

**TOWN OF ULYSSES
BOARD OF ZONING APPEALS
MINUTES
Wednesday, 10/21/2015
7:00 p.m.**

Approved: December 16, 2015

Present: Chairperson George Tseleki; BZA Members Bob Howarth, Steve Morreale, and Cheryl Thompson; **Town Environmental Planner** Darby Kiley.

Excused: David Means, Andy Hillman

Public Present: Al Peckenpaugh, Daniel R. Hirtler, Michael and Lisa Schott, John Wertis, Anne Schneiderman, Steven E. Valloney, Marc Gittelsohn, Keith Liblick of Renovus Energy, Jon and Linda Liddle, Katherine R. Miller, Michael Kaproth, Donna Adams, Jonathan Morse, and Kim Gray.

Call to Order: 6:58 p.m.

Public Hearing: Appeal by Lisa Schott for area variances under Article VII Section 7.6 Lot Area and Yard Requirements of the Town of Ulysses Zoning Law. This is for the purpose of a two-lot subdivision of an existing lot, where neither lot would meet the 250 foot lot width requirement, and Parcel B would not meet the 2 acre lot area requirement of the R1-Rural Residence District. Parcel A would have a minimum lot width of approximately 195.28 feet, and Parcel B would have a minimum lot width of approximately 181.62 feet and lot area of 1.83 +/- acres. The property is located at 8139 Searsburg Rd, Town of Ulysses, Tax Parcel Number is 11.-1-6.11.

Mr. Schott told the Board of Zoning Appeals of his intentions for his Searsburg Road property, saying that a lot subdivision would benefit both him and the community. He has worked in the community for 34 years, with Cornell Laundry, and said it is very beneficial for him and his wife to downsize from their current residence on Route 96. Mr. Schott owns the property at 8139 Searsburg Road and intends to build on the divided parcel, referred to as Parcel B.

Ms. Kiley reported receiving no written correspondences in regard to the variance requests.

Mr. Wertis of Searsburg Road read a statement:

As a neighbor to 8139 Searsburg Road, I have been informed of an application for subdivision submitted to the Town that will require "variances" if it is to be completed. Currently, to the best of my knowledge, 8139 is owned by Lisa Schott, an absentee landlord who is renting out two apartments in what had been constructed as a single family residence.

The Town's Zoning Law states that the purpose of the R-1 Rural Residence District (where the property is located) is "to provide for opportunities for low density residential

development...while preserving important open space resources consistent with the Ulysses Comprehensive Plan.”

It is my understanding that the BZA will be applying five (5) “test questions” to Ms Schott's application for multiple variances:

(1) “Will an undesirable change in the character of the neighborhood result?” Yes. If the variance for subdivision is granted, a substandard but buildable lot will be created between 8139 and the Gray's residence to the east. Directly to the west of 8139 is the Skinner property with an agricultural easement on the roadside five acres that preserves that field for agricultural purposes in perpetuity. Allowing for the possibility of another house will tend to move the District away from agriculture and in the direction of suburbanization.

(2) “Could the benefit be achieved by some other method?” Yes, but we should clarify what the “benefit” is. If the “benefit” is to turn one lot into two, then they could subdivide with the creation of a flag lot to meet the road frontage requirements, but would most likely still need an area variance. If the “benefit” is to make money the sale of the lot, they could explore the sale of some strip of land to the neighbors to the east.

(3) “Is the area variance substantial?” Yes. By my arithmetic the road frontages would only achieve 73% and 78% of what is required. The undersized new lot would achieve 91% of the expected.

(4) “Will there be an adverse affect on the physical or environmental conditions?” Yes, “density” of human habitation and activity will increase...more people in the same space...particularly as it appears the applicant wishes to maximize numbers on the property. More noise problems, more driving out onto a busy commuter road, more light pollution, more, more, more! More suburban resident to conflict with ag operations to the west.

(5) “Is the difficulty self imposed?” Yes. If the owner purchased the property to market rental units recently we would expect they knew the zoning restrictions that applied that time and have not changed. If they wanted two buildable, lots they chose the wrong property to buy. The applicant appears to be pursuing this subdivision not out of their own residential needs, but driven by a profit motive...be that the sale of land or the future erection of more rental space.

I ask you to turn down the variance requests for the reasons stated above:

John Wertis

Mr. Gray lives adjacent to the property under consideration. Many of his concerns were outlined in Mr. Wertis's statement, he said. When Mr. Gray purchased his current property from its previous owner – Margaret Bickal, who passed away in 2014 – the property had a number of restrictions on it. He moved out to Searsburg Road to enjoy the rural environment, but upon building his house, Mrs. Bickal had complaints about Mr. Gray's barking dogs. Already, there is potential of a noise problem, he said. Placing another home in such a small space does not seem reasonable. Parcel B is currently a wooded area, which serves as a kind of noise buffer between Mr. Gray's property and the Schott property, and there is no reasonable way to build a house on the subdivided parcel without cutting down trees. A review of Town Zoning would have showed the applicant that building a home on the subdivided parcel is not possible without variances.

Mr. Tselekis reported Searsburg resident Marian Pritchard submitted a written statement, signing on behalf of Carol Skinner who is out of the country, in support of Mr. Wertis's letter. The BZA also received a copy of Mr. Wertis's letter signed by Edith Jo Savage of 8138 Searsburg Road.

A brief conversation regarding the possibility of a flag lot ensued, though it was Mr. Wertis's thought that the area topography did not allow for a flag lot because there is not enough level land. Mr. Gray felt a flag lot would cause problems for the whole area, a point with which Mr. Tselekis disagreed.

Mr. Schott said he purchased the property around the time he lost his job. At 61, he said it is time to settle down. His proposal is not for his benefit. Rather, it is the wiser choice for his lifestyle. He said he would be happy to talk with Mr. Gray outside of the meeting. He told the Board he does not necessarily need the variance since he can build on the present lot. However, he said he would still like to work with neighbors to locate a home in a position that is helpful for everyone. He does not want to break up the wooded lot on Parcel B.

Mr. Gray said he is not against building; he has built additional structure on his own property. However, building a viable second residence is a whole other matter. Zoning exists to regulate density.

The Board discussed road frontages and lot sizes for existing homes along Searsburg. Mr. Tselekis pointed out that nearby homes have frontages of 214 feet and 100 feet and lot sizes of 1.83 acres and 1.88 acres, all short of the current Zoning requirements. Other lots are well short of the minimum lot size, he said. Mr. Gray said the purpose of Zoning is meaningless if the Board points to grandfathered properties as reasons for approving variance requests.

Mr. Wertis questioned whether Mr. Schott could have two houses on each lot, if the main parcel was divided into two lots. Mr. Tselekis said the Board could limit Mr. Schott to one residence on each lot and require a greater setback on Parcel B. Ms. Kiley said Town Zoning permits two principal dwellings on each lot within the R1 District, and the side setback is 15 feet. In response, Mr. Schott said he would limit the number of new buildings to one.

Mr. Gray then brought up concerns about the placement of the far northeastern pin, which he said has been an issue in the past.

Responding to Mr. Wertis's point that people are oftentimes bothered by noise from agricultural operations, Mr. Schott said ag land is located west of the property in question. Farming is not a problem, he said.

Mr. Morreale asked Mr. Schott about his claim that denying the variance request would create a hardship for Mr. Schott. In response, Mr. Schott said his income is substantially lower after losing his job, and the taxes on his Route 96 home are higher. The house is becoming harder to maintain, and it would be nice to have a 1,500 square foot dwelling on the Searsburg Road property. He said he is going to build, and while he understands the concerns from neighbors, the facts are that he owns the property and has the right to build on it. He can work with neighbors in

trying to keep the noise down and minimize the cutting down of trees. He said he is fine with the idea of including a clause that limits the number of dwellings on his Searsburg Road property.

Mr. Gray commented that Mr. Schott would be more invested as a community member if he builds a house with the intentions of residing there. However, he agrees with Mr. Wertis's claim of the Schotts being absentee landlords and would have a problem with subdividing the parcels if the intention is to eventually sell off the property.

Mr. Tselekis said he was dismayed with the neighbors who are against the proposal, since the variance requests are within reason: lot size for Parcel A is conforming while Parcel B is 92 percent; lot width for Parcel A and B is 78 percent and 73 percent, respectively. The Board could limit one house to each parcel and require greater setback with the Gray property. Without the variances, Mr. Schott is stuck with a large lot and could potentially build a dwelling as close as 15 feet to the Gray property.

Responding to a question from Mr. Morreale on whether or not it is in the Board's purview to make restrictions, Ms. Kiley said the Board could choose to pass a resolution stating building conditions and then follow-up with the legality of such an action. If the resolution is proved legally sound, the Board could essentially limit one house to each of Schott's lots.

Mr. Howarth said he agreed with Mr. Tselekis that the lot size variance for Parcel B is reasonably small, but he disagreed that lot widths are insignificant. He found the lot width variances to be significant, saying the requests would create too much density. He is uncomfortable with voting on a resolution outlining conditions without first seeking legal counsel. There is also the issue of what the constraints would be. If the parcel were subdivided, the applicant could sell the parcels. Though Mr. Schott assured the Board of his motivations and intentions, there is nothing binding him to retaining the properties. Mr. Howarth said he is inclined to vote against the variance requests. Mr. Morreale said he agreed, adding that he too was uncomfortable with approving a resolution that may or may not be within the Board's authority.

There was a further discussion between Mr. Tselekis, Mr. Morreale and Mr. Howarth on the extent of restrictions and whether or not the Board could place conditions on the property in the event Mr. Schott sold the parcels. Ms. Thompson said she leaned against granting the variances because of the lot-width issue.

Ms. Thompson MADE the MOTION to deny the variance requests, and Mr. Howarth SECONDED the MOTION as follows:

The BZA reviewed the record and weighed the benefits to the Applicant against the detriment to the health, safety and welfare of the neighborhood if the variances are granted by considering the following five statutory factors. Benefit sought by applicant is to subdivide the property where there is insufficient lot width for both lots and insufficient lot area for one lot:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

There is evidence that the subdivision will produce an undesirable change in the rural character of the neighborhood by increasing density. Proposed lot dimensions are out of character with the current zoning.

2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance.

The existing lot is 3.87 acres. The other methods are that a flag could be created or an additional residence could be built on the property under our current zoning.

3. Whether the requested area variance is substantial.

The variance for the lot width for both lots is substantial. The lot area variances are not.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

It is likely that the variances will have an adverse impact in that the houses will be close together, the lots narrower and there would be the effect of more families. It is not a huge impact adverse impact.

5. Whether the alleged difficulty was self-created.

The difficulty is self-created because the applicant is requesting a subdivision on a lot that cannot be subdivided and still meet the zoning requirements.

6. Considering all of the statutory factors set forth above, the Board of Zoning Appeals concludes as follows, **the difficulty is self-created, there are methods feasible that do not require area variances, the lot width variance is substantial and will create an undesirable change to the neighborhood; therefore the benefits to the applicant do not outweigh the detriment to the health, safety and welfare of the neighborhood.**

For the reasons set forth above, and upon the evidence, law and facts, it is the opinion of the BZA that the application for area variances not be granted.

Vote:

Mr. Howarth	AYE
Mr. Morreale	AYE
Ms. Thompson	AYE
Mr. Tselekis	NAY

Result: Motion passed. Variances denied.

Public Hearing: Appeal by Marc Gittelsohn for an area variance under Article XXIV Section

24.9 of the Town of Ulysses Zoning Law. This is for the purpose of constructing an accessory building with a maximum height of approximately twenty-eight (28) feet, where twenty (20) feet is the height limit for accessory buildings. The property is located in the R1-Rural Residence District at 3130 Albrechtsen Rd, Town of Ulysses, Tax Parcel Number is 27.-1-2.2.

Mr. Gittelson told the Board of his plans to construct a pole barn for the purposes of storing farming equipment and providing a platform for a roof-mounted solar array. The reasons for the height variance are two-fold: to obtain both a 10-foot clearance for farming equipment and an 8/12 pitch to maximum solar exposure. He estimates the maximum height of the building to be about 26 feet and reasoned that it was probably safer to request 28 feet and give himself some flexibility.

Mr. Liblick of Renovus Energy spoke in favor of the project. The building height is aesthetically good for the neighbors and is necessary for the roof-mounted array. If the requested height were not permitted, the pitch would not support a full 100-percent usage.

Mr. Gittelson said he is locating the barn on an area of his property that minimizes visual impact on surrounding environment. Its appearance will match the aesthetic of the surrounding neighborhood, and although it does exceed the 20-foot height maximum, the barn height is similar to the height of other surrounding buildings in the neighborhood. In terms of environmental impact, it is about as minimal as you can get, he said.

Mr. Morse, a neighbor on the west side of the Gittelson property, submitted a letter and picture to the Board. Because of the proposed barn's location, it would be in direct line of sight with the Morse's view, and for that reason, the Morses are not in favor of granting the variance.

Mr. Tseleki reported the Board received a letter of support from Leonard and Jane Weinstein of Dubois Road. The Weinstains live directly adjacent to the proposed structure. They stated no objection to the proposal.

In response to Mr. Morse's comment, Mr. Gittelson said the barn is located 700-800 feet away from the Morse home. The Gittelson property is also considerably lower in elevation than the Morse property. Asked by Ms. Thompson if the barn could be moved to another location, Mr. Gittelson said the only other reasonable place would be further west, closer to the Morse property and at a higher elevation. He had contacted Mr. Morse when first considering the new structure. The barn's proposed location is the most aesthetically pleasing. He was surprised when Mr. Morse called with concerns, though he respects those concerns.

Jon and Linda Liddle own 20 acres of property to the southwest of the Gittelson residence. They said they are against the variance because of the building's height and request that Gittelson look into other alternatives. There are many solar arrays in the area that are within the 20-foot limitation, they said. Precedence is important when considering such a variance request.

Mr. Gittelson hoped to avoid removing trees, thus the reasoning for placing the barn doors under the eaves and not the gables. Moving the doors to the gable ends would require clearing trees and a 4/12 pitch, which is not optimal for solar. He has thought of everything in attempts to get the

roof at or below the 20-foot maximum height. Further discussion of moving the doors beneath the gables ensued. Mr. Morse, a builder, submitted paperwork to the Board with building suggestions. Mr. Gittelsohn said relocating the doors to the north side, a suggestion made by Mrs. Liddle, would not work because there is not enough room. The pad for the barn is already in place, he said.

Mr. Howarth suggested a ground-mounted solar array, but Mr. Gittelsohn said it would be more expensive and ugly. Mr. Gittelsohn would prefer not to cut down two trees adjacent to the pad, and he is against moving the barn toward the center of his property. Mrs. Gittelsohn believes the Morses would not be able to see the proposed barn from their property. Mr. Liblick said a 6/12 pitch would be slightly lower and close to optimal for solar exposure. However, 4/12 is a significant change.

Mr. Tseleki thought the views would not be a major concern, considering the barn is located a great distance from neighbors. An additional 8 feet beyond the maximum height number does not seem like a big deal. He said 25 feet would ease his concerns.

Mr. Howarth requested better details and measurements of the proposed barn. Responding to a question from Mr. Morreale, Mr. Liblick said solar exposure drops off considerably the more flat a roof is. At 20 feet, the pitch would not allow for 100-percent exposure. Limiting the variance request to 25 feet instead of 28 feet was discussed. Mr. Tseleki asked Mr. Liblick if a 25-foot roof height would provide for an operable, efficient solar array, to which Mr. Liblick replied that it would. By his calculations, Mr. Liblick estimated a 10-percent loss in production for a solar array installed on a 20-foot roof. Further alternatives were discussed, like remaining under 20-feet in height but extending the building to accommodate more panels or supplementing roof-mounted panels with a ground-mounted system. Mr. Howarth said he believes there to be other viable options than what Mr. Gittelsohn has proposed, ground-mounted panels in particular. Mr. Morreale agreed that there appeared to be a substantial number of options. The orientation of the concrete pad is limiting, he said, and a 10-percent loss in the solar array does not seem substantial. Ms. Thompson said she supports maximizing solar panels, but placing them at 28 feet is not aesthetically pleasing. She would prefer to see a proposal with a shorter roof height, which she believes to be possible, as well as approved drawings.

Mr. Morreale MADE the MOTION to deny the variance request, and Mr. Howarth SECONDED the MOTION as follows:

The BZA reviewed the record and weighed the benefit to the Applicant against the detriment to the health, safety and welfare of the neighborhood if the height variance is granted by considering the following five statutory factors. Benefits sought by applicant are to **construct an accessory building 28 +/- feet tall to fit large vehicles and to maximize solar exposure:**

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

There is evidence that the building will produce an undesirable change in the neighborhood character or cause a detriment to nearby properties.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

Yes, there seem to be several other options for the applicant to pursue to avoid the substantial variance.

3. Whether the requested area variance is substantial.

An accessory building height of 28 +/- feet versus 20 feet is substantial.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

It is likely that the variance will have an adverse impact on the environmental conditions of the neighborhood.

5. Whether the alleged difficulty was self-created.

The difficulty is self-created because the applicant is choosing to build a new structure.

6. Considering all of the statutory factors set forth above, the Board of Zoning Appeals concludes as follows, **there are alternatives to the building, the variance is substantial, and the difficulty is self-created, therefore the benefits to the applicant do not outweigh the detriment to the health, safety and welfare of the neighborhood.**

For the reasons set forth above, and upon the evidence, law and facts, it is the opinion of the BZA that the application for area variance is not granted.

Vote:

Mr. Howarth	AYE
Mr. Morreale	AYE
Ms. Thompson	AYE
Mr. Tselekis	NAY

Result: Motion passed. Variances denied.

Public Hearing: Appeal by Anne Schneiderman for an area variance under Article VIII Section 8.6 and Article XXIV Section 24.9 of the Town of Ulysses Zoning Law. This is for the purpose of constructing an accessory building where the resulting lot coverage would be 10.1%, and the maximum lot coverage is 7.5% in the R2-Moderate Density Residence District. In addition the building height would be approximately 23 feet and 20 feet is the maximum height for an accessory building. The property is located at 1165 Hinging Post Rd, Town of Ulysses, Tax Parcel Number is 33.-3-8.721.

Ms. Schneiderman outlined plans to construct an accessory structure to be used to store vintage cars. Mr. Hirtler, the project architect, has designed a building to match the existing garage and house and will be visually screened by the existing garage. Ms. Schneiderman and Mr. Valloney's collection of vehicles is currently stored in unheated locations in Tompkins County and Corning. They would like to avoid the many hours spent driving to storage sites and avoid a move altogether. Having searched Ulysses for years to find a property with a similar accessory structure, they have discovered that such properties are highly coveted.

Mr. Kaproth of 1160 Hinging Post Road said he attended the hearing to get information on the proposal and to ensure residential views are being preserved.

Mr. Hirtler provided a general project overview. The new building is designed to be 35 feet directly behind the existing garage and should not be visible at all from the street. The driveway will flare out around the existing garage and continue beyond the proposed storage building, creating turnaround points on both ends. Vehicles will be stacked within the building, thus requiring a height variance for sufficient headroom.

Mr. Tselekis reported the board received correspondences from Robert Oswald and Michael Bamberger, who expressed no complaint with the proposal.

The following correspondence was received by Ms. Kiley from Julie Waters:

We love the quiet, wooded and serene nature of our neighborhood and trust the Schneiderman construction plan will accommodate their space needs while also preserving the residential feel of the neighborhood. We're all interested in protecting our property values while enjoying day-to-day living conditions. As good and supportive neighbors, we want to support the plan, and hope that the New Garage will allow Anne and Steve to reduce the number of vehicles currently parked in their driveway – and also perhaps the large industrial-looking storage container? - while keeping the aesthetic nature of the neighborhood as a priority.

Thanks again for the opportunity to weigh in and share these thoughts.

Julie Waters
Marrie Neumer
1180 Hinging Post Road
Ithaca, NY

Mr. Tselekis asked if there will be fewer cars in the driveway and if the container would be removed. Ms. Schneiderman said major flooding last year required renovations to the home's basement, thus the reason for the container, which will be moved.

Ms. Adams of 1200 Hinging Post Road said the neighborhood is quiet and is residential in nature. She said she is not so much concerned about the garage but more about the precedence. She suggested a large garage and the potential for a subsequent business would transform the cul-de-sac and increase traffic.

Ms. Schneiderman said there exists a covenant among Hinging Post neighbors that prohibits operating a business on the street. Also, the car collection is not used commercially. Responding to speculations about the building's future use if Ms. Schneiderman and Mr. Valloney moved, Mr. Hirtler added that the building is to be heated and air-conditioned and is far too expensive to become a storehouse for a home business.

Mr. Valloney said there would not be added traffic on the street. The vehicles are simply taken to car shows.

Mr. Hirtler outlined the three priority proposals. The applicant's first choice is for a building 84-foot long; the other two options are 64 feet long with 8.7 percent lot coverage and 44 feet long at 7.4 percent lot coverage.

Asked by Ms. Thompson about why the garage needed to be 42 feet wide, Mr. Hirtler explained that garage has a two-car width as well as an additional workspace area. The larger option – the applicant's preferred choice – could store 18 cars. Ms. Thompson said she was concerned about the amount of paving proposed in a neighborhood with many trees. Mr. Valloney said trees will be removed but they are mostly diseased ash trees. Ms. Schneiderman also expressed intentions to replant trees in the back of the property. Another building option, she continued, would be to remove the existing garage and replace it with the accessory car-storage building. However, the applicants thought such an alternative would be more visually drastic.

The conversation turned to paving. Mr. Hirtler said the applicants had discussed permeable paving, with perforated pipe located under the pavement to disperse runoff.

A Hinging Post Road neighbor, Mr. Kaproth, said he appreciated efforts to screen the accessory building from the roadway. He asked about the possibility of retaining two large Norway Spruce trees immediately to the left of the driveway. He also said it would be important to not have cars and trailers be left out and visible. Lastly, he expressed concerns about future use in the event the applicants were to move away.

Ms. Thompson asked about the likelihood of the 64 foot-long structure. Mr. Valloney said it would require additional off-property storage space, which means more trips to retrieve vehicles. The more cars we can store on-site, Ms. Schneiderman added, the less driving for the two of them and less expenses for storing vehicles off-site.

Asked by Ms. Thompson if they had considered building the storage structure in a non-residential area, Ms. Schneiderman said they had looked for property, but given what was available and considering allowable uses under zoning regulations, they could not find anything within close proximity to their home.

Returning to paving, Mr. Hirtler said a hard surface is important to prevent dirt and other debris from being kicked up onto the cars. The proposed drainage system would incorporate a catch basin for water runoff. Since the cars are well-maintained, they will not be leaking oil, grease or gasoline. The sink in the workspace area would be outfitted with a grease trap, similar to those found in restaurants, that diverts greases out of the system before the water is pumped into the

home system, he said. The 88-foot long structure would allow for the storage of 18 cars; 64-foot, 13 cars; and 44-foot, 8 cars, he said.

Conversation then turned to potential commercial use. Referencing parameters of the R2 properties, Ms. Kiley said the property owner could have a home occupation, and there could be something like a community center or a fire station with Site Plan Review.

Mr. Tselekis steered Board deliberations to a 64-foot building, at a height of 23 feet, which would give the applicants what they desire and address some of the expressed concerns from the Board. Ms. Thompson said she would be okay with a 64-foot building and documented permeable surface. Mr. Howarth said he was probably okay with a 64-foot structure, though runoff, future use and the building's size are still concerns. To him, the 23-foot height versus the 20-foot maximum is not a concern. Mr. Morreale said he is always concerned about impermeable surfaces on the landscape, however, the proposed drainage system intended to disburse water beneath the pavement is fine, so long as the water does not discharge on someone else's property. As for water from the building's roof, Mr. Hirtler said it would be channeled possibly beneath the pavement or, if that is not possible, into the yard. He suggested a stipulation in the variance requiring design of the pavement and stormwater piping on the roof as conditions of the building permit, though Ms. Kiley questioned whether or not that would be under the Board's purview. The Zoning Officer could review permeable paving before issuing a building permit, she said.

Ms. Thompson MADE the MOTION to approve the variance requests, and Mr. Morreale SECONDED the MOTION as follows:

The BZA reviewed the record and weighed the benefit to the Applicant against the detriment to the health, safety and welfare of the neighborhood if the height variance and area variance are granted by considering the following five statutory factors. Benefits sought by applicant are to construct an accessory building to store vintage cars. The building being not as shaded on the plans but as marked on the architect's notes priority 1 where the building is 42 feet by 64 feet and covers 8.7% of the lot and is 23 feet high, which is 3 feet over the zoning maximum. Also we require that a plan be submitted to the zoning officer before a building permit can be issued that shows the run-off from paving around this new building to be absorbed within the footprint of that pavement and the water from the roof of the new building being managed on site:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

There is some evidence that the character will be changed by this building and may cause some detriment to nearby properties.

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

If the accessory building met the lot coverage limits and the height met the 20 foot limit, it would not be able to meet the vehicle storage needs.

3. Whether the requested area variance is substantial.

An accessory building height of 23 +/- feet versus 20 feet is not very substantial. The lot coverage of 8.7% is not that substantial over the 7.5% maximum. It is less substantial than the originally proposed building size, which is a compromise we are making with the applicant.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

It is likely that this structure will have some adverse effect on the physical and environmental conditions of this neighborhood and ecosystem. The use of it will be similar to current residential character of the neighborhood.

5. Whether the alleged difficulty was self-created.

The difficulty is self-created because the applicant is choosing to build a new structure.

6. Considering all of the statutory factors set forth above, the Board of Zoning Appeals concludes as follows, **there are alternatives to the building height and size, the lot coverage variance is less substantial than the original proposal, and the difficulty is self-created, the variance does have some adverse impact but the benefits to the applicant outweigh the detriment to the health, safety and welfare of the neighborhood. One reason is that it is important to keep it well screened from the road to preserve the residential character of the neighborhood.**

For the reasons set forth above, and upon the evidence, law and facts, it is the opinion of the BZA that the application for area variances are granted as stated.

Vote:

Mr. Howarth	AYE
Mr. Morreale	AYE
Ms. Thompson	AYE
Mr. Tselekis	AYE

Result: Motion passed. Variances granted.

Mr. Howarth MADE the MOTION to approve the August 19, 2015 meeting minutes, and Mr. Morreale SECONDED the MOTION. The motion was unanimously approved.

Mr. Morreale MADE the MOTION to adjourn the meeting, and Mr. Howarth SECONDED the MOTION. The motion was unanimously approved.

Meeting adjourned at 9:53 p.m.

Respectfully submitted by Louis A. DiPietro on November 1, 2015.