

MINUTES OF THE BOARD OF ADJUSTMENT
November 14, 2007

PRESENT: Chair Harrison, Ms. English, Mr. Haizel, Mr. Susswein, and Mr. Whipple;
also, Mr. Sullivan, Esq., and Mr. Charreun, Assistant Secretary

ABSENT: Ms. Cockey, Vice Chair Fleischer, Ms. Holloway, Mr. Rubenstein, and Mr.
Franco, Secretary

Assistant Secretary Charreun called the roll and announced the regular meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meetings Act.

On motion by Mr. Whipple, seconded by Mr. Susswein the **Minutes of the March 28, 2007** special meeting were adopted as modified, Ms. English and Mr., Haizel abstaining. On motion by Mr. Whipple, seconded by Mr. Susswein the **Minutes of the April 11, 2007** special meeting were adopted as modified, Mr., Haizel abstaining.

On motion by Mr. Whipple, seconded by Mr. Susswein, the following Resolution memorializing the decision for the application of **Ken Abrams, 17 Wayside Place** was adopted, Mr. Haizel abstaining:

WHEREAS, Ken Abrams, owner of property at 17 Wayside Place, did make application to the Board of Adjustment of the Township of Montclair to construct an addition onto his single-family dwelling on property designated as Lot 49 in Block 1102 on the Township Tax Map and located in the R-0 Mountainside Zone; and

WHEREAS, the applicant sought variances pursuant to N.J.S.A. 40:55D-70c as follows:

1. A variance from Montclair Code Section 347-45A(2) to allow more than 2½ stories; and
2. A variance from Montclair Code Section 347-33C(1) to allow a southerly side yard setback less than the minimum of 12 feet; and
3. A variance from Montclair Code Section 347-33C(4) to allow a greater principal structure width than permitted; and

WHEREAS, the applicant submitted a plot plan, floor plan, and elevations, prepared by Smith Maran Architects., dated July 30, 2007; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on October 17, 2007 at which time it was established that notice was properly published and that property owners within 200 feet of the subject property had been properly served; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The subject property is an interior lot located in the R-0 Mountainside Zone and contains a single-family dwelling with an attached garage at ground level on the rear elevation. The subject property measures 65.74 feet in frontage width and contains 21,487 square feet in lot area.

2. An addition is proposed at the southerly rear side of the dwelling at the second floor level for a master bathroom. The proposed addition would be directly above an existing section of the dwelling and no increase is proposed to the dwelling footprint.

3. The grade level of the subject property is lower on the southerly side and rear of the dwelling, which causes the dwelling to have 3 stories along these areas of the dwelling. The proposed addition at the southerly rear side of the dwelling is at the third story of the dwelling and a variance is requested.

4. The existing dwelling has a nonconforming southerly side yard setback of 9.91 feet, as measured to the rear corner at the southerly side of the dwelling. The proposed addition is aligned with the existing section of the dwelling below it and a variance is requested.

5. The maximum permitted width of the principal structure on the property is 42.7 feet. The existing dwelling has a nonconforming width of approximately 43.25 feet. The proposed addition adds massing to the nonconforming width of the dwelling, and a variance is requested.

6. The Board determined that the variances requested can be approved. The proposed addition is aligned with the existing southerly side and rear walls of the dwelling and does not increase the height of the dwelling. The number of stories is a function of the existing topography and large mature evergreens on the southerly adjoining property effectively screen the applicant's dwelling from view.

WHEREAS, the Board, based on the foregoing findings concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and that the variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings concluded that the applicant proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment and would not cause substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of N.J.S.A. 40:55D-70c(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the within application of Ken Abrams is hereby approved; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council and Township Clerk.

On motion by Mr. Whipple, seconded by Mr. Susswein, the following Resolution memorializing the approval of the application of **Valley 29 Associates, LLC, 29 Valley Road** was adopted, Ms. English, and Mr. Haizel, abstaining:

WHEREAS, Valley 29 Associates, LLC, owner of property at 29 Valley Road, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to N.J.S.A. 40:55D-70c to permit a freestanding sign in the front yard of the property, which is not a permitted type of sign pursuant to Montclair Code Section 347-109 on property designated as Lot 24 in Block 2208 on the Tax Map of the Township of Montclair and located in the C-1 Central Business Zone; and

WHEREAS, the applicant submitted a property survey dated July 15, 2007 with the sign location noted, and drawings and photo-illustrations of the proposed sign; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on October 17, 2007, at which time it was established that notice was properly published and that property owners within 200 feet of the subject property had been properly served with notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The subject property is an interior lot located in the "center area" of the C-1 Central Business Zone and contains a 2½ story building. The subject property measures 30.85 feet in width along its frontage and contains 2,470 square feet in lot area.

2. The subject property is also located in the Town Center Historic Business District, and the applicant received approval for the proposed sign from the Montclair Historic Preservation Commission on September 20, 2007.

3. The applicant proposes to install a freestanding sign in the front yard of the property for the photography studio business that will be located on the first floor. No other signage is proposed. The sign panel measures 30" high by 30" wide and will be setback 20 inches from the front property line. The height of the freestanding sign would be 5 feet 11 inches from the ground.

4. The Board determined that the requested variance for the proposed freestanding sign is acceptable. The building on the subject property is set back

approximately 9 feet from the front property line, while the adjoining buildings are at the front property line, which makes the proposed freestanding sign the best option for signage on the property. The size of the proposed freestanding sign is also consistent with what is otherwise permitted in other commercial zones in the Township.

WHEREAS, the Board, based on the foregoing findings concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings concluded that the applicant proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment and would not cause substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of N.J.S.A. 40:55D-70c(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the within application of Valley 29 Associates, LLC is approved; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council and Township Clerk.

On motion by Mr. Whipple, seconded by Mr. Susswein, the following Resolution memorializing the approval of the application of **Mary and Matt Kunka, 393 Highland Avenue** was adopted, Mr. Haizel abstaining:

WHEREAS, Mary and Matt Kunka, owners of property at 393 Highland Avenue, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to N.J.S.A. 40:55D-70c to permit more than 2½ stories pursuant to Montclair Code Section 347-45A(2), in connection with a proposed addition to their dwelling on property designated as Lot 15 in Block 707 on the Tax Map of the Township of Montclair and located in the R-1 One-Family Zone; and

WHEREAS, the applicants submitted a property survey dated October 22, 1992 and drawings and photographs, prepared by the owners and their builder, Joseph Turano; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on October 17, 2007, at which time it was established that notice was properly published and that property owners within 200 feet of the subject property had been properly served with notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The subject property is an interior lot located in the R-1 One-Family Zone and contains a single-family dwelling with a detached garage located at the rear of the lot. The subject property measures 65 feet in frontage width along and contains 8,307 square feet in lot area.

2. The applicants propose to construct an addition at the rear of the dwelling that would have a basement, a first floor, a second floor, and an attic. The addition measures 16 feet 9 inches wide by 10 feet long and aligns with the northerly side wall of the existing dwelling. The existing deck stairs at the rear of the dwelling would be relocated to accommodate the addition.

3. The topography of the property slopes downward away from the Highland Avenue, and as a result, the first floor level is more than 6 feet above the adjoining grade level along the rear wall and sections of the side walls of the existing dwelling and the proposed addition, thereby making the basement level at these areas of the dwelling a story above grade, and producing a total of 3½ stories, whereas 2½ stories is the maximum permitted.

4. The height of the dwelling would remain below the 35 foot maximum height requirement and the dwelling would continue to comply with all other zoning requirements. The property is in the Steep Slope area, however, the proposal results in a net increase in impervious coverage of less than 200 square feet, thereby not requiring review for grading and drainage.

5. The Board determined that the variance requested for exceeding 2½ stories is acceptable since the topography of the lot causes the rear of the first floor of the dwelling to be more than 6 feet above grade where the grade level is naturally lower, which is a typical condition for properties in the neighborhood, and the addition otherwise conforms to all other zoning requirements.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicants proved peculiar and exceptional practical difficulties and exceptional and undue hardship and that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment and would not cause substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of N.J.S.A. 40:55D-70c(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the within application of Mary and Matt Kunka is approved; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council and Township Clerk.

On motion by Chair Harrison, seconded by Mr. Susswein, the following Resolution memorializing the approval of the application of **Georgette & Paul Gitter, 18 523 Highland Avenue** was adopted, as modified, Ms. English, Mr. Haizel, and Mr. Whipple, abstaining:

WHEREAS, Georgette and Paul Gitter, owners of property at 523 Highland Avenue, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to N.J.S.A. 40:55D-70c to permit more than 2½ stories pursuant to Montclair Code Section 347-45A(2), in connection with a proposed addition to their dwelling on property designated as Lot 35 in Block 904 on the Tax Map of the Township of Montclair and located in the R-1 One-Family Zone; and

WHEREAS, the applicants submitted a property survey dated September 25, 2006 and a plot plan, floor plan, and elevations, prepared by Passacantando Architects, dated August 30, 2007; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on October 17, 2007, at which time it was established that notice was properly published and that property owners within 200 feet of the subject property had been properly served with notice; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The subject property is an interior lot located in the R-1 One-Family Zone and contains a single-family dwelling with a detached garage located at the rear of the lot. The subject property measures 60 feet in frontage width and contains 9,771 square feet in lot area.

2. The applicants propose to construct an addition at the rear of the dwelling that would have a basement with a 1-car garage, a first floor with a deck on columns, a second floor, and an attic. The existing dwelling contains 2,429 square feet of floor area and the proposed addition would add 1,699 square feet of floor area to the dwelling. The existing detached garage would be removed.

3. The topography of the property slopes downward away from the Highland Avenue, and as a result, the first floor level is more than 6 feet above the adjoining grade level along the rear wall and sections of the side walls of the existing dwelling and the proposed addition, thereby making the basement level at these areas of the dwelling

a story above grade, and producing a total of 3½ stories, whereas 2½ stories is the maximum permitted.

4. The height of the dwelling would remain below the 35 foot maximum height requirement and the dwelling would also continue to comply with all other zoning requirements. The design of the existing dwelling, which consists of steep roof gables, was incorporated into the design of the addition, and modifying the roof design in order to reduce the height of the addition would have a negative effect on the overall design of the dwelling.

5. The Board determined that the variance requested for exceeding 2½ stories is acceptable since the topography of the lot causes the rear of the first floor of the dwelling to be more than 6 feet above grade where the grade level is naturally lower, which is a typical condition for properties in the neighborhood, and the addition otherwise conforms to all other zoning requirements.

6. The Board also determined that, although the property is not in the Steep Slope area, the size of the proposed addition would impact the stormwater drainage on the property, and that drywells should be constructed to manage the stormwater runoff produced as a result of the additional impervious coverage.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicants proved peculiar and exceptional practical difficulties and exceptional and undue hardship and that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment and would not cause substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of N.J.S.A. 40:55D-70c(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the within application of Georgette and Paul Gitter is approved, subject to the following condition:

1. The area of the existing detached garage shall be landscaped following its removal.

2. Roof leaders from the rear of the dwelling shall be connected to drywells on the property.

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council and Township Clerk.

The Board discussed the extension of time requested for the application of **The Michael Malinowski Family Trust, 192-194 Bloomfield Avenue**, which is due to expire on October 26, 2007. After a brief discussion, a motion by Mr. Whipple, seconded by Mr. Susswein, was approved to grant an extension of time through April 30, 2008.

Chair Harrison was recused and Vice Chair Fleischer was not present. Mr. Sullivan called the application of **Omnipoint Communications, Inc., 153 Park Street** for the purpose of scheduling special meeting dates. James Pryor, Esq. appeared as attorney for the applicant and Matthew Garrison, resident of 149 Park Street, and objector to the application were present. After some discussion, a motion was made by Ms. English, seconded by Mr. Haizel, to select January 23, 2008 and February 27, 2008 as special meeting dates for the application. No further notice would be given. The Board was granted an extension of time on the application.

The application of **Bellcaire II, LLC, 18 Bell Street** was adjourned to the December 12, 2007 regular meeting of the Board, at the applicant's request. No further notice would be given. The Board was granted an extension of time on the application.

Chair Harrison called the continuation of the variance application of **Daniel & Yvonne Sargeant, Daniel & Yvonne Sargeant**. Mr. Sargeant was still under oath and described the application. The property is an interior lot located in the R-1 One Family Zone and contains a 2-story single-family dwelling with an attached garage on the right-hand side of the dwelling. The property measures 58.50 feet in width along its frontage and contains 8,482 square feet in lot area. An existing uncovered front entry stoop and steps would be demolished and a roofed front porch measuring 30 feet wide by 8 feet deep is proposed. The steps for the proposed porch are incorporated into the footprint of the porch and do not project forward from the porch footprint. The required front yard setback for the subject property is required to be no less than the average of the 3 nearest dwellings on the same side of the street, which includes 2 dwellings to the south and 1 dwelling to the north, which is the corner of Alexander Avenue and Squire Hill Road. Mr. Sargeant indicated that he could not obtain property surveys for these properties, so field measurements of the front yard setbacks to the easterly edge of the sidewalk on Squire Hill Road were submitted. The measurements indicate that the average front setback of these 3 properties measures approximately 38.6 feet to the sidewalk, and that the proposed porch would have a front setback of approximately 27.5 feet. Based on this information, the proposed porch extends beyond the average front setback by approximately 11.1 feet and a variance is required. Mr. Sargeant stated that that by excluding the Squire Hill Road front yard setback of the corner property to the north, which has little relation to the Squire Hill Road streetscape, the proposed encroachment into the front yard setback is reduced to approximately 8.25 feet.

The Board questioned the applicant. Chair Harrison called for questions and comments from the public. None were offered. The Board discussed the application. The Board determined that the requested variance could not be approved and concluded that the proposed encroachment into the front yard setback is significant since the existing dwellings on the east side of Squire Hill Road near the subject property presently have comparable front yard setbacks and that these dwellings, as well as many other dwellings on the street, do not have large roofed porches. On motion by Mr. Susswein, seconded by Ms. English, the application was denied, Mr. Whipple voting against the motion.

Chair Harrison called the variance application of **Naomi and Bruce Serlen, 28 Carolin Road**. The owners and Mark Bess, Architect, were sworn and described the application. The property is an interior lot and contains a single-family dwelling with a detached one-car garage. The property measures 60 feet in lot frontage width and 8,493 square feet in lot area. A one-story addition, with a footprint measuring 8 feet 2 inches wide by 5 feet 4 inches long, is proposed at the easterly rear corner of the dwelling, and would contain part of an expanded and remodeled kitchen. The existing dwelling has a nonconforming easterly side yard setback of 3.26 feet, whereas a minimum side yard setback of 6 feet is required. The proposed addition would align with the easterly side wall and rear wall of the dwelling and would also be set back approximately 3.26 feet from the easterly side property line. The existing dwelling is also nonconforming in terms of width measuring approximately 47 feet in width, whereas the maximum width permitted is 39 feet, which is equal to 65 percent of the lot frontage width. The proposed addition will not increase the nonconforming building width.

The Board questioned the applicants. Chair Harrison called for questions and comments from the public. None were offered. The Board discussed the application. The Board determined that the requested variances are acceptable given the fact that the proposed addition is one-story in height, aligns with the existing easterly side and rear walls of the dwelling, and is not visible from the street. On motion by Mr. Whipple, seconded by Mr. Haizel, the application was approved.

Chair Harrison called the variance application of **Fenwick & Evelyn Davis-Grant, 227 Orange Road**. The applicants and Chris Davis, builder, were sworn and described the application. The property is an irregularly shaped interior lot, measuring 66 feet in width and 7,000 square feet in area and contains a 2-story single-family dwelling with a detached 1-car garage in the southeasterly rear corner of the lot. The existing detached 1-car garage would be demolished and a new detached 1-car garage would be constructed in its place. The existing garage footprint measures approximately 11 feet 9½ inches in width by 19 feet 8 inches in length and the proposed garage would have the same dimensions. The applicants amended their plan by indicating that a new foundation would be required. The existing setbacks depicted on the property survey are proposed. Variances are requested in that side and rear setbacks of 6 feet are required, and a side yard setback of 2 feet is proposed from the southerly side property line, and a rear yard setback of 2.1 feet and 5.2 feet as measured from the rear corners of the garage, is proposed. A conforming height of 12.5 feet is proposed and all other zoning requirements are met for the new garage.

The Board questioned the applicant. Chair Harrison called for questions and comments from the public. None were offered. The Board discussed the application. The Board determined that requested variances could be granted since the location and size of the proposed garage matches that of the garage that exists on the property. Additionally, due to the location of the existing dwelling on the property, the configuration of the existing driveway, and the shape and size of the property, there is no opportunity to conform or to provide larger setbacks without significantly impacting the usability of the garage and the rear yard. On motion by Mr. Whipple, seconded by Mr. Haizel, the application was approved.

Chair Harrison called the variance application of **Asha Guglani, 18 Mission Street**. The applicant and Luis Garcia, Architect, were sworn and described the application. The property is an interior lot and measures 25 feet in lot frontage width and 2,500 square feet in lot area. The property contains a 2½ story two-family dwelling. On June 28, 2007, a Stop Work Order was issued by the Construction Official regarding a one-story addition at the rear of the dwelling that was being constructed without a building permit. Upon filing the building permit, the applicant was informed that variances are required. Variances are sought to allow side yard setbacks less than required, a greater principal structure width than permitted, and a principal structure coverage greater than permitted in connection with the one-story addition at the rear of the dwelling. A two-story roofed porch existed at the rear of the dwelling as well as a steel bilco-type basement door, which were both removed to accommodate the one-story addition. The addition contains an enclosed rear entrance porch for the first floor only, and a covered basement entrance that replaces the bilco-type basement door.

The minimum side yard setbacks are required to be 6 feet and 10 feet. The existing dwelling has nonconforming side yard setbacks of 2.1 feet and 2.2 feet at its rear corners. The proposed addition aligns with the southerly side wall of the existing dwelling and also has a side yard setback of approximately 2.1 feet. The northerly wall of the addition is positioned at an angle, so that it connects to the rear corner of the dwelling, which is set back 2.2 feet from the northerly side line and the setback increase to 4.5 feet. The maximum permitted principal structure width for the subject property is 16.25 feet. The existing dwelling is nonconforming in this regard having a width measuring approximately 21 feet. At its widest point, the proposed addition is as wide as the dwelling and a variance is requested. The addition will not increase the building width. The principal building coverage prior to the construction was nonconforming at approximately 47.7 percent. The proposed addition increases the coverage by approximately 38 square feet, which increase the coverage by 1.52 percent to a total of 49.2 percent.

The Board questioned the applicant. Chair Harrison called for questions and comments from the public. Philip Perry, 36 Mission Street, asked for a general explanation of the application and to see the plan. The Board discussed the application. The Board determined that the increase in coverage is nominal and that the side setbacks and building width are in keeping with what exists on the property presently. The Board also found that the proposal would enhance the property by eliminating an

overall bulkier two-story porch at the rear of the dwelling and replacing the bilco-type basement door with an improved basement doorway. On motion by Mr. Whipple, seconded by Ms. English, the application was approved.

Chair Harrison called the variance application of **Chris & Ruth Davis, 229 Orange Road**. Chris Davis was sworn and described the application. The property is a through lot with frontages of 69 feet along Orange Road and 55 feet along Elm Street. The subject property measures 12,847 square feet in area and contains a single-family dwelling and a one-car detached garage accessed by a driveway from Elm Street. As a through lot, the subject property has 2 front yards, one of which is located between the dwelling and Elm Street. An existing detached garage located between the dwelling and Elm Street is to be demolished, and a new detached 2-car garage is proposed to be located in the easterly front yard between the dwelling and Elm Street, which requires a variance. Two garage design alternatives are proposed for the Board to consider. Design 1 has a footprint of 28.5 feet wide by 24 feet long and a height of 20 feet 10 inches to the ridge of the roof to accommodate second floor storage. The proposed height in design 1 requires a variance. Design 2 conforms to the 15-foot height limit, has the storage space on the side of the garage, and has a footprint measuring 35 feet wide by 22 feet long.

Marked into evidence were:

- A-1 Photograph of the subject property and properties in the neighborhood
- A-2 Photograph of the subject property and properties in the neighborhood
- A-3 Photograph of the subject property and properties in the neighborhood
- A-4 Photograph of the subject property and properties in the neighborhood
- A-5 Photograph of the subject property and properties in the neighborhood

The Board questioned the applicant. Chair Harrison called for questions and comments from the public. None were offered. The Board discussed the application. The Board determined that variance requested to locate an accessory structure between the dwelling and Elm Street could be granted since the property is a through lot, a detached garage presently exists between the dwelling and Elm Street, and there is no other location on the property for the garage. The Board also determined that the variance requested to exceed the accessory structure height limit of 15 feet could not be approved. The Board found that the proposed height of the garage would negatively impact the adjoining property to the south, which is also a through lot and contains a detached garage that conforms to the height limit, and that the proposed height of the garage is not in keeping with intent of the purpose of the zoning ordinance limiting the height of accessory structures. On motion by Mr. Susswein, seconded by Mr. Haizel, the variance requested for accessory structure height was denied, and the variance requested to locate an accessory structure between the dwelling and Elm Street was approved.

On motion by Ms. English, seconded by Mr. Whipple the meeting was adjourned.