

**ZONING BOARD OF APPEALS
MONDAY, MAY 22, 2017**

Members Present: Ed Darrow, Susan Marteney, Scott Kilmer, Rick Tamburrino, Stephanie DeVito, Laurie Walter

Absent: Mario Campanello

Staff Present: Brian Hicks, Code Enforcement; Stacy DeForrest, Corporation Counsel

APPLICATIONS APPROVED: 3 Harnden St., 17 Clymer St., 128 Perrine St., 28-30 Garrow St.

APPLICATIONS TABLED: 58 LaFayette Pl

APPLICATIONS DENIED: 92 Mary St.

Ed Darrow: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm board chairman, Edward Darrow. Tonight we will be hearing 3 Harnden St., 17 Clymer St., 58 LaFayette Pl, 128 Perrine St., 92 Mary St., 28-30 Garrow St. I ask you at this time to please silence all phones or put them in manner mode.

3 Harnden St. R1 zoning district. Area variance for 8' foot fence where only 6' is allowed. Applicants: Vince and Martha Shaw.

Chair invites applicant to approach, give name and address and explain what they would like to do.

Martha Shaw: Requests and eight foot fence on the west side abutting the north side fence which is eight feet also. The remaining two sides will remain at six feet. Due to the topography the fence alone the west side is at a higher elevation and two feet of their fence shows at the top of a six foot fence on our side. We would like to make it even and more visually appealing.

Chair opens the public hearing.

James Cotter, Peacock St.: Lives behind Shaws' property. Wants to know materials being used, color, etc.

Ed Darrow: At this time it's only on the west side.

James Cotter: Why do they want an eight foot fence?

Ed Darrow: Their property lies so much lower that the extra two feet would make it even with the fence on the neighbor's property.

James Cotter: If the variance is granted doesn't it go with any new owner also?

Ed Darrow: Yes, it goes with the property but only for those sides approved by this board.

James Cotter: Concerned that their fence will be taller than the fence he plans to install.

Ed Darrow: Asks what type of fence the Shaws will have.

Martha Shaw: Brown vinyl.

Jeff Berry, Peacock St.: Has put up a six foot vinyl fence. Concerned if theirs will butt up against his own.

Ed Darrow: Their fence will be on their property as yours is on yours.

Jeff Berry: Will the top of their fence be even with mine or be higher?

Rick Tamburrino: With the dip in their yard the fence will be significantly lower.

Jeff Berry: With an eight foot fence are gated required?

Ed Darrow: No.

Chair closes the public hearing and asks the board for comments.

Rick Tamburrino: Sounds like an aesthetic issue with white vinyl vs. brown.

Ed Darrow: Color is color, it's not a mitigating factor.

Laurie Walter: One picture shows the white vinyl quite higher than theirs.

Ed Darrow: Not a big fan of eight foot fences in residential areas with few exceptions. Although the foliage makes the fence difficult to see. But there is quite a drop in the elevation of their yard.

Chair asks for a motion.

Motion to approve as submitted made by Rick Tamburrino, seconded by Scott Kilmer. Susan Marteney recuses herself as she was late.

All other members vote approval. Motion carried.

Ed Darrow: See Code Enforcement Office for necessary permits before beginning work.

17 Clymer St. R1 zoning district. Area variances for free standing sign in excess of allowed size. Applicants: Lisa Blackman for Tyburn Academy.

Chair invites applicant to approach, give name and address and explain what they would like to do.

Moira DeFavero and Lisa Blackman representing Tyburn Academy.

Moira DeFavero: Would like to place a Tyburn Academy sign at the front loop of the property with external lighting. There is signage on the building but with the trees it is hidden from view.

Ed Darrow: Asks if they understand the variance?

Moira DeFavero: Yes.

Scott Kilmer: Asks if the sign will be back lit.

Moira DeFavero: Two lights will be installed to shine on the sign.

Rick Tamburrino: Will the sign be changeable.

Moira DeFavero: No. No internal lighting and no movement.

Rick Tamburrino: Any signs in the back?

Moira DeFavero: There is a small sign stating Tyburn Academy. The first sign placed there when the building first opened. We can remove it if necessary.

Susan Marteney: Is the total square footage of existing signs included for consideration

Brian Hicks: No.

Laurie Walter: Will there be a time for the lights or are they on all night?

Moira DeFavero: Doesn't make sense to be on all night. There is a timer to turn them off around 9 or 10.

Chair opens the public hearing. None to be heard. Chair closes the public hearing and asks the board for comments.

Rick Tamburrino: It's a nice looking sign. It isn't like they will be removing the trees just to see the building sign. Very similar to Seward Elementary sign.

Chair asks for a motion.

Motion for approval made by Susan Marteney, seconded by Stephanie DeVito.

All members vote approval. Motion carried.

Ed Darrow: See Code Enforcement Office for necessary permits before beginning work.

58 LaFayette Pl. R2 zoning district. Area variances for garage in excess of size and height allowed. Applicant: Tammy Tortorello

Chair opens the public hearing.

Doug Orser: would like to build a garage larger and higher than allowed.

Stacy DeForrest: The applicant purchased 54 LaFayette last month were the garage will be located.

Until a lot line adjustment is submitted and granted the board cannot hear the case until you wish to apply for a use variance.

Ed Darrow: We are more likely to grant an area variance than a use variance. We will table this item until it has gone through the necessary process so you don't have to resubmit.

128 Perrine St. R1 zoning district. Area variances for shed in excess of size allowed for shed and total square footage allowed for accessory structures. Applicant: Tracey Baldwin

Chair invites applicant to approach, give name and address and explain what they would like to do.

Tracy Baldwin: Applying to put up a larger shed on the property. Parents have recently moved in and are bringing their belongings with them.

Ed Darrow: Asks if they understand the variance.

Tracy Baldwin: Yes.

Susan Marteney: The drawing indicates it cannot be seen from the road.

Tracy Baldwin: It will be behind an existing garage. The previous shed has been removed.

Chair opens the public hearing. None to be heard. Asks the board for comments.

Scott Kilmer: It's not a big variance. Life's plans change. It's a decent looking building.

Ed Darrow: It's a large piece of property. It won't be detrimental to the area.

Chair asks for a motion.

Motion for approval by Scott Kilmer, seconded by Rick Tamburrino.

All members vote approval. Motion carried.

Ed Darrow: See Code Enforcement Office for necessary permits before beginning work.

92 Mary St. R1A zoning district. Area variances to add a second driveway with combined sizes in excess of total width allowed. Applicant: James Nemo

Chair invites applicant to approach, give name and address and explain what they would like to do.

James Nemo, 92 Mary St.: Would like to install a second driveway and fix damage to existing driveway to help tenants be able to park off the street. We have three vehicles ourselves and park behind the building.

Ed Darrow: Questions how much of the additional driveway will be in front of the house.

James Nemo: About 7 ½ feet from the corner over.

Scott Kilmer: The front of the house and the proposed drive would overlap the house 7 ½ feet.

James Nemo: Only about two feet.

Ed Darrow: So parking will be eight feet in the front yard.

James Nemo: From the corner of the building to the edge is nine feet.

Ed Darrow: So it will extend two feet in the front? How much of the drive in the front depends on how I feel about this. The less in the front the better.

Reads letter from neighbor in opposition of the proposal.

James Nemo: Supplied plans of neighbors and how they park.

Ed Darrow: What they do has no bearing. If you feel there's a problem with them, contact Codes.

Scott Kilmer: Questions the nine feet. If the drive stops at the corner will that be in the front yard?

Ed Darrow: Consideration is for seven feet over the allowed width.

Stephanie DeVito: Need to consider if the benefit sought can be achieved another way. Is there sufficient off and on street parking there now?

Susan Marteney: Questions if parking available in back with the garage.

James Nemo: Person vehicles take up all the room. When events at the ball park happen there is no on street parking spaces available.

Susan Marteney: All front yard parking.

Stephanie DeVito: Two variances are being sought: one for front yard parking and one for width.

Ed Darrow: His testimony is that only two feet of parking will be in the front yard.

Laurie Walter: No other parking in the front yard.

Susan Marteney: There is availability for driveway to extend into the back.

Stephanie DeVito: There are several options for parking.

Rick Tamburrino: Front yard parking is not in character for the neighborhood.

Chair asks for a motion.

Motion for approval made by Susan Marteney, seconded by Rick Tamburrino.

Susan Marteney: Believes the second driveway would be detrimental to the neighborhood.

Laurie Walter: Agrees.

Stephanie DeVito: Also believes it would be detrimental.

Rick Tamburrino: Believes it to be an undesirable change and detrimental. Another way can be found to achieve the same result.

Scott Kilmer: Not in favor of front yard parking, this would not be in keeping with the character of the neighborhood.

Ed Darrow: Believes it would be a detriment.

Motion denied.

28-30 Garrow St. R1A zoning district. Area variance to add a second driveway. Applicant: Richard Liccion

Chair invites applicant to approach, give name and address and explain what they would like to do.

Rick Liccion: Would like to re-establish an overgrown driveway on the #28 side for the tenants there.

Susan Marteney: Asks when the property was purchased.

Rick Liccion: A couple months ago.

Susan Marteney: There are three houses in a row there that look very similar.

Stephanie DeVito: Noticed a boat in the driveway.

Rick Liccion: That is the existing drive. I would like one for the other side of the house.

Ed Darrow: Will the car extend beyond the front of the house?

Rick Liccion: Yes, the drive will go back as far as the porch.

Scott Kilmer: Do you know when the drive was last used?

Rick Liccion: No, the previous owners don't even know.

Ed Darrow: Questions the number of bedrooms.

Rick Liccion: Three on each side.

Stephanie DeVito: Asks Brian Hicks if there are any existing variances.

Brian Hicks: Not that we could find.

Chair opens the public hearing. None to be heard. Asks the board for comments.

Scott Kilmer: Feel is different than the last one. This is not uncommon for Garrow St. Across from Genesee St. Very busy. Getting cars off the road would be a big help.

Ed Darrow: Agreed. Also, the full car won't be in the front yard.

Susan Marteney: Three houses in a row all have the same permutation of drive so it won't be out of character. It's a solution for a neighborhood not built for cars.

Ed Darrow: Approach looks to be in decent condition. Recently repaired.

Chair asks for a motion.

Motion to approve by Rich Tamburrino. Seconded by Stephanie DeVito.

All members vote approval. Motion carried.

Ed Darrow: See Code Enforcement Office for necessary permits before beginning work.

Ed Darrow: Asks if there are any edits, additions or deletions for the March and April minutes. Hearing none, they stand as approved.

Housekeeping

Brian Hicks: Clarifies front yard parking. Porches do not constitute the front of the house. Only habitable space is counted. Draw a line past the front plane (foundation of the house) to either property line and anything in front of that is front yard parking. Driveways must extend 18 ½ feet past the front plane of the house toward the rear to be considered legal.

In this case the approach was maintained with no driveway when it should not have been.

Concerning places to park; there is a SNAFU in the Code that states front yard parking may be established in residential areas. This will be address in the new code.

Ed Darrow: Next meeting is 6/26/17 at 7:00 p.m. Meeting adjourned.

Recorded by Alicia McKeen