

## MINUTES OF THE BOARD OF ZONING & BUILDING APPEALS, 3-4-2020

The meeting was called to order at 7:00 P.M. by Chairman Chauncey Miller.

Present: Michael Bulger; Bruce Klingshirn; Mark Ladegaard; Chauncey Miller; Kurt Schatschneider; John Gasior, Law Director; Rick Schneider, Zoning Enforcement Officer and Jill Clements, Secretary.

Not Present: Pam Fechter, Planning Coordinator

### MINUTES OF THE REGULAR MEETING – FEBRUARY 5, 2019

A motion was made by Mr. Miller, seconded by Mr. Klingshirn to dispense with the reading of the regular minutes of Wednesday, February 5, 2020 and to approve said minutes as amended. The vote was: “AYES” All. The Chairman declared the motion passed.

### ADDITIONS/DELETIONS

#### DAVID & MAUREEN DELORGE APPEAL

Scott Doane of North Star Builders representing David and Maureen DeLorge are requesting a 10' rear yard setback from C.O. 1262.04(d)(4) Lot and Yard Requirements and a 1' side yard setback from C.O. 1262.04(d)(3) Lot and Yard Requirements to allow the construction of a new single-family home to be located at 4310 St Theresa Blvd.

David DeLorge and Adam Paul of North Star Builders are sworn in by Mr. Gasior.

Mr. DeLorge says they are going to build a house in Red Tail and said they will need a variance. Mr. Paul says they will need it for the veranda and there are no neighbors behind them or to the north side of the house. Mr. Paul says if they get the variance, they are still 20' away from the property line. Mr. DeLorge says there is no one to the other side just green area. Mr. DeLorge says he spoke with the owner of Red Tail, Caravon and they want to move the house one foot to the right which will make it 6 feet off the one side lot line and allow their driveway to be wide enough. They show the topo and the open space and where they want to put the house and the veranda.

Mr. Klingshirn says we have a building code and asked why we are giving a variance, you know the size of the lot, why can't they put something that fits within that lot. Mr. Klingshirn states, they haven't built yet. Mr. DeLorge confirms, they have not yet. Mr. Klingshirn says he feels the house should fit the lot. Mr. Paul sometimes the customer doesn't know exactly what they are getting until they figure out what house they want. Mr. DeLorge says they didn't know what it would look like when they purchased the lot and now, they want to fit most of the house. Mr. DeLorge says there are several houses that were granted variances and Mr. Klingshirn says those likely were granted after they built the houses. Mr. DeLorge says this is a model home and they can't change the size like a custom home, or he would.

A motion was made by Mr. Ladegaard, seconded by Mr. Schatschneider to approve a 10' rear yard setback variance from C.O. 1262.04(d)(4) Lot and Yard Requirements to allow the construction of a new single-family home to be located at 4310 St Theresa Blvd. The vote was: “AYES” All. The Chair declared the motion passed.

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A motion was made by Mr. Schatschneider, seconded by Mr. Ladegaard to approve a 1' side yard setback variance from C.O. 1262.04(d)(3) Lot and Yard Requirements to allow the construction of a new single-family home to be located at 4310 St Theresa Blvd. The vote was: 4 "AYES" and 1 "NAY". The Chair declared the motion passed.

It was noted that they submitted to the HOA and the City needs a copy of the HOA approval before they can get started. If the HOA were to deny their request, the variance would be void.

### JAMES AND KAREN CONANT APPEAL

James Conant is requesting a variance from C.O.1262.04(c)(3) to allow two dwellings on an R-1 lot while a new home is constructed and existing home is torn down, a 4' side yard variance for eastside barn and a 42' side yard variance for westside barn from C.O. 1262.08(b)(2)(B) Accessory Building Setback Requirements and a variance from C.O. 1262.08(a)(3) Maximum Number of Accessory Buildings to allow 3 additional existing buildings to remain making the total number of 7 buildings located at 34390 Detroit Road.

Brian McDae is representing James Conant and is sworn in by Mr. Gasior. Mr. McDae says there are four items and the big one was the two-dwelling variance. Mr. McDae says what he wants to do is have the existing home on Detroit remain standing while he is considering building a second home on the lot. Mr. Miller says he has written that they plan to raise the existing building after they get occupancy of the new. Mr. McDae says potentially, he says they are not certain, they are still discussing options for the existing structure. Mr. Miller says usually they give a year from the start of the building and if they need more, they can ask for an extension. Mr. McDae says one concern he has if they were to start construction of the second home behind the existing with all the construction about to take place on Detroit Road, is that going to delay the time and that's unknown. Mr. Schneider says they were discussing about what they are going to do with the existing house and asks as to what. Mr. McDae says keeping it and Mr. Schneider asks for what. Mr. McDae says using it for historical home, donating back to the City is an option. He also says an option is to turn it into a home to sell. Mr. Schneider says for him to do so, he will have to divide the property. Mr. McDae says they were kicking around ideas and is not firm on tearing it down. Mr. Schneider again says then he would have to do a lot split. Mr. Miller says that's a nice home and there are options, in the past they have donated them and moved them, or lot splits are done. Mr. McDae says Mrs. Conant doesn't want to spend another winter in the house as it's over 100 years old, it's cold, there is a long walk across the bridge, and it gets icy when she parks her car in garage. Mr. Miller says this is tough as it's open ended and Mr. Ladegaard agrees. Mr. Schneider says they can vote on if they can have two residences on one parcel and then says you need to come up with a time frame and then another time frame as to what they are going to do with the existing home. Mr. Schneider says while they are building that house, say you give them a year, at the end of the year, they must do something with that house, either a lot split or tear it down. Mr. Miller says in the interim they need to figure out what they are doing. Mr. Schneider says if he is going to keep the house, there must be a lot split. Mr. Klingshirn makes it contingent on if they keep it a lot split needs to be done or it's torn down.

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to approve a variance from C.O.1262.04(c)(3) to allow two dwellings on an R-1 lot while a new home is constructed before

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existing home. The existing home must be torn down within one year from the date the new home permit is secure or if they keep the existing home, a lot split is to be done prior to that year. The vote was: "AYES" All. The Chair declared the motion passed.

Mr. Schneider says that barn was built back in 1974 and they got permits for, but our ordinances have changed since then, and we want to get him up to date and compliant with today's codes.

A motion was made by Mr. Schatschneider, seconded by Mr. Bulger to approve a 4' side yard variance for eastside barn from C.O. 1262.08(b)(2)(B) Accessory Building Setback Requirements to make the existing eastside barn compliant. The vote was: "AYES" All. The Chair declared the motion passed

Mr. Schneider says back in 1993 the Board gave Mr. Rodriguez, who owned the property at the time a variance and then in 2000 added onto the building and at that time a variance was granted for the size and since it was under 2 acres he was allowed to be 5' off the property line and that was granted. Mr. Schneider says Mr. Conant bought the property, tore the house down and consolidated that property with his. Mr. Schneider says now it's on a 10-acre parcel, the building must be the distance away from the length of the wall. Mr. Klingshirn says it's existing, so it's kind of grandfathered.

A motion was made by Mr. Ladegaard, seconded by Mr. Klingshirn to approve a 42' side yard variance for westside barn from C.O. 1262.08(b)(2)(B) Accessory Building Setback Requirements to allow the existing westside barn to be compliant. The vote was: "AYES" All. The Chair declared the motion passed.

Mr. Schneider says in 2002 Mr. Conant went in front of Planning for additional greenhouse and when he consolidated the parcel next door that gave him 7 total buildings.

A motion was made by Mr. Ladegaard, seconded by Mr. Bulger to approve a variance from C.O. 1262.08(a)(3) Maximum Number of Accessory Buildings to allow 3 additional existing buildings to remain making the total number of 7 buildings located at 34390 Detroit Road. The vote was: 4 "AYES" and 1 "NAY". The Chair declared the motion passed.

### JOHN JAMESON APPEAL

John Jameson is requesting a 1' height variance from C.O. 1294.08(a) Fence Location, Height and Opacity to allow the installation of a 5' high vinyl fence in the front yards of a corner lot to be located at 4297 Gatwick Dr.

There was an email from Mr. Jameson that the HOA rendered their decision and it is not in the favor of the Jameson's. They have put the project on hold to reevaluate what they would like to do and if they need another variance they will be starting over.

A motion was made by Mr. Bulger, seconded by Mr. Klingshirn to table the Jameson Appeal indefinitely. The vote was: "AYES" All. The Chair declared the motion passed.

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COMMENTS

Mr. Schatschneider asks what happens if they split that house how many buildings are going with that. Mr. Schneider says we will have to see. Mr. Miller stated he was surprised of the uncertainty of the existing home. It was noted that when Mr. Conant applied, he went through the Landmark Preservation and got approval from them to tear it down. A lot split is feasible as there is plenty of frontage on the lot for the existing home to split.

ADJOURN

A motion was made by Mr. Ladegaard, seconded by Mr. Bulger to adjourn. The vote was: "AYES" All. The Chair declared the motion passed. The meeting was adjourned at 7:24P.M.

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ATTEST

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CHAIRMAN

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DATE