

MINUTES BZA 3/14/2022

MINUTES FOR THE REGULAR MEETING OF THE CHESTER TOWNSHIP BOARD OF ZONING APPEALS HELD MONDAY MARCH 14, 2022, IN THE TOWN HALL MEETING ROOM

Mr. Barton Ziganti called the March 14, 2022, Chester Township Board of Zoning Appeals meeting to order at 7:07 pm.

Mr. Ziganti asked all adults present to sign in at the lectern with their name and address.

Roll Call

Present: Ms. Fadorsen, Ms. Klemm, Mr. Pona, Mr. Wittine*, Mr. Ziganti

Absent: Ms. Sritalapat

*Mr. Wittine (alternate) served in place of Ms. Sritalapat

Zoning Inspector: Ms. Berglund

Admin Assistant: Ms. McCarthy

Mr. Ziganti led Board members and audience in the Pledge of Allegiance.

Mr. Ziganti welcomed everyone to the regular meeting of the Chester Township Board of Zoning Appeals, explained the public hearing process and stated that anyone who wishes to testify will be sworn in.

Application 2022-02
Douglas Bletcher/Owner
Ivy Garth Seeds
8422 Mayfield Road

Applicant is requesting an area variance for an addition to the existing building and is seeking a 22% area variance from Section 5.02.03 A3. The property is located in a General Commercial (C) district.

Mr. Pona swore in Mr. Doug Bletcher, Ms. Rachel Lemmings and Ms. Margaret Muehling.

Mr. Bletcher declined reading the application into the record.

Ms. Berglund read the BZA Addendum into the record.

5.02.03 AREA, YARD, AND HEIGHT REGULATIONS.

A. REGULATIONS FOR LOTS ON U.S. 322, S.R. 306 AND MULBERRY RD.

3. SIDE YARDS WITHIN DISTRICT. Each lot or separate development shall have a side yard of not less than twenty (20) feet on each side unless a property has a lot width of less than one hundred (100) feet in which case the on-site circulation parking and

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loading may be coordinated with adjoining developments and set forth in a joint agreement.

The northeast corner of the existing building is 17.9 feet from the eastern property line. The northeast corner of the proposed addition (extension of the building in the rear) would be 14.3 feet from the eastern property line.

The applicant, Douglas Bletcher, is seeking a 28.5% area variance from **Section 5.02.03 A3** and 20.1% area variance from existing building layout.

Mr. Doug Bletcher introduced himself as the President of Ivy Garth Seeds and his Operations Manager, Ms. Rachel Lemmings. The building is located at 8422 Mayfield Road. The building was purchased in 2010. Recently discovered building is not parallel with the property lines and the upper right corner of the building is presently 17' from the property line. The addition was built in the 1980's and not sure why it is only 17' from property line. Mr. Bletcher explained Ivy Garth is a wholesale supplier of seeds to greenhouses. 20 years ago, business was almost all flowers, but there has been a surge of interest in growing vegetables and it is now half and half. To explain why this is important, he held up a package of 1000 flower seeds. Then he held up a package of 1000 vegetable seeds to show the size difference of the packets. Hence, we need a little more space. Front of building is a 100-year-old home, the back is an addition put on in 1980's by a real estate company. We propose an addition to the back of that building.

Recently a new survey was done which identified that a planned addition to the existing warehouse addition being put in was 17' from property line. It also shows that both neighbors have structures closer to property line than 20'. We feel that moving to a 14' setback is reasonable and fits the setbacks that already exist in neighborhood leaving plenty of room on both sides.

Mr. Ziganti asked about Duncan Factors – “You answered no to question 2, will the lot offer reasonable return without the variance. You also indicated you could not continue your business without the added space.”

Mr. Bletcher said that was correct.

Mr. Ziganti asked if drive access was on north side.

Mr. Bletcher said yes.

Mr. Ziganti asked if there was road access on the rear of the property.

Mr. Bletcher said no.

Mr. Ziganti asked about the property to the east. What is the structure on the property directly east? Need to know from the Fire Department if it might be too close. He also

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wanted to know from Sheet S1 from Chagrin Valley Engineering if the dimensions shown represented the distance from both property lines.

Ms. Berglund confirmed 3' 4" as shown on the north was the distance to the property line for the eastern neighbor.

Mr. Pona asked Mr. Bletcher if he knew what was stored in the one-story stone building on his eastern neighbor's lot.

Ms. Lemmings said she had seen a lawnmower through the window.

Mr. Pona asked how the need for a 30' x 50' expansion was determined.

Mr. Bletcher explained the existing addition is 29' x 50' and it worked so perfectly for us as we have grown into it. It allows for the same aisle sizes and work stations in the new area. We want to replicate that size.

Mr. Wittine asked questions about business model. How are your products delivered?

Mr. Bletcher said either by Postal Service or Fed Ex as our customers are all over the United States.

Mr. Wittine – so these are smaller parcel types of trucks?

Mr. Bletcher said the biggest package we would ship might be 25 lbs.

Mr. Wittine noticed that there is limited parking for ingress and regress because of the adjacent building.

Mr. Bletcher said, "Our driveway is only one lane wide. When you pull in, the trucks need to turn around in the back. We'd love to have a wider lot for them to pull in and out."

Mr. Wittine asked if any thought was given to a separate building as there appears to be space available. That would make things easier for trucks arriving and leaving and possibly more compliant with the zoning rules.

Mr. Bletcher explained it would be impossible to operate with two buildings because how we pick an order. Someone would have to pick half an order, go outdoors in the weather and go in the other building to pick the other half of the order. I don't see how that could work. It would actually make it harder for the ingress and regress because now you have a building back there. This picture shows the building, but the green space behind is actually gravel that has been overrun. He went on to explain the restroom situation would become problematic in a separate building because it would require plumbing. The main reason is we need one continuous space for shelving so picked orders can be handed off to the person in shipping and ship it.

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Mr. Bletcher explained they have 12 employees and could have 12 cars parked on property. In the busy time of year, may have 14 employees requiring 14 parking places.

Mr. Ziganti asked, "Does your existing building have a shipping dock shipping door?"

Mr. Bletcher said neither. Heaviest package is 25 lbs.

Mr. Pona asked if Mr. Bletcher had spoken to his east side neighbor regarding his intention?

Mr. Bletcher said he had not spoken to him. My understanding was he would receive a mailing about this hearing.

Ms. Berglund added that in Zoning Resolution 5.02.03 A3 states that if property line is less than 100 feet in which case the on-site circulation parking and loading may be coordinated with adjoining developments and set forth in a joint agreement and according to Zoning Resolution it should be more in this area.

Ms. Fadorsen asked why the addition cannot go straight back as in parallel to the property line.

Mr. Bletcher explained they wanted to stay in line with the building. We're going straight back with the building. He also added that the existing building is dehumidified with a state-of-the-art Desiccant Dehumidifier system. We have to keep the inside of the room at 20-25% humidity and the temperature at 60 degrees in order to store the seeds properly. It would cost an additional \$50,000 to put in a separate dehumidification system if we had a separate building. We would also have the problem of the door opening every time someone went from one building to another. We'd even need a higher capacity unit. One entrance, and a double door air lock, does a good job with people walking in and out.

Mr. Ziganti asked if photo # P3 is how seeds are warehoused.

Mr. Bletcher said, that is how we store them. We store them on shelves and the longer the run of shelves, the more efficiently they can be picked.

Mr. Ziganti asked for drawings on the proposed addition.

Mr. Bletcher said it was his understanding that the Zoning approval had to happen first before architectural drawings are done.

Mr. Ziganti explained the Board needed to have an idea of what they are proposing to build.

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Mr. Bletcher said they were proposing to put an addition on the existing addition that would be the same size, width, height and length of the existing building.

Mr. Ziganti asked if that would be a single-story structure.

Mr. Bletcher said yes. He apologized saying he didn't realize it was needed. Otherwise he would have included them.

Mr. Ziganti said that if the addition was able to follow the property line, instead of the line of the existing building, then perhaps the Fire Department could work around your building.

Mr. Ziganti asked if there were any audience members who would like to speak?

Ms. Muehling asked about coverage of the lot. You will be doubling the size of the building and you need 40% green and 60% may be coverage. How far are you setback from Mayfield Road?

Mr. Bletcher said, we are not doubling the size of the whole building. We're doubling only the size of the addition. We're adding 1500 square feet and the property is 14,000 square feet. Actually, since we are adding it on the existing parking lot, it shouldn't be a problem.

Ms. Muehling asked if the property has 30 parking places.

Mr. Bletcher confirmed there are 30 parking places.

Ms. Muehling reiterated she is concerned about the lot coverage.

Ms. Berglund said the coverage would not be changed as the addition is only going on existing parking lot coverage area. It's already calculated in the percentage of the coverage.

Ms. Muehling understood, but again asked for a coverage figure to work with to confirm that parking will work. You're going to be covering up some of the parking places. She thinks there should be a figure to base judgement on. A coverage figure should be computed. Complete with a new building and how many available spaces are there to make sure you comply with the resolution of not more than 60%. I noticed on a drive by that there is quite a drop off to the people on the west. I think soil and water should take a look at runoff to make sure you don't create a problem for your neighbors.

Mr. Bletcher reiterated they were not changing the impervious areas so it wouldn't change the runoff.

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Ms. Berglund added that the extension is only requesting if they may get a bit closer to the property line. After that, she has to go to Zoning Resolution to make sure all other details are in order.

Mr. Ziganti asked the audience if there were any further questions. Being none, he asked the board if they had any further questions.

Mr. Ziganti then asked if Mr. Bletcher would entertain going to the Fire Department, showing them the proposed addition, showing them where the proposed clearances will be, and the closeness of this addition?

Mr. Bletcher said he would be glad to.

Mr. Ziganti said that would mean a continuance would be needed for next month so they could move ahead.

Mr. Bletcher asked if he saw the Fire Chief tomorrow, does that require a continuance?

Ms. Klemm said yes, if we don't decide tonight, you would require a continuance.

Mr. Ziganti said we require a letter that the Fire Chief has reviewed the proposed addition and is comfortable with locating a permanent structure there. "Would they be able to protect your business from fire as well as your adjoining neighbor?"

Mr. Bletcher said, so let's request a continuance.

Mr. Ziganti asked Ms. Berglund to also get answers to the questions brought up by Ms. Muehling. He also requested a drawing – not necessarily an architectural drawing showing the proposed structure. It should show where your doors are going to be just to make sure you are not intruding onto the property next door.

Mr. Bletcher asked what intruding onto the property next door meant.

Mr. Ziganti said he wanted to make sure you don't have access points that go near the property line through which equipment or supplies would be loaded.

Mr. Bletcher clarified, so you need some kind of drawing showing what we propose to build? We'll essentially take a drawing of the existing building and put in the measurements. We can get all of that for you.

Mr. Ziganti also mentioned you may want to include how you are ejecting the runoff from your roof gutters and where is it directed.

Mr. Ziganti asked the board for a motion of a continuance.

Ms. Fadorsen made a motion for a continuance and Ms. Klemm seconded it.

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Vote: Ms. Klemm, yes; Ms. Fadorsen; yes; Mr. Pona, yes; Mr. Wittine, yes; Mr. Ziganti, yes.

Mr. Ziganti introduced next item on the agenda and Mr. Pona swore in those who intended to testify.

Application 2022-04
Howard Feuer on behalf of
Property owner, Karen Kossman
12911 Kenyon Drive

Applicant is requesting an area variance to extend the garage in the back of the house and is seeking a 75% area variance from Section 5.01.03. The property is located in an R5A District.

Ms. Berglund read the BZA Addendum into the record.

The applicant, Howard Feuer, is requesting an AREA VARIANCE for Karen Kossman's property located at 12811 Kenyon Drive. The applicant is seeking an AREA VARIANCE for a garage addition from **Section 5.01.17** of the Chester Township Resolution (below).

5.01.17 – Dimensional Requirements in an R District, R3A District, and R5A District (Table).

Minimum Front Yard: 70 feet from right-of-way or 100 feet from centerline, whichever is greater.

The property owner, Karen Kossman, requesting an area variance to add an addition to the front of the garage. Existing distance from garage to right-of-way is 76 feet. Ms. Kossman is requesting a variance to extend her garage in the front of the existing one by adding 13 feet. That would change an existing front yard distance of 76 feet from right-of-way to 67 feet from right-of-way.

The applicant, Howard Feuer, is seeking a 19% area variance from **Section 5.01.17**.

Mr. Ziganti asked Ms. Kossman, because he did not have a letter included in the packet, if Mr. Feuer would be speaking on her behalf in this case. Ms. Kossman said yes. Mr. Ziganti asked if Mr. Feuer filled out these application forms. Mr. Feuer said yes. Mr. Ziganti asked Mr. Feuer if he filled out the forms in the packet. Mr. Feuer said yes.

Mr. Ziganti wanted to know if Mr. Feuer had answers for the Duncan Factors #4 and #5. "In your mind is the variance request to put an addition where that space between it and the existing shed becomes 4' instead of the required 20' is a substantial variance in your mind?"

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Ms. Kossman replied that it is only ½ of the garage so I don't feel it is substantial. I will still have plenty of room to get in and out of the shed.

Mr. Ziganti asked for question 5 to be completed. Please enter your answer "No" and initial it. Mr. Ziganti then had Mr. Feuer make his presentation.

Mr. Feuer: Last time we were here, we tried to make the addition on the side and we were wrong. We can't do that because of the side yard line. What we propose now is to pull out the front of the garage 6 ½' which brings us to the edge of the property line which is legal. What we plan on doing is taking ½ of the garage and pull it back and make it tandem. There are two vintage cars that are 18' long. So, one will be behind the other. That will give us a total of 40' with a distance of 4' between the back of the garage to the shed. What is stored in that shed is a riding lawn mower. The front of the garage will look like a two-car garage. In the back we'll extend out. Obviously, we'll move the garbage cans.

Mr. Ziganti said, with the addition to the front of the garage, will it be the same overhead door layout? Mr. Feuer said, yes. Mr. Ziganti asked for questions from the board members.

Mr. Wittine asked regarding the shed in the back. When was that built? When did that come about?

Ms. Kossman said, "It's been there as long as I can remember."

Mr. Wittine: Did you guys build it?

Ms. Kossman: I don't think so.

Mr. Wittine: So your recollection is it came with the house?

Mr. Ziganti asked Mr. Feuer about a letter in the package dated December 10, 2021. It referred to last months proposal and is there a way this can be updated to tell us what you are proposing to build? This was for the other proposal and we need to know what you're now planning to build, meaning size wise. Are we to assume it's along the same idea of the original proposal meaning like Masonite siding and such?

Mr. Feuer: Sure. Hopefully it's just a tandem garage.

Mr. Ziganti handed the December 10, 2021 document to Mr. Feuer who updated and returned the adjusted document.

Mr. Pona: Mr. Feuer, how many total feet he needed to lengthen the garage?

Mr. Feuer: 10'. If I go more than 6 ½ feet in the front, I would need a variance.

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Mr. Pona: Is that what you are trying to do? Only ask for one variance instead of two? Any idea how substantial the variance would be if you asked for one variance for the extension to be in the front of the house?

Ms. Klemm asked Ms. Berglund, is the setback from the center line 75'?

Ms. Berglund: 70'.

Ms. Klemm: Mr. Feuer, am I right, you're trying to avoid getting another variance?

Mr. Feuer: Yes, that's what I'm trying to do.

Mr. Pona: Which variance is more substantial? Ms. Berglund said, it's the same %, it's just where he is going to go. Back or front.

Mr. Feuer: If I can split the difference, can I go 5' in front and 5' in the back?

Mr. Wittine: The total length that you needed toward the front, what would be the resulting variance off of the setback?

Mr. Feuer: I need an extra 10'.

Ms. Berglund: He currently has 76' setback.

Mr. Feuer: I'm just trying to grab a little in front and a little in the back.

Mr. Pona: The trouble is, grabbing a little in the back puts you too close to the existing shed.

Mr. Feuer: What I'm trying to say is, if I can pull a little more towards the front.

Ms. Fadorsen: How many cars are we storing here?

Mr. Feuer: Two and it's a total of 46'.

Ms. Fadorsen: What if you got rid of the shed altogether? You just put a bigger addition on the back of there.

Mr. Feuer: If we were able to do that, we wouldn't even be talking.

Ms. Fadorsen: You could put your lawnmower behind the car. It wouldn't even matter.

Mr. Feuer: The problem is, there is a drop off. The property all goes downhill. It's a big piece of property, but it drops.

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Mr. Ziganti: Other questions from the board before I ask the audience if they have questions. Sworn members from the audience, questions of the applicant.

Ms. Muehling: Could the shed be incorporated in the plan? In other words, attached to the new part of the garage.

Mr. Feuer: You mean, if I just ran a couple of boards across? Like a pergola?

Ms. Berglund: You can't do that, but if you took the garage all the way to the shed and make it part of the house.

Mr. Feuer: I'm calling it a pergola.

Ms. Berglund: No, you can't do that.

Mr. Ziganti: Well that gets into trouble with breezeways and such. What Ms. Fadorsen had indicated was if you could put an extension across the entire back of the existing garage. If the shed was removed, you wouldn't even need a shed because you would have that extra width of the garage for storage.

Mr. Pona asked Ms. Berglund if the files indicated a permit was pulled at the time the shed was built. Was a variance granted then?

Ms. Berglund: We are assuming it was. We can't go back and check on every variance that was done before. That's how it was explained to me.

Ms. Muehling: I think you can go back on REALink. You can see when the shed appears.

Ms. Berglund: As you can see, in 1990, the shed was still there.

Mr. Ziganti: We, the board have the ability to put some conditions on any variances we grant, per section 12.02.5. Would you entertain putting a condition that if this variance was granted, that the shed would not be replaced in the future should it fall into disrepair or be damaged in any way? Because, the obvious issue here is that you're requesting two structures be housed too close together and again the concerns are to provide fire safety services to your home.

Ms. Kossman: You're saying, the shed would be granted to stay and if something happens to it, assuming I don't replace it?

Mr. Ziganti: Correct, but that is just me asking that. I don't know how the board would vote on that.

Mr. Feuer asked if she didn't replace it, would she be allowed to have one of those plastic sheds?

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Mr. Ziganti said, everyone is allowed to have 1,280 square feet of an accessory building. It needs to be placed in the backyard, behind the line of the primary residence and of course further than 20' from the building.

Mr. Pona: If we are to assume the variance was granted to build that shed less than 20 feet from the primary structure. it's more palatable for me. If we were to reduce that rear addition and put more on the front of the garage, even better.

Ms. Kossman said, I think that would be nicer looking too.

Mr. Pona: If you reduce 6' from that addition, it's a 12' addition on the back of the house.

Mr. Feuer: It's 10' on the back.

Mr. Pona: If you reduce that to 6' and add another 6' on the front, that alleviates – well, it doesn't wipe out the fire concern, but it helps. Would he need a variance for the front too then?

Mr. Feuer: Yes, that's two variances.

Mr. Pona: Adding the addition to the front of the garage would make me, as a member of this board, much more comfortable than what is in front of us currently.

Mr. Ziganti: These are our options.

Mr. Wittine: I think it's important to take into consideration what the chief has delineated in the letter with the fire concerns. So, I would concur with my colleague, it alleviates some of the concern in the back.

Ms. Kossman: And it would look nicer. Instead of having a little extension off the back, it would all be a uniformed building.

Ms. Berglund: The variance needed would be significantly smaller on the front.

Mr. Ziganti: Where do we have an indication where the front of the house is presently from the center line of the road?

Mr. Feuer: My architect laid it out. He told me I had 6 ½ feet that I could push the garage out.

Multiple group discussions ensued.

Mr. Ziganti: Further questions from the board?

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Mr. Wittine: I think it would be important to establish what the setback is. I don't see it.

Ms. Muehling: Am I incorrect in that we have a car we are trying to store and the reason for storing is going to go away in four or five years?

Ms. Fadorsen: The daughter owns it.

Mr. Ziganti: That would be a question you should probably direct to the applicant.

Ms. Muehling: I think this sounds like a self-imposed hard ship.

Mr. Ziganti: We are not at the point in the meeting where we are discussing what our thoughts are right now. So, you're more than welcome to ask the applicant what her thoughts are on that point.

Ms. Muehling: Does your need for storage disappear when your daughter comes back and takes the car?

Ms. Kossman: It's my understanding she wants to be a history professor so you go to school and work. I have a feeling it is going to be a good 10 years. This way she has a vehicle when she comes home to drive. You have to understand that how this car works is, it is like a member of our family. We really don't feel safe storing it somewhere else.

Ms. Muehling: All of your cars will be stored in this garage – including your daily driver?

Ms. Kossman: Yes, that's what I'm after. I'm trying to get my car in the garage so I can drive it to work.

Ms. Muehling: So, you're storing two and driving one.

Ms. Kossman: Correct. Currently my daily driver is outside all year long, for the last three years. This is my hope, to get my daily driver in the garage so I can have a runway to get out of the driveway and don't have to...

Ms. Muehling: So, if you get this variance, you can get your current car out of the driveway and into the garage.

Ms. Kossman: Right.

Ms. Fadorsen addressing Mr. Feuer: Did you figure out how many feet you have from the center line?

Mr. Feuer: Well, I was told I had 6 ½ feet I could build my garage out. He said it was 70' from the center line. I think he told me the center line. He said, this is what we can do. We can pull out the front of the garage 6 ½ feet. I can't tell you exactly.

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Ms. Berglund using REALink showed that it was probably 6 at least 6’.

Multiple group discussions ensued.

Ms. Klemm: I applaud you in doing exactly what this board asked you to do last month. You looked at other possible solutions and you did that. But, we’ve run into another problem. So, my suggestion would be – well, Bart, I’m new at this.

Mr. Ziganti: Well, first of all, no, we didn’t ask them to do anything. They came before us with a plan and we voted it down. Now they have come back with a new plan. That’s their prerogative. They have put something in front of us and we have given them our concerns and they are free to ask for a continuance and come in with additional information.

Ms. Klemm: So, you may want to ask for a continuance. I just don’t think we can approve something we decide right now. I think you would need to present new drawings with setbacks and surveys.

Mr. Feuer: I have one!! You guys have it right now. I have one showing

Ms. Klemm: This? This is an architectural drawing, it is not a survey...

Mr. Feuer: It’s a survey!

Mr. Ziganti: Right. Well, what are the dimensions?

Mr. Feuer: That shows you the dimensions!

Mr. Ziganti: We have a frontage dimension. We don’t have a distance ...

Mr. Feuer: You don’t need a blueprint! I’ll show you an architectural

Mr. Ziganti: We don’t have an architectural review board. Could you please approach, could you please tell us how far the house is from the road right of way? We can’t read it from this print.

Mr. Feuer: Approaching the board table, using the drawing of the proposed site plan, this is where it’s going to be off the road. I can’t tell you where exactly it is. I’m showing you where the architect put it. You have a department here too, so you can ask them.

Mr. Ziganti: No, the way this works here ...

Mr. Feuer begins speaking over Mr. Ziganti repeating the same information already given. “We’re just adding on!” That’s it, I’m not changing a footprint – no overhangs.

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Ms. Fadorsen: The problem is, coming off the back is causing a fire hazard from one structure to another. I get what you're saying now, but if the Fire Dept. says he doesn't really have anything to say about residential building, yes or no. Now we need to know if you want to push it out to the front, but we need to know how much it would be approaching the road.

Mr. Feuer: Before I do that, I'm going to ask you guys how far out would you like for me to bring it out? You want me to bring it out another 6 feet? You tell me how far you want me to bring it out.

Mr. Ziganti: We cannot.

Mr. Feuer: I don't want to come back here three more times. You guys want me to bring it out? I'm looking for 12'. Can I bring it out 6'? Can I bring it out 12' in the front – the whole thing. Tell me what you guys want me to bring it out!!

Mr. Ziganti: We cannot tell you...

Mr. Feuer: You have to tell me 'cuz I'm not going to guess!

Mr. Ziganti: We cannot tell you sir what we will approve. We cannot do that. The issue right now ...

Mr. Feuer: Let me ask you. Am I supposed to guess what you guys want me to do?

Mr. Ziganti: You have to present the information and we as a board consider it. Some suggestions have been made by individuals. We can't go forward with your consideration with putting an addition on the front because we don't even know where the front of the house is relative to the road right of way. Therefore, we cannot calculate a variance.

Mr. Feuer: Galina, you are the person I have been working with. I don't know what is going on with this man but everybody else has been working with me. I'm trying to help this woman get this garage. It's being so difficult to get this done and I don't understand why. This seems to be a very simple request. I'm asking you people who are on this board, what do you want me to do? So, this will get passed. It's that simple!!

Ms. Fadorsen: Well, we can't really say that because we have to have the things to sign. In my personal opinion, I would feel better if it went further out the front and away from that back structure. Now, if you want to split it half and half, no. I'll go $\frac{3}{4}$

Mr. Feuer: No, I will put the whole 12' on the front. OK? If I do that, what I have is the 6 $\frac{1}{2}$ feet that brings me to the property line which I'm allowed to do. And I'm going to put another 12' in front of that. That's what I'm looking for is a variance I'm going to call it. That's 12' over and above the 6' that I'm allowed to do.

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Mr. Pona: Why 12, not 10?

Mr. Feuer: Oh, 10'. I'll do 10'. It'll be a little tighter, but I'll do it. So, here's what I'll do. I'll add 10' on the front and 2' on the back.

Mr. Ziganti: The problem is you have two variance requests instead of one.

Mr. Feuer: So, my question is to you guys, I'm going to ask if it's going to be all right if I put another 12' in front of that.

Mr. Ziganti: And the answer is sir, we cannot give you ...

Mr. Feuer: Well I know you're gonna not go for it!! I'm going to ask everybody else here. Am I going to be able to put another 12' on the front of this?

Mr. Pona: So, let me try to answer this. With an area variance request, one of the factors we have to consider is whether the variance is substantial. I don't know that number until you come back to us with those plans. If you add 12' to the front, what would that equate to as a variance %? Then I could answer your question. Does that make sense?

Mr. Ziganti: The board members also need ...

Mr. Feuer: All right, that is fine. Once we do that and we find out exactly what is needed and it is denied, I'm going to say, all right, now I want to take 6' here and 6' here. And you're going to let me get two variances. Are you guys going to go for that?

Mr. Ziganti: So now if you let me speak sir, I'll tell you what the rules are.

Mr. Feuer: I know you're not going to let me do anything. I already know that.

Mr. Pona: In fairness, just hear him out.

Mr. Ziganti: You come before us and you request a variance. OK? In fact, previously you came to us and wanted to put an addition on the side of the garage. That was rejected.

Mr. Feuer: That was fine.

Mr. Ziganti: You came before us with a significant change in your proposal. So instead of going left to right, you are now going front to back with your proposed addition. Our Zoning Inspector indicated that was sufficiently different in order for you to have another attempt at requesting a variance for putting on a garage addition. So, when you come before us, we will vote on whether or not your proposal is acceptable. If it is rejected, you are then not allowed to come back and say OK instead of 6' on the front or 12', I'll

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knock it down to 6' and put something on the back. There is a process that we go through that we look at to determine approval. If you come before us and if we reject ...

Mr. Feuer: No, I won't come back.

Mr. Pona: Well, he has an appeal right too.

Disgruntled, garbled multiple conversations occur.

Mr. Ziganti: So, the question is sir, what would you like to do? Would you like to continue this to next month and come forward with a different proposal, would you like us to consider what you have put in front of us this evening and vote on that? What would you like us to do?

Mr. Feuer: So, what happens if we vote on it now? What does that mean?

Mr. Ziganti: If it's accepted, you're able to go forward with the proposed addition.

Mr. Feuer: and if it's not accepted?

Mr. Ziganti: Then you're not able to come before us with something slightly different.

Mr. Feuer: And what happens if we continue? What's the difference?

Mr. Ziganti: You're able to think about what you actually want and what your specifics are. We're able to get dimensions as to where the house is located relative to the center of the right of way, etc. We don't have that information.

Mr. Pona: And you would have to pay a new filing fee.

Mr. Feuer: So, what do you want?

Mr. Pona: It's not what we want. If you're asking what would I recommend you do?

Mr. Feuer: Yes, what would you recommend?

Mr. Pona: I would recommend you ask for a continuance. Draw up new plans, with all the proper measurements and the setbacks and put it in the front of the house. Sounds like the property owner would prefer that anyways – instead of a jet out on the back. Because any jet out on the back is going to create a fire risk according to our fire chief.

Ms. Kossman: Did we or did we not have surveyors come or were the surveyors part of the architect?

Mr. Feuer: I had surveyors come out to do your property.

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Ms. Kossman: So, wouldn't we have the information or some of the information that is being requested?

Mr. Feuer: I have everything he needs.

Mr. Feuer: Here's my question, instead of showing the garage? Right now, why can't we show just this is where it is with just the dimensions? So, I don't have to pay for the blueprints in case you guys don't approve. I don't want to pay for blueprints to you guys to reject it.

Multiple background conversations – unintelligible.

Mr. Pona: moved to approve the applicants request for a continuance. Ms. Fadorsen seconded.

Vote: Ms. Klemm – yes; Ms. Fadorsen – yes; Mr. Pona – yes; Mr. Wittine – yes; Mr. Ziganti – yes.

Mr. Ziganti: We should do a motion to accept our new BZA secretary to handle us in the coming year.

Ms. Fadorsen motioned to approve Kathleen McCarthy as the BZA administrative assistant for the remaining calendar year, 2022. Mr. Wittine seconded the motion.

Vote: Ms. Klemm – yes; Ms. Fadorsen – yes; Mr. Pona – yes; Mr. Wittine – yes; Mr. Ziganti – yes.

Ms. Klemm asked if anyone attended the most recent Zoning Commission meeting?

Mr. Ziganti summarized his meeting with the Zoning Commission March 2, 2022. The Zoning Commission was looking at location of accessory buildings and the other was size of the accessory building based on the size of the lot. "I found it to be problematic that they were allowing for accessory buildings to be put in side yards. What we wanted was clarification on size and larger lots may have something tied to acreage. The last thing I mentioned was they suggest the fire department looks over proposals for new construction that places structures to be separated by less than 20'. applicants can come before us with that information. Could that information be on the form? Still planning of April 20 joint meeting with Zoning Commission and Board of Zoning Appeals."

Meeting minutes of February 14, 2022 were reviewed and corrected.

Ms. Klemm motioned to approve minutes of February 14, 2022; Mr. Pona seconded

Vote: Ms. Klemm – yes; Ms. Fadorsen – yes; Mr. Pona – yes; Mr. Wittine – yes; Mr. Ziganti – yes.

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Approval Date April 11, 2022

Kathleen McCarthy, Zoning Admin.

Barton Ziganti, BZA Chairman