

Town of Clarence
Zoning Board of Appeals Minutes
Tuesday August 11, 2015
7:00 p.m.

Chairman Daniel Michnik called the meeting to order at 7:00 p.m.

Zoning Board of Appeals members present:

Chairman Daniel Michnik
Gregory Thrun

Vice-Chairman Ryan Mills
Richard McNamara

David D'Amato

Town Officials present:

Director of Community Development James Callahan
Deputy Town Attorney Steven Bengart

Other interested parties present: Dean Ciofani Martin and Juliet Hurley

New Business

Appeal No. 1

Martin and Juliet Hurley
Planned Unit Residential Development (PURD)

Requests the Board of Appeals approve and grant a 5.9' variance to allow for a 6.6' side yard setback for a proposed addition to the principle structure located at 5402 Center Pine Lane.

Appeal No. 1 is in variance to §229-52(B).

DISCUSSION:

Martin and Juliet Hurley are present. Mr. Hurley explained that they want to build a covered patio on the back of their house and expand off their kitchen. There would be an extension of the current roof structure and would result in the post of the covered patio roof infringing upon the minimum setback to the property line. They will continue the concrete path alongside their house to wrap around and meet up with the covered patio structure.

There are two (2) neighbor notification forms on file. Mr. Hurley spoke with the neighbors and showed them the plans; the neighbors are comfortable with the proposal.

Chairman Michnik noted that a variance was granted to this applicant in 2012 for an extension on the house. Mr. Hurley explained that the variance was for an addition of a third car garage in which the back corner of that garage infringed on the minimum setback. This is the same structure they are looking to extend the roof from.

In response to Mr. McNamara's question for clarification, Mr. Hurley explained that the variance is for the outside edge of the post. Mr. Thrun asked if the applicant thought about covering the main part instead of going off the existing garage. He asked what the purpose is for such a large patio. Mr. Hurley explained that they are relocating the air conditioner to have a sitting area behind the part that is behind the mud room.

They are looking for the eating area to go under the part that comes off the garage structure. They looked at making the structure shorter but their architect said to have the cleanest structural look with integrity the proposed plan is what he recommended. Mr. D'Amato asked when the applicant was looking to do this. Mr. Hurley said he was hoping to do it this year so they have the contractor on stand-by pending this approval. The contractor is Sharp Construction with Mike Tucker. The plan shows stone around the pillars, they want to match the front and eventually incorporate drop-down screens. There will not be a kitchen on the patio, just a freestanding grill.

ACTION:

Motion by Ryan Mills, seconded by Daniel Michnik, to **approve** Appeal No. 1 as written.

ON THE QUESTION:

Mr. Mills noted that the applicant has provided evidence and testimony that the issue is the location of one (1) pillar in an open covered porch area near the neighbor's property line. It is not a solid structure which distinguishes it from other similar applications. The roof lines and the architectural significance of the project is something that would impact the particular location of that pillar if it was not granted. There is also testimony that the neighbor has fully consented after being presented the plans.

Richard McNamara	Aye	Gregory Thrun	Aye
David D'Amato	Aye	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Motion by Gregory Thrun, seconded by Daniel Michnik, to **approve** the minutes of the meeting held on May 12, 2015, as written.

Richard McNamara	Aye	Gregory Thrun	Aye
David D'Amato	Aye	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Motion by David D'Amato, seconded by Gregory Thrun, to **approve** the minutes of the meeting held on July 14, 2015, as written.

Richard McNamara	Aye	Gregory Thrun	Aye
David D'Amato	Aye	Ryan Mills	Aye
Daniel Michnik	Aye		

MOTION CARRIED.

Meeting adjourned 7:15 p.m.

Carolyn Delgato
Senior Clerk Typist