

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

**MINUTES
July 6, 2023**

TOWN OF GRAND ISLAND
2023 AUG -7 PM 3:56
RECORDED

MEMBERS PRESENT: Chairman Bob Mesmer, Betty Harris, John Bradbell, Dan Drexelius and Alternate Vienna Laurendi

MEMBERS ABSENT: Tim Phillips

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) 3073 Whitehaven Road – Michael Fachko

This property is zoned R1A. The applicant is requesting to construct a 30' x 40' x 18' detached garage in the required front yard of a corner lot. Town Code §407-19.A.(2) Side yard rule for corner lots. On corner lots, all structures shall be no closer to the right-of-way than the minimum front yard setback of the adjacent lots. The required front yard in R1A is 50 ft. the proposed garage would be 15 ft. from Second Street making a 35 ft. front yard setback variance necessary.

Appearing before the Board was Michael Fachko who stated he would like to take down the existing garage and build a new larger garage in the same location. Mr. Fachko stated that he was limited on locations because of the septic system and the odd shape of his lot. He also said he did not have a basement or attic so he needed the storage space. Board member Drexelius asked where the septic was located on the survey. Drexelius felt the garage could be placed in a location not requiring a variance. Chairman Mesmer asked if the west wall, the back wall of the new garage, would be in the same location as the old garage and if that was the reason for the encroachment to the road and Mr. Fachko replied yes, that wall location was the same for the old and new garage. The new garage will be closer to the road and wider so not to encroach on the house or septic.

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

A **motion** was made by Braddell to GRANT the request for a 35 ft. front yard setback variance from Second Street for the construction of a 30' x 40' detached garage at 3073 Whitehaven Road.

There was no second. **Motion Failed.**

Chairman Mesmer asked Mr. Fachko to approach the table. He told Mr. Fachko that the Board would like to have more information regarding the location of the septic and other placement options and if that was possible. Mr. Fachko replied yes, and he would like to table his request to do so.

A **motion** was made by Braddell / Drexelius to **TABLE** at the applicants request a 35 ft. front yard setback variance from Second Street for the construction of a 30' x 40' detached garage at 3073 Whitehaven Road.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Drexelius, Laurendi

Noes: None

Carried

2) 3508 Wallace Drive – Robbyn Drake

This property is zoned R1E. The applicant is requesting to locate a 12' x 18' x 8' shed in the required side and rear setbacks. 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 8 ft (height of structure). The applicant would like to locate the shed 5 ft. from the side lot line and 4 ft. from the rear lot line, making a 3 ft. side yard setback variance and a 4 ft. rear yard setback variance necessary.

Appearing before the Board was Mr. Drake who resides at 3508 Wallace Drive. He explained to the Board that he would like to replace his existing shed with a slightly larger shed in the same location as the old shed. The old shed met the setback requirements but that has since changed. The Board looked at photos that were presented of the old shed and its location.

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

A **motion** was made by Drexelius / Harris to **GRANT** the request for a 3 ft. side yard setback variance for the location of a 12' x 18' x 8' shed 5ft. from the side lot line at 3508 Wallace Drive.

Roll Call:

Ayes: Braddell, Harris, Mesmer, Drexelius, Laurendi

Noes: None

Carried

A **motion** was made by Drexelius / Harris to **GRANT** the request for a 4 ft. rear yard setback variance for the location of a shed to be located 4 ft. from the rear lot line at 3508 Wallace Drive.

Roll Call:

Ayes: Harris, Braddell, Mesmer, Drexelius, Laurendi

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 same location as the previous shed providing much needed storage and an improvement to the property.

3) 10 Island Park Circle – Elias Mansour

This property is zoned R1D. The applicant is requesting to locate a 4 ft. fence in the required front yard on a corner lot. Town Code §407-19.A.(2) Side yard rule for corner lots. On corner lots, all structures shall be no closer to the right-of-way than the minimum front yard setback of the adjacent lots. The required front yard in a R1D district is 35 ft. The applicant is requesting to locate the fence at a 15 ft. front yard setback, making a 20 ft. front yard setback variance necessary. Also, the proposed fence height is 4 ft. Town Code §407-155.D. Within a nonindustrial district, no fence or wall, other than a necessary retaining wall, over 3 ft. in height shall extend into the required minimum front yard of any lot, making a 1 ft. height variance necessary.

Appearing before the Board was Elias Mansour. He stated that he was requesting a variance to locate a fence on his property but since filing his application he would like to request the fence be 6 ft. tall as opposed to the 4 ft. that he originally requested. Chairman Mesmer stated he looked at the property and did not see the fence location staked out and would the trees be inside or outside of the fence. Mr. Mansour responded outside the fence. Board member Drexelius asked why the change in height of the fence. Mr. Mansour said for more privacy and safety for his children.

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

A **motion** was made by Harris / Braddell to **GRANT** the request for a 20 ft. front yard setback variance to locate a fence in the required front yard setback of Island Park Drive to be 15 ft from lot line at 10 Island Park Circle.

Roll Call:

Ayes: Braddell, Harris, Mesmer, Drexelius, Laurendi

Noes: None

Carried

A **motion** was made by Harris / Braddell to **GRANT** the request for a 3 ft. height variance for a fence in the required front yard of a corner lot at 10 Island Park Circle.

Roll Call:

Ayes: Mesmer, Braddell, Drexelius, Laurendi, Harris

Noes: None

Carried

Rationale:

1. The variance request is not unlike other fence requests in the neighborhood.
2. The fence will provide both safety and privacy for the family on a busy corner lot.
3. The fence height and location will not interfere with the sight lines or traffic in the neighborhood.

4) 1576 Red Jacket Road – Michael Peppers

This property is zoned R1E. The applicant is requesting to locate a 10' x 12' x 8' shed in the required side and rear yard setback. Town Code §407-142.A. The setback distance for an accessory storage structure from the side and rear yard lot lines shall be equal to or greater than the height of the accessory storage structure. The applicant is requesting a side and rear yard of 5 ft, making a 3 ft. side and rear yard setback necessary.

Appearing before the Board was Mike Peppers. He explained to the Board that he would like to take down the existing shed and locate a new shed 5 ft. from the side and rear lot line but it would be in the opposite corner of the yard than shown on the survey. He stated that he did not realize the discrepancy until he reviewed the application before the meeting.

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 3 ft. side yard setback from the west lot line and a 3 ft. rear yard setback variance for the location of a shed in the rear yard at 1576 Red Jacket to be located 5 ft. from lot lines.

Roll Call:

Ayes: Harris, Braddell, Drexelius, Mesmer, Laurendi

Noes: None
Carried

Rationale:

1. The location of the shed being 5 ft. from the lot lines is in general conformity with other sheds in this neighborhood.
2. The shed will not create a detriment to nearby properties.
3. The shed will not produce an undesirable change in the neighborhood.

5) 2956 Sunset Drive – Kevin Burngasser

This property is zoned R1A. The applicant is requesting to construct a new attached garage and living space addition to an existing house. The required front yard in R1A is 50 ft. This is an older neighborhood many of the homes were cottages at one time and do not conform to the current setbacks.. Town Code § 407 Attachment I Schedule I sets the required front yard at 50 ft. The applicant is proposing an attached garage with a 35 ft. front yard setback making a 15 ft. front yard setback variance necessary. Also, the new garage and living addition will have a side yard of 12 ft. the existing house is at 13 ft. Town Code § 407 Attachment I Schedule I sets the side yard at 15 ft. making a 3 ft. side yard setback variance necessary.

Appearing before the Board was Kevin Burngasser. He explained to the Board that he would like to put an addition on the rear of the house and an attached garage on the front of the home. He stated that there are several older homes that were once cottages and are not at todays setbacks. Part of the variance request is to bring the original house into compliance.

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

A **motion** was made by Drexelius / Braddell to **GRANT** the request for a 15 ft. front yard setback variance for the garage addition to the single-family dwelling at 2956 Sunset Drive.

Roll Call:

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

A **motion** was made by Drexelius / Braddell to **GRANT** the request for a 3 ft. side yard setback variance for an addition on the rear of the dwelling and an attached garage addition to the single-family dwelling at 2956 Sunset Drive.

Roll Call:

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

Rationale:

1. The variance was granted because it provided a storage solution for a home with no garage without having an adverse effect or impact on the neighboring properties.
2. The new additions to the home will be an improvement to the neighborhood and the design will make it look like it was always part of the house.

6) 652 Alt Blvd. – George Yockey

This property is zoned R1A. The applicant is requesting to construct a 18' x 24' x 11' detached storage building. There are two ways to find the required side yard setback, the greater setback is used in determining the location. Town Code §407-142.A states 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 Town Code §407 Attachment I Schedule I for R1A sets the required side yard setback at 15 ft. which is the greater. The proposed garage will have a setback of 10 ft. making a 5 ft. side yard setback variance necessary.

Appearing before the Board was the contractor, George Yockey representing the homeowner. He said his client was requesting the side yard setback to keep the proper setbacks from the septic system and use his existing driveway. He also stated that a letter was sent in from the neighbor on the most affected side stating they had no objections to the location.

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

A **motion** was made by Drexelius / Harris to **GRANT** the request for a 5 ft. side yard setback variance for the location of a 18' x 24' x 11' detached garage to be 10 ft. from the south side lot line at 652 Alt Blvd.

Roll Call:

Ayes: Harris, Braddell, Drexelius, Mesmer, Laurendi

Noes: None

Carried

Rationale:

1. The granting of this variance is a solution to the storage needs of the family and is a reasonable and compatible use of residential property for current storage needs.
2. The new storage building will not produce an undesirable change in the in the character of the neighborhood.

7) 175 Regency – David Loos.

This property is zoned R1D. The applicant is requesting to construct a 16' x 36' attached garage addition. Currently there is 440 sq. ft. of garage space. With the proposed addition of 576 sq. ft. the total garage space will be 1016

sq. ft. 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 116 sq. ft. area variance for garage space necessary. Also, Town Code 407 Attachment I Schedule I required side yard in a R1D is 10 ft. The existing south side yard is 18 ft., with the proposed 16 ft. garage, the side yard setback would be 2 ft. making an 8 ft. side yard setback variance necessary.

Appearing before the Board was David Loos. Mr. Loos explained to the Board that he would like to build a 16' x 32' deep addition to his attached garage. He stated his friend had built something similar. He said this would provide needed storage and space for a car lift for working on his car. Chairman Mesmer asked Mr. Loos if he had investigated any other alternative locations. Mr. Loos replied not really because he had 18 ft. to the side lot line and his neighbor didn't mind. Code Enforcement Office Cultrara stated that if this variance were granted there would be very strict fire codes that would have to be met being that close to the neighbor. The Board advised Mr. Loos that he should consider alternative locations for a detached garage recommending he ask for more time to consider alternative locations.

The Public Hearing remains open.

A **motion** was made by Drexelius / Harris to **TABLE** at the applicant's request, a variance for an 8 ft. side yard setback to the south lot line and a 116 sq. ft. area variance for over the maximum attached garage space allowed by Town Code at 175 Regency Drive.

Roll Call:

Ayes: Braddell, Harris, Mesmer, Drexelius, Laurendi

Noes: None

Carried

OLD BUSINESS - None

APPROVE MINUTES:

A **motion** was made by Drexelius / Harris to Approve the June 1, 2023 ZBA Minutes as written.

Roll Call:

Ayes: Mesmer, Harris, Braddell, Drexelius, Laurendi

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 Drexelius/ Harris to adjourn the meeting at 7:50 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.