

Town of Clarence
Zoning Board of Appeals Minutes
Tuesday October 13, 2009
7:00 p.m.

Chairman Arthur Henning called the meeting to order at 7:00 p.m.

Board of Appeals members present:

Chairman Arthur Henning
Ryan Mills
Robert Geiger

Vice-Chairman Daniel Michnik
David D'Amato

Board of Appeals members absent:

Patricia Burkard

Other Town officials present:

Director of Community Development James Callahan
Planner Brad Packard
Town Attorney Steven Bengart
Planning Board Liaison Richard Bigler

Other interested parties present:

Heidi Wieczorek
Paul Strada
Lonnie Hines

Robert B. Sturm
Robert Hohman

Appeal No. 1

Heidi and Pawel Wieczorek
Residential Single-Family

Requests the Board of Appeals approve and grant a 5' variance to allow a 7' 6" side yard setback to a principal structure to allow for the construction of an addition to an existing garage at 6233 Creekhaven Drive.

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

DISCUSSION:

Heidi Wieczorek is present. Mr. Henning points out that the property was not staked. Ms. Wieczorek said she was on vacation from September 27, 2009 until today, she received the paperwork advising the property must be staked after she left for vacation. The only stake she could have put in was in the back corner because she is removing some of the cement of the driveway. It is 22' from the existing garage to the lot line and 24' back with an additional sun room.

ACTION:

Motion by Daniel Michnik, seconded by David D'Amato, to **table** Appeal No.1 as the property was not staked making it difficult for the Zoning Board of Appeals to decipher the request.

ON THE QUESTION:

Mr. Geiger said he could figure out the request; however the stakes would have made it easier. Mr. Mills agreed and said if the applicant answers the Zoning Board member's questions this evening perhaps they could move forward. He asked the applicant if there is a time deadline. Ms. Wiczorek said they are looking at early spring; so if it is tabled for another month it is not an inconvenience to her.

Robert Geiger	Nay	David D'Amato	Aye
Ryan Mills	Aye	Daniel Michnik	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Appeal No. 2

Robert B. Sturm
Residential Single-Family

Requests the Board of Appeals approve and grant a 22' variance to allow a 46' front yard setback for the construction of an addition to the existing residence at 9025 Clarence Center Road.

Appeal No. 2 is in variance to Section 229-52 (A) (1).

DISCUSSION:

Mr. Sturm is the contractor for the project. He explains the addition fits better with the way the house lays. The only place they could build in the back is the location of the septic system; the property owners do not want to disturb the septic system.

Mr. Geiger notes that the average setback line, even with the addition on it, shows some of the houses further to the west are already set behind that line.

Mr. D'Amato asked if the property owner explored the option of building up. Mr. Sturm said they want to stay on one level. They need extra space for an additional bedroom and bathroom for their children. They have owned the property for approximately 18 years. The addition will be a trench floor and the vinyl siding will match the house. The front door will be used as the hallway for the addition, there is proper egress through the back of the house. There is also a side entrance to the house.

Two (2) neighbor notification forms are on file.

ACTION:

Motion by Ryan Mills, seconded by Robert Geiger, to **approve** Appeal No. 2 as written.

Robert Geiger	Aye	David D’Amato	Aye
Ryan Mills	Aye	Daniel Michnik	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Appeal No. 3

Noco Motor Fuels, Inc.
Traditional Neighborhood District

Requests the Board of Appeals approve and grant a variance to allow for an LED display board in the Traditional Neighborhood zoning district for the installation of an LED fuel price display board at an existing NOCO gas station located at 8925 Main Street.

Appeal No. 3 is in variance to Section 181-3 (D) (5).

DISCUSSION:

Paul Strada, from NAS Sign Company, is representing the applicant. He explains that Noco is doing some re-imaging. The canopy is going to be repainted, restriped and relettered. They would like to remove the box type sign and replace it with individual letters that illuminate. It is a standard channel letter type of product lit with LEDs. The face at the top of the pole sign will be replaced, there will be an LED type sign for the gas prices; it does not flash. The only time the sign will change is when the price of gas changes. The numbers will be green LEDs and are changed with a remote control. There are no flashing lights on the sign.

Mr. Mills asked Mr. Strada if it would be problematic if conditions were set on the approval stating the sign cannot flash and the only color used will be green. Mr. Strada said it would not be a problem.

ACTION:

Motion by Ryan Mills, seconded by Daniel Michnik, to **approve** Appeal No. 3 as written with the following conditions:

- The illumination color will only be green.
- The LED does not flash; the same image will not change more than once every five (5) minutes.

Robert Geiger	Aye	David D’Amato	Aye
Ryan Mills	Aye	Daniel Michnik	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Appeal No. 4

Robert Hohman
Residential Single-Family

Requests the Board of Appeals approve and grant:
1.) a 144 square foot variance to allow an 864 square foot detached garage.
2.) a variance to allow both an attached and detached garage on one principal lot.
Both variances apply to 4501 Shisler Road.

Appeal No. 4 is in variance to Section 229-55 (D) and (H).

DISCUSSION:

Robert and Laurie Hohman are present. Mr. Hohman's hobby is woodworking; he would like to have a place to do this and keep the dust out of the basement.

Two (2) neighbor notification forms are on file.

Mr. Michnik asked why the applicant needed such a large facility. Mr. Hohman said he will store some yard equipment in the garage as well as his woodworking tools.

It is clarified that the overlay showing the front of the proposed detached garage at the center point of the neighbor's house is a more accurate measurement than the other overlay in the file.

The anticipated square footage of the primary residence is 2000 square feet. The garage at the primary residence will be a three (3) car attached garage. There will be a small single overhead garage door on the detached garage. The primary purpose of the detached garage is a woodworking shop; there will not be a business run out of the garage. Mr. Mills asked if the applicant could design the woodworking shop into the house that will be built. Mr. Hohman said his shop is in the basement of their current home and they are trying to get away from the dust and the equipment being in the new house. They do not want to land lock their land; they plan to have a patio in the back and the septic system will need to go in the back yard as well. The proposed garage will be the same material as the residence. There will be a stone driveway running to the detached garage. Mr. Mills asked the applicant if he has a problem if a condition is set to allow the location of the detached garage to stay at the front of the neighbor's house or behind it and not go in front of the neighbors house at all. Mr. Hohman does not have a problem with that condition and said the garage will not be in front of the neighbor's house. Mr. Hohman said he would like to start construction in the Spring. They have owned the property for two (2) years.

Mr. D'Amato asked if the applicant could live with a smaller sized detached garage. Mr. Hohman has explored the thought of a smaller garage but he needs the room to use his woodworking equipment. The upstairs of the garage will have a floor and will be used for lumber storage. Mr. Hohman makes small pieces of furniture; it is just a hobby not a business. He will do most of the construction on the proposed garage.

Mr. Michnik asked what the height of the proposed detached garage is. He advised if the height is more than 16' the applicant would need another variance. Mr. Callahan said the Building Department is aware of the 16' height requirement and will handle it appropriately.

ACTION:

Motion by Robert Geiger, seconded by David D'Amato, to **approve** Appeal No. 4 as written.

Robert Geiger	Aye	David D'Amato	Aye
Ryan Mills	Aye	Daniel Michnik	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Appeal No. 5

Lonnie Hines
Residential Single-Family

Requests the Board of Appeals approve and grant a 112 square foot variance to allow an 832 square foot detached garage at 6045 Long Street.

Appeal No. 5 is in variance to Section 229-55 (D).

DISCUSSION:

Lonnie Hines is present and explains his current garage is too small. He would like to store his wife's large truck, their boat, snowmobiles and other recreational toys in the garage as opposed to paying for their off-site storage. This will make them easily accessible as well.

Two (2) neighbor notification forms are on file.

The materials of the garage will match the house. There will be two (2) overhead 10' single doors on the garage. He would like to start construction within the next couple weeks.

Mr. Mills asked if the applicant could meet his needs with less square footage. Mr. Hines said no. The existing garage will be torn down; however he does not know who will do this work.

The peak of the garage will be 18'. Mr. Michnik said that is not part of the request. Mr. Callahan said this would be acceptable in the Traditional Neighborhood District (TND).

Mr. Hines would like to pour a new driveway at the same time the garage is constructed. He has lived in the home for nine (9) years.

ACTION:

Motion by David D'Amato, seconded by Robert Geiger, to **approve** Appeal No. 5 as written.

Robert Geiger	Aye	David D'Amato	Aye
Ryan Mills	Aye	Daniel Michnik	Nay
Arthur Henning	Aye		

MOTION CARRIED.

Motion by Robert Geiger, seconded by Arthur Henning, to **approve** the minutes of the meeting held on Tuesday September 8, 2009, as written.

Robert Geiger	Aye	David D'Amato	Aye
Ryan Mills	Aye	Daniel Michnik	Aye
Arthur Henning	Aye		

MOTION CARRIED.

Meeting adjourned at 7:50 p.m.

Carolyn Delgato
Senior Clerk Typist