

TOWN OF MILAN ZONING BOARD OF APPEALS MEETING MINUTES – FINAL
WEDNESDAY, JULY 22, 2009

MEMBERS PRESENT:

Jack Grumet, Chairman
Rocky Mancini
Guy Russell
John Schneider
Philip Zemke

MEMBERS ABSENT:

None

ALSO PRESENT:

Roberta Egan, Town Board Liaison

Chairman Grumet opened the meeting at 7:00 p.m.

Public Hearings:

- **Kathleen Caswell** – Ms. Caswell was present for the public hearing for her area variance application for property located at 62 Battenfeld Road, tax grid number 6471-00-302930. Chairman Grumet read the legal notice that was posted in the paper and sent to neighboring land owners. Ms. Caswell is requesting a variance to allow an existing garage to remain in its current location 14 feet from the side property line where 35 feet are required and to allow the garage and proposed carport addition to be located in front of the principal dwelling and to allow an existing shed to remain in its current location 1 foot from the side property line where 35 feet are required in variance to Table B Schedule of Area and Bulk Regulations and Section 200-18.A.2 Accessory Uses, Buildings and Structures.

Hearing no public comment, Mr. Russell motioned to close the public hearing. Mr. Mancini seconded. All aye. Motion carried 5-0.

Chairman Grumet said he thinks this variance is straight forward and will improve the property by bringing the existing shed and garage into compliance and allowing the addition of a carport to the garage. Mr. Zemke said the carport is going to be added onto the side of the garage furthest from the property line and it is not moving any farther forward to the front property line so it is not creating any additional encroachment to either property line. Board members agreed this is a straight forward variance request. The carport will just be a roof off of the garage and angled so that it will be further back from the setback line. The property is well kept and well taken care of.

Chairman Grumet read the Findings and Decision which state this variance will not produce an undesirable change in the character of the neighborhood, the benefit sought by the applicant cannot be achieved by a feasible alternative to a variance, the requested variance is substantial in terms of the zoning ordinance but the shed pre-dates zoning, the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood, and

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the alleged difficulty was self-created in that it was the applicant's desire to construct a garage but the location of the driveway makes this the only feasible location for a garage/carport. There were no conditions attached to this variance.

Mr. Russell motioned to accept the Findings and Decision. Mr. Zemke seconded. All aye. Motion carried 5-0.

Ms. Caswell paid the publication fees in the amount of \$114.98.

Applications – None

Discussion Items:

- Mr. Russell mentioned the zoning violations he believes are on a neighboring property and will be following up with Don Smith, Zoning Enforcement Officer, on Monday. Chairman Grumet said he has requested a written report from Mr. Smith about the progress on this situation.

Approval of Minutes:

- Mr. Zemke motioned to accept the minutes of June, 2009 as presented. Mr. Schneider seconded. All aye. Motion carried 5-0.

Mr. Russell motioned to adjourn the meeting at 7:25 p.m. Mr. Schneider seconded. All aye. Motion carried 5-0.

The next meeting will be held on Wednesday, August 26, 2009 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board Members