

**ZONING BOARD OF APPEALS
MONDAY, SEPTEMBER 24, 2018**

Members Present: Scott Kilmer, Rick Tamburrino, Stephanie DeVito, Doug Parker, Robert Gagnier, Susan Marteney, Ed Darrow

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

APPLICATIONS APPROVED: 4 Sumner St., 4 Meadowbrook Dr.

APPLICATIONS DENIED: 11 Delevan St.

Ed Darrow: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm board chairman, Ed Darrow. Tonight we will be hearing 4 Sumner St., 4 Meadowbrook Dr., and 11 Delevan St. I ask you at this time to please silence all phones or put them in manner mode.

Chair asks the board if everyone has had a chance to review the minutes of August 27, 2018. There being no edits the minutes stand as approved.

**4 Sumner St. R-1 zoning district. Area variance for enclosed rear porch/3-season room.
Applicant: Majdi Hasan**

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

Majdi Hasan: *distributes additional material*

David localano: Helped Mr. Hasan with the application. Understands that Mr. Hasan purchased the property earlier this year. There was a pre-existing deck on the rear of the house and we wish to build an enclosed porch over this deck.

Edward Darrow: Is Mr. Hasan aware of why he is here? Was a permit issued prior to work being done?

Majdi Hasan: I just started working and did not consider getting a permit. I had a whole house remodel permit. (Note: whole house remodel permits do not cover additions.)

Edward Darrow: How long had you worked before being told a permit was needed?

Majdi Hasan: We had just put up some plywood.

Scott Kilmer: So it's on 4x4s with a crawl space underneath?

Majdi Hasan: Yes. The deck is on a concrete slab.

Doug Parker: Asks if there will be windows installed.

Majdi Hasan: Yes, at the rear with a door on the side.

Chair opens the public hearing. None to be heard, Chair closes the public hearing.

Chair asks for board comments.

Edward Darrow: Asks Brian Hicks if what has been erected is in compliance.

Brian Hicks: No inspections have been performed at this time.

Rick Tamburino: Concerning the square footage the house size is large compared to the lot size.

Brian Hicks: It does not exceed the allowable amount of coverage for the lot although it will reduce some of the green space. I can look further into it if desired.

Rick Tamburino: There is very little room there. It will take up a large portion of the back yard.

Edward Darrow: The lot size does seem to small although it appears the surrounding neighbors do not take issue with it.

Bob Gagnier: It's stated as a 3-season room but seems more of an enclosed room. If they get the variance and permit and it's out of compliance what then?

Edward Darrow: It will have to be brought into compliance.

Brian Hicks: Coverage was looked at and calculated so he falls within the required parameters.

Edward Darrow: Is the peak the same as the house? (Yes) Is it your intention to insulate and heat? (Yes) Then it's a 3-season room.

Scott Kilmer: And a 3-season room is an addition.

Edward Darrow: There is not heat in a 3-season room. Heat ducts make it year round.

Scott Kilmer: It isn't a huge variance considering the lot size. There is not a big yard anyway.

Doug Parker: The existing deck is in that space anyway and is just as imposing.

Chair asks for a motion.

Motion to approve as submitted made by Scott Kilmer, seconded by Stephanie DeVito. Susan Marteney abstains due to tardiness.

All other members vote approval. Motion carried.

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

4 Meadowbrook Dr. R-1 zoning district. Area variance for deck in front yard. Applicants: Brian and Heather Tomasso

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

Brian Tomasso: Has hired a contractor to replace the front porch. The contractor never pulled the permit and the porch is wider than it's supposed to be.

Edward Darrow: The variance is for a deck, not a porch.

Brian Hicks: That is correct. Decks are not allowed in the front yard.

Edward Darrow: What is the two feet about?

Brian Hicks: Not sure what he is speaking of but the variance is for a front yard deck.

Edward Darrow: So if a roof is added it becomes a porch and the variance is not needed?

Brian Hicks: Yes, as long as the setbacks are met.

Edward Darrow: Who was supposed to get the permit, the owner or the contractor?

Brian Tomasso: I had a conversation with the contractor.

Heather Tomasso: We asked the contractor if a roof was needed and he said only if we wanted it.

Edward Darrow: And that's the purpose of getting a permit, to make sure what you are doing is legal. Also, we are required to give the least amount of variance needed. This is a self-created hardship. By installing a roof you would be in compliance and the variance would not be needed. We also have to look at the neighborhood and any possible increase of deck installations.

Scott Kilmer: The area is six feet wide, is it pre-existing, non-conforming without the roof?

Brian Hicks: Yes. This may be the confusion. This would be considered a stoop which is allowed without a roof.

Chair opens the public hearing. None to be heard. Chair closes the public hearing.

Chair asks for board comments.

Edward Darrow: In the new code stoops can only be six feet wide. We understand what you are saying. Also, there are no neighbors here to oppose it. It does not change the character of the neighborhood.

Scott Kilmer: Another example of contractors not doing their due diligence.

Chair asks for a motion.

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

All members vote approval. Motion carried.

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

11 Delevan St. R-2 zoning district. Area variance for conversion to two units. Applicant: Michael Brown as Trustee.

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

Jill Fudo representing Michael Brown: The owner is looking to re-establish the building as a two-unit. It has historically been a two-unit. In the past the house had been used as a single although it was

still configured at two. The intention is to use it as a two-unit and the buyer was not notified by the seller that it had been reduced to a single. We wish to obtain the variances required to return the use to a two-unit. The owner also intends to remove the shed at the rear of the property. Front yard parking is needed to accommodate the parking requirements. Also plan to address open code violations.

Bob Gagnier: Clarifies the parking. The biggest concern is the small space in the front for two cars. 14 feet is very limiting.

Stephanie DeVito: Also, families may need more vehicles.

Jill Fudo: I am supplying the number of space required by code.

Bob Gagnier: Questions the number of entrances to the building. (Two.)

Edward Darrow: Questions the cost analysis numbers. Is one of these a return of investment if a single?

Jill Fudo: If it has to be converted, it is actually still configured as a two-unit.

Edward Darrow: So the cost analysis shows combining all services and removing a kitchen?

Jill Fudo: the financial analysis assumes reverting to a single unit, removing the kitchen, and renovating the living space. It is in an R2 zone, two-units are allowed.

Stephanie DeVito: Utilities could stay separate.

Jill Fudo: Not if they use the entire building as one.

Chair opens the public hearing.

Paul Lynch, 13 Delevan St: Does not think the density of the neighborhood will support two more units. The driveway is four inches from my property line. If I put a fence there they won't be able to open their car doors. In the three months since it's been purchased no improvements have been made.

Edward Darrow: If this is approved it will have to be maintained.

Scott Kilmer: Do you remember the last time it was a two unit?

Paul Lynch: No, I've only been there five years.

Chair asks for board comments.

Edward Darrow: Biggest concern is the 3,000 square feet needed, that's 40% of the requirement.

Brian Hicks: This is a conversion to two units. The Code requires a minimum lot size of 7,500 square feet for a conversion.

Edward Darrow: Also concerned with the front yard parking. Certainly cannot afford more parking on the street.

Rick Tamburino: The area is already congested.

Edward Darrow: Also, asking 100% of the required setback for parking.

Bob Gagnier: The parking in that area is a real problem. I do not think the area on this property is large enough for parking.

Edward Darrow: The other troubling aspect is putting two vehicles in front of the house causing a loss of green space.

Chair asks for an individual motion for each variance requested.

Motion to approve an area variance of 3,042 SF of the required 7,500 SF lot size made by Scott Kilmer, seconded by Rick Tamburino. Susan Marteney votes yes, all other members vote no due to excessiveness of the request. Motion denied.

Motion to approve an area variance to install front yard parking made by Rick Tamburino, seconded by Scott Kilmer. All members vote no due to insufficient size, elimination of green space, not fitting within the character of the neighborhood. Motion denied.

Motion to approve an area variance of ten feet of the required ten feet from the side property line to establish a parking area made by Scott Kilmer, seconded by Doug Parker. All members vote no due to excessiveness of the request. Motion denied.

Motion to approve an area variance of four feet of the required 18 feet of width for a two car parking area made by Rick Tamburino, seconded by Bob Ganier. All members vote no due to unsuitability of the request. Motion denied.

Next meeting is October 22, 2018 at 7:00 p.m. Meeting adjourned.