

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
March 25, 2019**

Present: J. Wright, K. Kucinski, L. Natoli, C. Burch

Alternates:

Absent: B. Natoli, R. Genung

Staff: Amy Donnison

I. Call to Order

Chairperson J. Wright called the meeting to order at 7:12 PM. Chairperson J. Wright stated that the Zoning Board of Appeals is made up of volunteer members. In order to approve a request, 4 yes votes are required. The ZBA has up to 62 days to make a decision. All evidence must be presented during the hearing, don't assume the board knows anything. The ZBA does not write nor can it change the Zoning or Sign Ordinance requirements. The Common Council has the authority to change the Zoning and Sign Ordinance requirements. In the granting or denying of variances and special permits, the ZBA must substantiate the reasons for such granting or denial. A decision by the ZBA may be appealed to the court by filing an Article 78 appeal. There are 2 cases before the Zoning Board this evening: a area variance and a sign variance request.

II. Public Hearing: Jennifer & Ewen Kelly – 14 Beebe Avenue.

The public hearing was opened at 7:14 PM. The following exhibits were entered into evidence:

1. Application from Jennifer Kelly dated 2/10/2019
2. Community Development report dated 3/19/2019
3. Photographs of property
4. Photographs of proposed signage
5. Copy of tax map of property - current
6. No phone calls received in opposition or support
7. No letters received in opposition or support
8. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls, emails or letters received in opposition nor in support to the proposal.

J. Kelly stated that on their existing front landing snow and ice accumulates and then gets tracked into the house. It needs to be replaced and would like to construct a mudroom on the footprint of the existing landing to be used shoes etc. A new landing would be constructed at the entry of the mudroom with steps off from the landing. If possible they would also move the front entry door to the right to accommodate a small bathroom.

L. Natoli asked if the addition would be sided to match the house. J. Kelly stated yes. C. Burch asked about the pitch of the roof on the new construction. J. Kelly stated that it would tie into the existing garage overhang roof and pitched the same.

K. Kucinski had no questions. C. Burch stated that a 3 foot change doesn't seem like a lot. K. Kucinski agreed and said it also would not appreciatively change the neighborhood.

No additional comments or questions.

**Findings & Determinations for
Jennifer & Ewen Kelly re: 14 Beebe Avenue**

- The proposed mudroom will be 6' x 8' – the same size as the existing landing that needs to be replaced.
- The new landing would be 3' x 3' and be 23 feet from the curb.
- The surrounding neighborhood is primarily residential.
- There has been no opposition to the proposal.
- There has been support of the proposal.
- The parcel is located in a R-1 zone
- The proposal does not appear that it will change the character of the neighborhood.
- There does not appear to be any other feasible way to accomplish the goals of a mudroom.
- The requested variance is not substantial.
- The proposed variance will not have an adverse impact on physical or environmental conditions in the neighborhood.
- Alleged difficulty is self created.

Motion made by C. Burch, to approve the request for the Area Variance as proposed. Seconded by K. Kucinski.

Motion Approved: 4 ayes; 0 nay.
Ayes – J. Wright, K. Kucinski, L. Natoli, C. Burch

Public hearing closed at 7:18 pm.

III. Public Hearing: Gates Cole Insurance – 55 East Main Street

The public hearing was opened at 7:20 PM. The following exhibits were entered into evidence:

1. Application from Gates Cole dated 1/25/2019
2. Community Development report dated 3/19/2019
3. Photographs of property
4. Copy of tax map of property - current
5. No phone calls received in opposition or support
6. No letters received in opposition or support
7. Public Hearing Notice

A. Donnison read the Community Development report and noted that there had been no phone calls or letters received in opposition nor in support to the proposal

L. Natoli inquired why there was no base to the proposed new signage. T. Cole stated that if digging in that area there is a at area there is a high risk of hitting utilities T. Cole stated that when people are driving east or west they have a difficult time finding their location because they sit so far back from the street and often people miss seeing the signage on the front of the building. If the free standing sign was placed 20 feet from the curb it would be blocked by the diners free standing sign.

C. Burch stated that he didn't feel that a 4 to 5 foot max variance was substantial in this case. J. Wright asked if coming from the west would the proposed sign be missed because of the cars parked at the diner next door? T. Cole did not believe so.

K. Kucinski asked if there was any portion of the sidewalk that would be imposed upon. T. Cole stated no.

Findings & Determinations for Gates Cole Insurance re: 55 East Main Street

- Side walk will not be imposed upon.
- There is currently a building sign that is 21 square feet.
- Proposed free standing sign would be 36 square feet total – 2 sided @ 18 square feet per side.
- Total allowed signage is 72 square feet.
- Total combined signage if proposed is approved will be 57 square feet.
- Sign will not be illuminated between 11pm and 7am.
- Free standing sign would be 14 feet from the curb.

- Surrounding neighborhood is primarily commercial.
- Property is located in a B-1 zone
- There has been no opposition to the proposal.
- There has been support of the proposal.
- The proposal does not appear that it will change the character of the neighborhood.
- The requested variance is not substantial.

There being no further questions or comments the public hearing was closed at 7:35pm.

Motion made by L. Natoli to approve the Sign variance request. Seconded y J. Wright.

Motion Approved: 4 ayes; 0 nay.
Ayes – J. Wright, K. Kucinski. L.Natoli, C. Burch

IV Adjournment:

There being no further business, the meeting was adjourned at 7:40 pm on a motion made by K. Kucinski. Seconded by J. Wright. Ayes All. Carried.