to access it in the position it is. The applicant stated that actually it has the best access in this spot because he can drive around the septic system, to move it he would have to turn it around. There was discussion about a row of trees and measurements from the property line. Jack Barton explained that the larger lots, lower density have a greater setback.

Mr. Maggio explained that in regards to the older shed it was there when he purchased the property and he was never advised to make sure there was a permit on file at that time, he believes that this was put in in 1995. They could move the shed but he is worried it may collapse when it is lifted off the blocks. This shed is only a 10x10 shed. The applicant stated he has spoken with his neighbors next to him and they seemed ok with leaving it as it is.

Board Discussion: Jack Barton reported that notifications were in order, the request was returned by Monroe County as a matter of local determination, and that this is a Type II action under SEQR and no further review is required.

Public Comment: None. Public Hearing Closed.

A **Motion** was made by Tim Thomas to approve the application of David and Laurie Maggio, owners, for three area variances at 638 Peck Road. Applicants have constructed a shed in the rear yard after obtaining a building permit. The shed is setback six feet from the rear property line and applicants are requesting relief from Town Zoning schedule 1 which requires a 25 feet setback from the rear property line. Applicants are also requesting that the shed constructed in the front yard at a front setback of 7.5 feet and a side setback of 15.5 feet by the previous owners without a building permit be allowed to remain in place. They are requesting relief from Town Zoning Article 10, subsection 165-82.C.3 which states in part that all detached accessory buildings shall be located in the rear yard and Article 11, subsection 165-87.A which requires a 16 feet side setback. This property is currently zoned Agricultural/Conservation (AC).

Relevant to Shed 1:

1. I don't believe the benefit can be achieved by other means feasible to the applicant. The applicant would incur additional expenses in moving the shed, damage to his lawn and moving the shed back to the required setback would not have any benefit to the applicant or the nearby properties. This is an agricultural district and the orientation and the size of the lot the shed would appear to be in compliance to anyone passing by.
2. There will be no undesirable change in neighborhood character or to nearby properties. Although the setback is required to be 25 feet, in this district it would not be noticeable to residents.
3. The request is substantial.
4. There will be no adverse physical or environmental effects.
5. The alleged difficulty is somewhat self-created; however, using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

Seconded by Blake Keller. **Motion carried (5-0) (Ayes:** Blake Keller, Veronica Robillard, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Stephen Shelley).

Relevant to Shed 2:

1. I don't believe the benefit can be achieved by other means feasible to the applicant. The shed has been in this location since 1995 and has more or less become part of the fabric of this lot and neighborhood. Additionally, as explained by the applicant there may be some structural deficiencies to the shed and if it were moved it might have to be rebuilt or a new one purchased.
2. There will be no undesirable change in neighborhood character or to nearby properties. The shed has been in that location for over 19 years. In regards to the rear lot requirement, this property is somewhat unique and in some respects has the same issues as corner lots and therefore with the orientation of the home, the shed is technically in the front yard. This was inherited from the previous owner and has been like this for a number of years.
3. The request is substantial. Due to the orientation and the unique nature of this lot the applicant does not have a lot of control over this and it was there originally.
4. There will be no adverse physical or environmental effects.
5. The alleged difficulty is not self-created. When the applicant purchased the home in May the shed was already there in its current locations. Using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

Seconded by Jim Zollweg. **Motion carried (5-0) (Ayes:** Blake Keller, Veronica Robillard, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Stephen Shelley).

SPECIAL PERMIT RENEWAL

5. 5050 RIDGE ROAD LLC – 5050 RIDGE ROAD WEST

Application was received from 5050 Ridge Road LLC for renewal of a Special Permit to allow the applicant to store vehicles for display and sales at 5050 Ridge Road West.

6. 5050 RIDGE ROAD, LLC – 5052 RIDGE ROAD WEST

Application was received from 5050 Ridge Road, LLC for renewal of a Special Permit to allow the applicant to store vehicles for display and sales at 5052 Ridge Road West.

7. 5050 RIDGE ROAD, LLC – 5044 RIDGE ROAD WEST

Application was received from 5050 RIDGE ROAD, LLC for renewal of a Special Permit to allow the applicant to store vehicles for display and sales at 5044 Ridge Road West.

Kris Schultz, engineer for the project, explained that these are three separate applications because they are three adjacent parcels. He explained that having this lot across the street helps ease the congestion on the Ridge Road properties on the south side of the street. He explained this is just for storage and no customers are going on these lots. There is still work going on at the dealership so this frees up some space and is a safe location. The entrance is blocked off with parked vehicles. Tim Thomas asked if this will become a permanent solution. Mr. Schultz said that right now this is still just for storage. Dean Snyder stated that the Board cannot give more than what you ask for, he is not aware of any issues and next time ask for more time if they would like. Jack Barton asked to have the renewal of the Special Permit approved pending an inspection by the Building Department because there has not been one yet. Dean Snyder asked what is being inspected. Jack Barton replied the site plan. Kris Schultz also stated that when they took care of this, this improved a longstanding drainage issue with one of the neighbors.

A **Motion** was made by Tim Thomas to approve the requests for renewal of Special Permits for 5050 Ridge Road West at the properties of 5050 Ridge Road West, 5052 Ridge Road West and 5044 Ridge Road West for primarily storage of new and used vehicles as per the layout submitted to the Board on September 20, 2012 for a period of 1 year pending inspection by the Building Department.

Seconded by Jim Zollweg. **Motion carried (5-0) (Ayes:** Blake Keller, Veronica Robillard, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Stephen Shelley).

MINUTES OF SEPTEMBER 19, 2013

The ZBOA minutes of September 19, 2013 were reviewed a **Motion** was made by Tim Thomas to approve the September 19, 2013 minutes as presented. Seconded by Jim Zollweg. **Motion carried (4-0) (Ayes:** Blake Keller, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Stephen Shelley; **Abstain:** Veronica Robillard).

ADJOURNMENT

There being no further business, a **Motion** was made by Dean Snyder, seconded by Jim Zollweg to adjourn the meeting at 10:15 p.m. **Motion carried (5-0) (Ayes:** Blake Keller, Veronica Robillard, Dean Snyder, Tim Thomas, Jim Zollweg; **Absent:** Stephen Shelley).

Respectfully submitted,

Carrie Webster, Recording Secretary