

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
April 25, 2022**

Present: A. Coates, K. Kucinski, B. Natoli, M. Hepfer, J. Wright

Absent: C. Birch, Jr.

Staff: Amy Donnison

I. Call to Order

K. Kucinski called the meeting to order at 7:00 PM. K. Kucinski stated that the Zoning Board of Appeals is made up of volunteer members. In order to approve a request, 4 yes votes are required. (If the County 239 committee denies the request, the ZBA must have a majority plus 1, or 5 votes in order to approve.) 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. The Common Council has the authority to change the Zoning and Sign Ordinance. 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 is 1 case before the Zoning Board this evening: an Area Variance request.

II. Public Hearing: Mark Fazio, 53 Canasawacta Street:

The public hearing was opened at 7:04 PM. The following exhibits were entered into evidence:

1. Application from Mark Fazio dated 3/23/2022
2. Community Development report dated 4/18/2022
3. Photographs of property
4. Copy of tax map of property
5. No correspondence or phone calls received in opposition.
6. 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 or correspondence received in opposition to the proposal. Mayor B. Doliver is in support of the proposal and a phone call received from

Lynn Drake, 52 Cortland Street stated she had no concerns about the proposal.

M. Fazio stated he has dogs and even though they do not leave his yard where he has tall hedges on his corner lot – they can see the people and other dogs and then start barking a lot which then may disturb others in the neighborhood. If he installed the shorter fence which is allowed by right, then his dogs would be able to see over it making it not serve the need he has.

M. Hepfer asked if he had any plans to cut down the hedges. M. Fazio stated no and would like to place the new higher fence on the house side of these hedges and then you would barely notice it was there when passing by. A. Coates agreed that the hedges would hide much of the fencing and would likely be losing yard space by placing the fence inside of the existing hedges. K. Kucinski asked if he planned to continue to maintain the hedges?

J. Wright asked if he had received complaints about his dogs barking. M. Fazio said not really but wants to prevent it from happening. M. Hepfer asked if he planned to paint the fence. M. Fazio stated no he was going to leave it the natural color.

Public hearing was closed at 7:26pm.

III. Findings & Determinations for Mark Fazio – 53 Canasawacta Street

- Proposed fencing would mostly be covered by existing hedges that are 6 feet in height
- Property is a corner lot
- Fence is to keep his dogs from barking at every person and dog that walks down the street
- No calls or letters of opposition were received.
- A statement of support was received
- The proposal would not create an undesirable change in the neighborhood
- There is no other way to keep his dogs from seeing and barking at passersby with a shorter fence
- Requested variance is not substantial
- The requested proposal for a taller fence will not have an adverse effect on the conditions in the neighborhood
- The hardship was created by the fact the owner of the property has tall dogs that like to bark at passersby.

K. Kucinski made a motion to approve the proposal as submitted. Seconded by J. Wright.

Motion Denied: 0 ayes; 5 nays. Naves All.

Nays – A. Coates, J. Wright, K. Kucinski, M. Hepfer, R. Genung

Motion made by K. Kucinski to approve the request for 6 foot stockade style fence inside of existing hedges on the corner lot with the condition that existing hedges be maintained. If hedge replacement is required it is to be replaced with in-kind variety that starts at a minimum of 3 feet and will grow to 6 feet in height as long as the 6 foot stockade style fence is in place. Seconded by R. Genung.

Motion Approved: 5 ayes; 0 nays. Ayes All.

Nays – A. Coates, J. Wright, K. Kucinski, M. Hepfer, R. Genung

IV. Adjournment:

There being no further discussion, the meeting was adjourned at 7:55 pm on a motion made by J. wright. Seconded by A. Coates. Ayes All. Carried.