

**\*\*TOWN OF GRAND ISLAND\*\*  
ZONING BOARD OF APPEALS**

**MINUTES  
June 1, 2023**

RECEIVED  
2023 JUL 1 10:17 AM  
TOWN OF GRAND ISLAND

**MEMBERS PRESENT:** Chairman Bob Mesmer, Betty Harris, John Braddell, Tim Phillips and Dan Drexelius

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Nick Cultrara, Code Enforcement Officer  
Rhonda Tollner, Zoning Clerk

Chairperson, Robert Mesmer opened the meeting at 7:00 p.m. and introduced the members of the Zoning Board of Appeals and explained the process.

**NEW BUSINESS:**

**1) 56 Windham Lane – Bruce Aikman**

This property is zoned R1D. The applicant is requesting to construct a 22.69 ft x 28 ft. garage addition with a 60 sq. ft., two story connector between the existing garage and the new garage, making a total of 1,301 sq. ft. (four garage spaces) on this corner lot. Town Code §407-23.A. Private attached garage or storage structure with outside building dimensions not to exceed 900 sq. ft. and not to exceed a maximum of 20 % of the rear yard with impervious surfaces, making a 401 sq. ft. area variance for garage space necessary. Town Code 407 Attachment 1 Schedule I also refers to maximum building coverage for a parcel in a R1D district at 20%. The construction of the proposed garage will put the coverage at approximately 23% making a 3% (approx. 164 sq. ft.) over the maximum building coverage variance necessary.

Appearing before the Board was Mr. Bruce Aikman who resides at 56 Windham. Mr. Aikman said this is a project he had approved before covid but never started. He is requesting to construct a garage that mirrors the existing garage that connects with a two-story breeze way. The garage will match the existing siding and roof. Board member Phillips asked Mr. Aikman why the drawing showed the new garage at a slight angle to the existing garage. Mr. Aikman said he thought it had a more appealing look.

A **motion** was made by Drexelius / Phillips to close the Public Hearing. All in favor.

A **motion** was made by Phillips / Drexelius to **GRANT** the request for a 401 sq. ft. area variance for attached garage space for a total of 1301 sq. ft. of attached garage at 56 Windham Lane.

**Roll Call:**

Ayes: Harris, Braddell, Mesmer, Drexelius, Phillips

Noes: None

Carried

A motion was made by Phillips / Drexelius to **GRANT** the request for 3% over the maximum building lot coverage allowed in a R1D zoned district for the construction of a garage addition at 56 Windham.

**Roll Call:**

Ayes: Harris, Braddell, Drexelius, Mesmer, Phillips

Noes: None

Carried

**Rationale:**

1. The granting of this garage addition will not create a detriment to surrounding properties and will fit the character of the neighborhood.
2. The second garage will relieve the homeowner of much needed storage space and is a compatible use of residential property.
3. The variance for over the lot coverage is miniscule and will not have a negative impact on the neighborhood.

**2) 1282 East River Road – Robert Belstadt**

This property is zoned R1D. The applicant is requesting to locate a 12' x 20' x 9' shed in the required setbacks of the rear yard. Town Code §407-142. A. the setback distance for an accessory storage structure from the rear and side yard lot lines shall be equal to or greater than the height of the accessory storage structure, making the required side and rear yard setbacks at 9 ft.(height of structure). The applicant would like to locate the shed 7 ft. from the south side and rear lot line making a 2 ft. side and rear setback variance necessary.

Appearing before the Board was Robert Belstadt who resides at 1282 East River Road. Mr. Belstadt would like to replace an older shed with a new shed on the existing foundation. Mr. Belstadt stated that the old shed was in that specific location because there are utility guide lines in the rear yard that limited where the shed could be located. Mr. Belstadt stated to the Board that the rear yard had a lot of foliage near the lot lines that would hide the new

shed. He provided the Board with colored photos of his rear yard and a letter of approval from the neighbor most affected by the variance request .

A **motion** was made by Drexelius / Harris to close the Public Hearing. All in favor.

A **motion** was made by Phillips / Harris to **GRANT** the request for a 2 ft. side yard setback variance for the location of a 12' x 20' x 9' shed 7 ft. from the side lot line at 1282 East River Road.

**Roll Call:**

Ayes: Braddell, Harris, Mesmer, Drexelius, Phillips

Noes: None

Carried

A **motion** was made by Phillips / Harris to **GRANT** the request for a 2 ft. rear yard setback variance for the location of a shed to be located 7 ft. from the rear lot line at 1282 East River Road.

**Roll Call:**

Ayes: Harris, Braddell, Mesmer, Drexelius, Phillips

Noes: None

Carried

**Rationale:**

1. This variance will not have an adverse effect or impact on the environment or physical characteristics in the neighborhood.
2. The granting of this variance will allow the shed to be located in the rear yard in a location that will not interfere or encroach upon the utility lines.

**3) 164 Stonebridge Road – Mark Doxtator**

This property is zoned R1D. The applicant is requesting to locate a 10' x 12' x 9' shed in the required side yard at the rear of the lot. Town Code §407-142. A. the setback distance for an accessory storage structure from the rear and side yard lot lines shall be equal to or greater than the height of the accessory storage structure. Here the required side yard would be 9 ft.(height of structure). The applicant is requesting to locate the shed 4 ft. off the north lot line making a 5 ft. side yard setback variance necessary.

Appearing before the Board was Mark Doxtator who resides at 164 Stonebridge. Mr. Doxtator explained to the Board that the new shed was already in location. Mr. Doxtator had the foundation to the shed poured before the Town Code setbacks for accessory structures had changed and he was unaware when he placed the new shed that the setbacks had changed. Mr. Doxtator stated that the location was chosen because of the large easement that goes through the middle of his backyard.

A **motion** was made by Drexelius / Phillips to close the public hearing. All in favor.

A **motion** was made by Harris / Phillips to **GRANT** the request for a 5 ft. side yard setback variance to locate a 10' x 12' x 9' shed 4 ft. off the north lot line at 164 Stonebridge Road

**Roll Call:**

Ayes: Braddell, Harris, Mesmer, Drexelius, Phillips

Noes: None

Carried

**Rationale:**

1. The Town Code changing required setbacks for accessory structures in June of 2022 created a hardship for the homeowner when he was in mid-project. The drainage easement was also an issue the homeowner was trying to avoid.
2. The variance request is a reasonable and compatible use of the residential property for current storage needs.

**4) 5050 East River Road – Charles Keller**

This property is zoned R1C. The applicant is requesting to locate a 16' x 24' x 12' shed on the shoreline portion of the lot. Town Code § 407-142-H. Shoreline lot special setback requirements. The special setback requirements set forth in Section 407-18(C) shall apply to accessory uses. Under no circumstances shall an accessory structure on a shoreline lot exceed 200 sq. ft. in maximum floor area and 11 ft. in height. The proposed structure will be 12 ft. in height and 384 sq. ft. making a 8 ft. height variance and a 184 sq. ft. area variance necessary. Also, to preserve as much of the view of the water as possible, the applicant would like to locate the shed closer to the east lot line. The required side yard is 12 ft. (height of structure) and the proposed location is 5 ft. making a 7 ft. side yard setback variance necessary.

Appearing before the Board was Charles Keller who resides at 5050 East River Road and Eric Cook, the contractor. Mr. Keller explained he would like to put an accessory structure on the shoreside of his parcel. They use their dock and waterfront regularly and have a porta potty on the top of the bank all summer that they would like to get rid of. He would like to have a bathroom and place to store things they consistently use on the waterfront to make it easier and safer for them and their guests. The structure will be setback farther than the two single family dwellings on either side. Chairman Mesmer stated to Mr. Keller that for no reason should this accessory structure or rec building be used for living purposes or overnight guess. Mr. Keller agreed.

A **motion** was made by Drexelius / Braddell to close the public hearing. All in favor.

A **motion** was made by Drexelius / Braddell to **GRANT** the request for a 184 sq. ft. area variance for the construction of a 16' x 24' x 12' accessory structure on the shoreline portion of 5050 East River Road. This structure is not to be used as a dwelling or living space.

**Roll Call:**

Ayes: Harris, Braddell, Drexelius, Mesmer, Phillips

Noes: None

Carried

A **motion** was made by Drexelius / Braddell to **GRANT** the request for a 8 ft. height variance for a 12 ft. tall accessory structure on the shoreline portion of 5050 East River Road.

**Roll Call:**

Ayes: Harris, Phillips, Braddell, Mesmer, Drexelius

Noes: None

Carried

A **motion** was made by Drexelius / Braddell to **GRANT** the request for a 7 ft. side yard setback variance from the east lot line for an accessory structure at 5050 East River Road.

**Roll Call:**

Ayes: Phillips, Harris, Braddell, Mesmer, Drexelius

Noes: None

Carried

**Rationale:**

1. The height of the accessory structure will not compete with the tall single family dwellings on either side of the structure. Also, the structure will be closer to one side of the lot than the other allowing for view of the river.
2. The variances granted for a structure to be erected on the waterfront will allow for safer use of the waterfront by homeowners not having to cross East River Road.
3. The proposed structure meets the required setback allowed in general conformity with adjacent properties and is in keeping with the general nature of the neighborhood.

**5) 2305 Stony Point Road – Stephen Bresee**

This property is zoned R1D. The applicant is requesting to locate a 24' x 24' x 13' shed in the required side yard setback from the north lot line. Town Code § 407-142.A the setback distance for an accessory storage structure from the rear and side yard lot lines shall be equal to or greater than the height of the accessory storage structure. Here the required side yard setback is 13 ft. (the height of the structure). The applicant is proposing a side yard setback of 6 ft. making a 7ft. side yard setback variance necessary from the north lot line.

Appearing before the Board was Stephen Bresee who resides at 2305 Stony Point Road. He explained that he would like to remove the older shed and replace it with a slightly larger shed in the same location. Mr. Bresee said that he understood that the setbacks for shed had changed but due to the drastic slope of this yard, this was the only flat location big enough for the shed. Mr. Bresee provided the Board with photos of the rear yard and a letter of approval from the neighbor who would be mostly affected by the granting of the variance.

A **motion** was made by Drexelius / Harris to close the public hearing. All in favor.

A **motion** was made by Drexelius / Phillips to **GRANT** the request of a 7 ft. side yard setback variance for the location of a 24' x 24' x 13' storage building 6 ft. from the north lot line at 2305 Stony Point Road.

**Roll Call:**

Ayes: Harris, Braddell, Mesmer, Drexelius, Phillips  
Noes: None  
Carried

**Rationale:**

1. The variance was granted because it provided a storage solution for pool equipment and other things currently stored on the side of the old shed
2. This structure is consistent with other accessory structures in the neighborhood and would not create a detriment for other neighboring properties.

**OLD BUSINESS**

**1) 4614 East River Road – Douglas Frost**

This property is zoned R1B. The applicant came before the Board last month requesting to construct a pavilion between the existing shed and the river on the shoreline of the parcel. The pavilion was to be of the same height as the existing shed on the concrete pad approximately 6-10 inches from the shed. This would have required 4 separate variances including; height, front yard setback from East River Road, an additional accessory structure and area variance for an accessory structure. After discussing the request with the Board members, Mr. Frost asked for a TABLE to get more information from the Building Department on how he could reduce the number of variances required to construct the shaded area he was looking to achieve. After several discussions with Code Enforcement Officers, it was determined that if the pavilion were attached to the existing structure on the existing pad it would be considered an overhang as part of the structure not requiring a front yard setback variance because it was already granted for the original shed. It

would no longer need an additional accessory because it would be part of the original and it would not need the area variance for floor space because it would not be enclosed. However, the overhang would still require a height variance as per Town Code §407-18.C (4) riverside accessory uses and structures on shoreline lots such as pools or other structures, less than four feet high, and which do not obstruct the views of the River, may be placed in the rear yard of a shoreline lot .

There was no representative for this project. The public hearing was closed last month. The Board considered the new proposal and viewed photos of the current shed and existing concrete pad. Board Member Phillips stated that he saw no obstruction of view of the river if the overhang was the same height of the shed and stayed on the pad. Chairman Mesmer stated that he would be in favor of the project with the condition that the overhang never be enclosed as storage space. The overhang would have to remain open.

A **motion** was made by Braddell / Phillips to **GRANT** the request for a 7 ft. height variance for an overhang roof off an existing shed on the shoreline of 4614 East River Road **with the condition** that the newly constructed overhang on the front of the shed never be enclosed as storage space.

**Roll Call:**

Ayes: Harris, Braddell, Drexelius, Mesmer, Phillips

Noes: None

Carried

**Rationale:**

1. The granting of this variance was minimal and allowed the homeowner to enjoy the views of the river from his own home.
2. The proposed deck will not have an adverse effect on neighboring properties

### Request to Suspend the Rules for a Variance Extension

A **motion** was made by Drexelius / Phillips to Suspend the Rules to hear a variance extension request for 5533 East River Road.

**Roll Call:**

Ayes: Harris, Braddell, Drexelius, Phillips, Mesmer

Noes: None

Carried

The Board reviewed the previously granted variances for two accessory structures at 5533 East River Road. There were no changes.

A **motion** was made by Phillips / Drexelius to **GRANT** a six month **extension** to the previously granted variances for 5533 East River Road.

**Roll Call:**

Ayes: Braddell, Harris, Mesmer, Drexelius, Phillips

Noes: None  
Carried

**APPROVE MINUTES:**

A **motion** was made by Drexelius / Harris to Approve the May 4, 2023 ZBA Minutes as written.

**Roll Call:**

Ayes: Mesmer, Harris, Braddell, Drexelius, Phillips

Noes: None

Carried

**OTHER MINUTES AVAILABLE FOR REVIEW**

**Board of Architectural review** –March 21, 2023

**Planning Board Agenda** –May 8, 2023

**Planning Board Minutes** – , 2023

**Town Board Agenda** – Regular Meeting #8, May 1, 2023, Regular Meeting # 9, May 15, 2023

**Town Board Minutes** – Regular Meeting #6, April 3, 2023, Regular Meeting # 7, April 17, 2023

A **motion** was made by Harris/ Braddell to adjourn the meeting at 7:48 p.m.  
Minutes prepared by Rhonda Tollner, Zoning Clerk. The meeting was conducted via Zoom and may be viewed on the town You Tube link.