

**ZONING BOARD OF APPEALS
MONDAY, JUNE 25, 2018**

Members Present: Scott Kilmer, Rick Tamburrino, Stephanie DeVito, Robert Gagnier, Susan Marteney

Absent: Doug Parker, Ed Darrow

Staff Present: Brian Hicks, Code Enforcement; Nate Garland, Corporation Counsel

APPLICATIONS APPROVED: 83 Chapman Ave, 9 Cornwall Ave, 63 Genesee St.

APPLICATIONS DENIED: 1 Florence St.

Scott Kilmer: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm board vice-chairman, Scott Kilmer. Tonight we will be hearing 83 Chapman Ave., 1 Florence St., 9 Cornwall Ave., and 63 Genesee St. I ask you at this time to please silence all phones or put them in manner mode.

83 Chapman Ave. R1A zoning district. Area variance for second shed. Applicant: Natale Gambuzza.

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

Natale Gambuzza: Asking to replace an existing second shed that was destroyed by weather this past April. It had been used for lawn and garden equipment and supplies. Was notified in May when requesting a building permit that two sheds were not allowed. The equipment, without the shed, is being left to the elements and possible theft. The new shed would be in the same place as the previous one had been. Hardship is that it takes me longer to do yard work due to age.

Chair opens the public hearing.

John Sweeney, 59 Garrow St.: Lives adjacent to the property. Tried to help fix the damage of the shed but was unable to. I do not have any problems with the shed being there. It is far enough back that it isn't even visible from the road.

Chair asks for board comments. No comments.

Chair asks for a motion.

Motion to approve as submitted made by Rick Tamburino, seconded by Stephanie DeVito.

All members vote approval. Motion carried.

Scott Kilmer: Your variance is approved. Please see Code Enforcement Office for any necessary permits before beginning work.

1 Florence St. R1A zoning district. Area variances for porch and fence. Applicants: Josephine and Lebertus Van der Werff.

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

Bert Van der Werff: Two parts to the request. One is to rebuild the front porch and extend it across the length of the front of the house. Second part is to build an eight foot fence to keep my son's dogs

in the yard until he can find a place and take them with him. Once that happens we will reduce the fence back to four feet. I had added four feet onto the top of my neighbor's fence.

Scott Kilmer: You put the fence on your neighbor's fence? Whose property is the fence on?

Bert Van der Werff: My property. I replaced the bottom section that the neighbor had removed.

Robert Gagnier: Concerning the front porch; you want part porch and part deck?

Bert Van der Werff: Yes, with railing around the deck portion.

Susan Marteney: Questions distances from the front sidewalk.

Bert Van der Werff: It is a very small front yard.

Rick Tamburino: Questions variance.

Brian Hicks: To increase the porch to the full width of the house the variance required is five feet since they only have five feet existing. This application does not address his desire for a deck but decks are not allowed in the front yard.

Bert Van der Werff: I thought that was an option to coming here to ask for that. Either way the front porch needs to be fixed due to weather damage and I would like the extension so we can sit out there.

Stephanie DeVito: Concern is also the removal of the available green space from an already small front yard and it looks cluttered there as it is. Questions if the bushes can be removed.

Bert Van der Werff: They will be cut back. We are also planning to replace the side porch.

Scott Kilmer: I understand the porch addition would need a roof.

Bert Van der Werff: We would withdraw the deck addition and maintain the request to replace the existing porch with composite. Adding a roof across the front of the house would cover the windows and make the interior too dark.

Stephanie DeVito: Concerning the fence, is it your intent to replace the entire fence with eight foot?

Bert Van der Werff: Just one section would be eight feet at the rear of the yard.

Chair opens the public hearing.

Judy Wright, 26 Mary St.: Owns part of the north boundary line of 1 Florence St. This would be the only eight foot fence in the neighborhood and I object to it as it does not conform to the neighborhood. I had notified them that I would be removing my own fence. The previous fence was never six feet at stated.

Scott Kilmer: Asks if the dog had jumped over the fence.

Judy Wright: I am not aware of it. At the time they had attached their fence (illegally) to my fence which is not to Code.

Susan Marteney: Is there any other place the fence is not eight feet that the dog could jump over?

Judy Wright: The rest of the fence is six feet.

Bert Van der Werff: The reason for not having eight foot fence on that the rest of the property is that the dogs chase the wildlife at the back of the property and go over the fence there.

Scott Kilmer: would you be amenable to a fence that leans in?

Bert Van der Werff: That would impede on an already small back yard also.

Rick Tamburino: What about tying the dogs out?

Bert Van der Werff: The way the property is set up with a pool and other obstacles it is not feasible.

Larry Jones, 26 Mary St.: I put the original fence in over 20 years ago. Most concerned that they did not get a permit for the fence and that they said it was ok to go eight feet.

Bert Van der Werff: I suggested to Judy that she speak with Brian Hicks as it is possible to get eight feet with a variance.

Lisa Geisinger, 22 Mary St.: I think they are flaunting the rules. Their shed should not be allowed. They need to go through proper channels.

Rick Tamburino: The root cause seems to be the dogs and there should be other ways. We don't want to set a precedence for eight foot fences in neighborhoods.

Chair asks for a motion.

Motion to approve as submitted made by Rick Tamburino, seconded by Susan Marteney.

All members vote against approval except Scott Kilmer who thinks it's a time bomb waiting to happen if the dogs can't be confined. Motion denied.

9 Cornwall Ave. R1 zoning district. Area variance for parking area/driveway. Applicant: Joseph Nolan.

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

Joseph Nolan: Bought the house knowing work needed to be done. Have steadily made improvement. The driveway has been there since about 1993. Would like to widen to at least 20 feet for room for everyone to park.

Scott Kilmer: Questions the area for trash.

Brian Hicks: That does not create front yard parking. Four feet would be in front of the house which would create the front yard parking.

Scott Kilmer: Questions the distance between the tree and the driveway edge.

Joseph Nolan: Eighteen feet.

Kathleen Nolan: There is no gate at the front to allow access inside for the trash cans.
Chair asks for a motion.

Motion to approve as submitted made by Rick Tamburino, seconded by Susan Marteney.

All members vote approval. Motion carried.

Scott Kilmer: Your variance is approved. Please see Code Enforcement Office for any necessary permits before beginning work.

63 Genesee St. D zoning district. Area variances for signs. Applicant: Grant Kyle, 63 Genesee St. LLC

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

Grant Kyle, owner: This property is widely publicized as the ugliest building and we would like to beautify it as much as possible. This is the first step, next will be landscaping.

Rick Tamburino: Questions the reasoning for the signs.

Grant Kyle: Directional signage for businesses and identification of the building.

Scott Kilmer: Questions the variance for Playspace that was recently granted.

Brian Hicks: Will refer to Corporation Counsel to answer this.

Nate Garland: I recommend tabling until verification is received by Playspace that the last approved signage would be removed if this variance is granted.

Scott Kilmer: We will put this out until next month for written verification from Nancy Tehan that she will not pursue the previously approved signage in favor of this application.

Motion to table made by Susan Marteney, seconded by Robert Gagnier. All members vote approval.
Motion carried.

HOUSEKEEPING

Stephanie DeVito: Questions banners being put up by businesses in the downtown district.

Brian Hicks: As far as I know they are not allowed and a variance for their use would be required.

Next meeting is July 23, 2018 at 7:00 p.m. Meeting adjourned.