

**MEETING OF THE ZONING BOARD OF APPEALS
OF THE TOWN OF GLENVILLE
THE GLENVILLE MUNICIPAL CENTER
18 GLENRIDGE ROAD, GLENVILLE, NY 12302
Monday, October 24, 2022**

PRESENT: Chairman David Hennel, Dick Schlansker, Brian Peterson, and Barry Suydam

ABSENT: None.

ALSO ATTENDING: Deputy Building Inspector: James Pangburn; Stenographer: Kristen Bode

ALSO ATTENDING VIRTUALLY: Attorney: Courtney Heinel

Chairman Hennel called the meeting to order at 7:00 pm.

MOTION: To accept the September 26, 2022 minutes. The minutes were approved unanimously.

MOVED BY: David Hennel

SECONDED: Brian Peterson

AYES: 4 (Hennel, Schlansker, Peterson, Suydam)

NOES: 0

ABSENT: 0

ABSTAIN: 0

MOTION CARRIED

PUBLIC HEARING

- 1) **Application of Ryan Cyr, 104 Droms Road, Glenville, NY 12302**, to construct a 400 square foot addition. This property is located in the Suburban Residential Zoning District. It is identified on the tax map as parcel # 15.7-4-10.41.

In accordance with the Codes of Glenville, the following variance is requested:

270 Attachment 1 – Side Setback. The suburban residential zoning district requires a side set back of 15ft. The applicant is proposing to construct an addition that will be 11.2

ft from the side property line. Therefore, the applicant is seeking a variance of approximately 4ft.

B. Peterson read the application and the review factors for the variance request into the record.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Answer: It is believed the addition and requested variance will not impact the character of the neighborhood.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance.

Answer: The most economical location for the addition is on the westerly side of the house/property. Placing the addition on the rear of the structure, or to the easterly side of the structure / property would disrupt the special use of the home and required moving plumbing, electrical and septage handling systems.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Answer: It is believed the addition and requested variance is not substantial when compared to the size of the lot. The requested variance (90 SF) is approximately 0.6% of the total acreage (15,000 SF) and impacts approximately 24 LF of boundary, is approximately 16% of the total side lot dimension (150ft).

4. Whether the area variance will have an adverse impact on the physical or environmental conditions of the neighborhood or community.

Answer: It is believed the addition and requested variance will not have an adverse effect or impact the neighboring home. The characteristics of the addition will mimic the original house design. The intent is to have the final house and addition look as if it was all an original construction concept.

5. Whether there has been any self-created difficulty.

Answer: It is believed the addition and requested variance will not create any self-created difficulty. The dimensional distance between the addition and boundary line is still sufficient to allow for small machinery to access the rear of the property without mobilizing on adjacent properties if future contacted repair work needs to be completed.

The notice of this application was mailed to 39 property owners located within 500 feet. This was not referred to the County. The application was signed by the property owner on September 30, 2022.

--A letter from Edward Lenart, 2 Dawn Drive, Glenville, NY 12302, dated October 23, 2022:

To whom this may concern,

The planned addition to the west of the Cyr's current residence located at 104 Droms Road, and as noted in the Town of Glenville Zoning Board of Appeals notice received on 10/20/2022 was discussed with me. It is believed the addition and requested variance will not have an adverse effect or impact the neighborhood. In plan, the rear elevation of the addition is in line with the rear elevation of the neighboring home. The characteristics of the addition will mimic the original house design. The intent is to have the final house and addition look as if it was all an original construction concept.

It is understood Mr. and Mrs. Cyr are requesting a side setback variance equal to approximately 4-feet to the property line. There are no concerns with the proposed addition with respect to the requested side setback variance of 11.2 feet from the side property line.

Thank you,
Signed by Edward Lenart

--A letter from Clinton Aguilera, 106 Droms Road, Glenville, NY 12302, dated October 23, 2022:

To whom this may concern,

The planned addition to the west of the Cyr's current residence located at 104 Droms Road, and as noted in the Town of Glenville Zoning Board of Appeals notice received on 10/20/2022 was discussed with me. It is believed the addition and requested variance will not have an adverse effect or impact the neighborhood. In plan, the rear elevation of the addition is in line with the rear elevation of the neighboring home. The characteristics of the addition will mimic the original house design. The intent is to have the final house and addition look as if it was all an original construction concept.

It is understood Mr. and Mrs. Cyr are requesting a side setback variance equal to approximately 4-feet to the property line. There are no concerns with the proposed addition with respect to the requested side setback variance of 11.2 feet from the side property line.

Thank you,
Signed by Clinton Aguilera

D. Hennel stated just for clarification, on the self-created difficulty, it doesn't mean you can't get your application accepted but it is self-created since you're making the choice with the zoning to build there. It is self-created. Again, that alone does not preclude the granting of the variance.

D. Hennel asked if the applicant wanted to add anything to the application.

R. Cyr declined.

Chairman Hennel opened the public hearing:

Chairman Hennel asked if anyone wishes to speak in favor of or opposed to the variance application.

D. Hennel stated the board has an overhead view and requested a copy of the street view. He stated the picture is helpful because it gives us an idea of where everything is and the distances. We like to see what it would look like from the road. D. Hennel asked the direction of the roof pitch and water run off is pitching toward to road and not toward your neighbor.

R. Cyr stated the roof is pitching towards the front of the property and the back of the property.

D. Hennel stated a lot of times if it goes into the side setback, we might talk about gutters to make sure they're not getting run off. You're adding a third garage stall basically.

R. Cyr stated and putting the addition on top of it.

J. Pangburn handed up a copy of the street view and rear view.

D. Hennel stated he was curious potentially why it wouldn't go on the other side but when you see you're adding a garage and you already have a driveway. The driveway is already in place in front of that area?

R. Cyr stated yes.

D. Hennel asked for other questions from the board.

D. Schlansker asked for clarification for the applicants and the board. The board is down a member, while we're voting, so the expectations of the two applicants understand there is an even four (4) people here and what would be required for an approval since we are down one member.

D. Hennel stated the Zoning Board of Appeals is set up so there are five (5) members and two (2) alternates. We are in the need of some volunteers at this point. The Town Board is looking at appointing some additional people to be a sitting member of the board – a fifth member of the actual board and two (2) alternates in the case if we were

short, we could have someone fill in. To Mr. Schlansker's point, each of these variances does require a majority to pass it or a majority to deny it. At this point we are only four (4) people, it would still require three (3) votes to get approval to move forward, it doesn't take a super majority. Again, it is three out of four. At any point when we're discussing this, the goal is to have that fifth member of the board appointed by the next meeting. If at some point we're discussing it and you don't feel comfortable and would like to request the application gets tabled until next month, at which point there would be five people voting, that is your right as a resident.

D. Schlansker stated just since we have an even board.

D. Hennel stated it could stalemate but it does take a 3 out of 4 majority to approve or deny. We apologize for the inconvenience; we try to always have alternates lined up.

D. Schlansker stated in the applicants write up, the addition is going to compliment the house and have the same exterior finishes which will be similar in color. I'm going to make an assumption and I want you to clarify that as well, because you need that stall for the garage, it's really what's creating this because you need a certain size for your door so you can use the garage.

R. Cyr stated correct.

D. Schlansker stated otherwise you would have been more flexible on how you did the addition and possibly not need the variance. Correct?

R. Cyr stated correct. We had an awkward floor plan for the garage or the low level.

D. Schlansker I didn't want to make that assumption, I wanted to hear it from you. To go back to D. Hennel's question about the roof pitches, you're flowing your water from front to back.

R. Cyr stated yes.

D. Schlansker stated I'm assuming it's going to be graded in a way, since you're getting closer to the property line, you're going to hold and maintain your own water?

R. Cyr stated yes. Right now, the water sheds from my neighbor onto me. Everything comes down hill, I'm at the bottom of the hill. I will be maintaining the grades so it continues to flow away from my property.

D. Schlansker asked if R. Cyr has gutters and downspouts on his home currently.

R. Cyr stated yes.

D. Schlansker asked if he will be putting them on the addition.

R. Cyr stated yes. I'm replacing all the siding and all the gutters.

D. Schlansker asked if R. Cyr will have any lighting since we are getting closer to your property line with the neighbors. We'd like to hear from you any lighting that would go on that side, if any.

R. Cyr stated there will be no more lighting on that side. All lighting is on the east side of the property where the existing patio is.

D. Schlansker stated many times when we vote on applications, we have some conditions. We'll ask you at the end for approval of these conditions but that probably will be one that we prefer to have no lighting on that side. Same thing with the water, we will ask that you control your own run off and storm water management. We did receive a letter from your neighbors to that same side that they were in favor of this application.

D. Hennel asked if there were any of questions from the board.

B. Peterson stated if we do a condition can we include air conditioner condenser to not be on that side. Asked if R. Cyr has central air.

R. Cyr stated yes. It's already on that side of the house.

D. Hennel asked if it would be within the 15-foot setback.

R. Cyr stated most likely based on where the utility service is now. The cooling unit is in my attic and blows down. It is on that end of the house. If I have to relocate it to the back, it's going to impeded on rear access to my garage and I would have to relocate all the piping, electrical, utility box.

D. Hennel asked it will be in the addition, not to the north of the addition.

R. Cyr stated the air conditioner unit will be anticipated to the west of the addition.

D. Hennel asked within that 11-foot space?

R. Cyr stated yes.

D. Schlansker asked if that will be just the condenser?

R. Cyr stated just the condenser, yes.

B. Peterson asked how close the next house is to that property line.

R. Cyr stated his condenser is on that side. My condenser and his condenser face each other.

B. Peterson stated on one hand there are no windows on that side.

R. Cyr stated neither does his neighbor.

B. Peterson stated it seems like a moot point.

R. Cyr stated there is a fence line near there that we would be maintaining and any units that I do put there, would be tucked within the fence so it can't be seen from the neighboring property.

D. Henel asked if R. Cyr has a 6-foot stockade fence. It looks like he has one and his neighbor. The condenser will be hidden by the fence from the road view as well as from the neighbor.

R. Cyr stated yes.

Chairman Hennel closed the public hearing.

MOTION:

The applicant, Ryan Cyr, having applied for an area variance after having been denied a building permit to erect or construct a 400 square foot two story addition located at 104 Droms Road with tax map #15.7-4-10.41 in a suburban residential zoning district in the Town of Glenville, New York; and

The applicant having applied for an area variance with regard to the Codes of the Town of Glenville, Section 270 Attachment 1 Side Setback because the proposal would be in violation of the dimensional zoning regulations of the Town; and

The Board having considered the application, after a full and complete public hearing held on October 24, 2022 at 7PM, and after having considered the benefit to the applicant as weighed against any detriment to the health, safety and welfare of the neighborhood or community; in particular,

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Finding of fact: No, the 3'-9 1/2" side yard setback variance requested from the north line is a small percentage request and the neighborhood appears that other homeowners have added similar additions to their homes. The Town has also received a letter in favor of the variance from the impacted neighbor and a second letter received from another neighbor.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance.

Finding of fact: Yes, the applicant could make the addition smaller with an alternate plan, but the width of the garage and wanting the ability to store a vehicle in the garage, it would make it difficult for a change. The new septic system in the rear is taking up a very large portion of the backyard and near the addition. It would be difficult to change the configuration.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: No, it is only a 25% reduction in the 15-foot setback but overall, it will not stand out.

4. Whether the area variance will have an adverse impact on the physical or environmental conditions of the neighborhood or community.

Finding of fact: No, due to all the conditions previously stated.

5. Whether there has been any self-created difficulty.

Finding of fact: Yes, but the options this applicant does have are limited due to where the driveway is located and wanting the use of a third garage stall.

Now, therefore be it resolved that this application for an area variance be granted.

MOTION:

270-1 –Side Setback - Residential Uses

MOVED BY: Dick Schlansker

SECONDED BY: Brian Peterson

AYES: 4 (Hennel, Schlansker, Peterson, Suydam)

NOES: 0

ABSENT: 0

CONDITIONS:

- 1) No lighting on the northside of the new addition.
- 2) Controls storm water and stays on own property.
- 3) Materials (siding, roofing) to match original build.

MOTION APPROVED

- 2) **Application of Edmonds Culhane, 38 Sutherland Drive, Glenville, NY 12302,** to construct an attached carport. This property is located in the Suburban Residential Zoning District. It is identified on the tax map as parcel # 15.12-6-18.

In accordance with the Codes of Glenville, the following variance is requested:

270 Attachment 1 – Side Setback. The suburban residential zoning district requires a side set back of 15ft. The applicant is proposing to construct an attached carport 10 ft from the side property line. Therefore, the applicant is seeking a variance of 5ft.

B. Peterson read the application and the review factors for the variance request into the record.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Answer: There are currently two homes, #34 and #32 Sutherland Drive with attached car ports. They are not detrimental to the neighborhood properties.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance.

Answer: This carport is needed to provide cover for a vehicle and permit access to it by two senior residents without having to walk on a snow- and ice-covered driveway.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Answer: This area variance is minor, only 5 feet.

4. Whether the area variance will have an adverse impact on the physical or environmental conditions of the neighborhood or community.

Answer: It will not have an adverse impact on the neighborhood. It will not be unique to Sutherland Drive. Neighbors have been queried with no objections.

5. Whether there has been any self-created difficulty.

Answer: This variance is not needed to obviate a self-created condition or difficulty.

This was not referred to the County. The application was signed by the property owner on September 14, 2022.

--A letter from Thomas LaViolette IV, 40 Sutherland Drive, Glenville, NY 12302 dated September 16, 2022:

RE: Variance for 38 Sutherland Dr (# Culhane)

To: Town of Glenville Zoning Board of Appeals

I have reviewed the plans for and discussed the proposed construction of a carport attached to 38 Sutherland Dr, (this property is adjacent to mine) with the owner of said property, Edmond S. Culhane, Jr., and have no objections to its construction.

Signed by Thomas LaViolette IV

--A letter from Herbert Dieck, 5 Eltinge Place, Glenville, NY 12302 dated September 13, 2022:

RE: Variance for 38 Sutherland Dr (# Culhane)

To: Town of Glenville Zoning Board of Appeals

I have reviewed the plans for and discussed the proposed construction of a carport attached to 38 Sutherland Dr, (this property is diagonally across an intersection from mine) with the owner of said property, Edmond S. Culhane, Jr., and have no objections to its construction.

Signed by Herbert Dieck

--A letter from John Mueller, 36 Sutherland Drive, Glenville, NY 12302 dated September 13, 2022:

RE: Variance for 38 Sutherland Dr (# Culhane)

To: Town of Glenville Zoning Board of Appeals

I have reviewed the plans for and discussed the proposed construction of a carport attached to 38 Sutherland Dr, with the owner of said property, Edmond S. Culhane, Jr., and have no objections to its construction.

Signed by John Mueller

D. Hennel asked if the applicant wanted to add anything to the application.

E. Culhane apologized for not having plans, I have had a hard time lassoing a builder. It's a simple project, it will be one wall and a roof. The water runoff is the same amount of water and same direction that currently comes off the current roof. It will come down via shed roof and come down into a drainage ditch I have along the east side of the driveway. There is no increase in the amount of water, no additional water flow. I have to leave the back open. That is the only way I can clear leaves from the patio, by blowing them through the car port. It will look like the rest of the house. I will have my white panel siding matching the house and windows. There is currently a motion detector light mounted on the house but that will be above the board where they attach. There is no additional lighting involved. It's a simple project.

Chairman Hennel opened the public hearing:

Chairman Hennel asked if anyone wishes to speak in favor of or opposed to the variance application.

B. Peterson stated he's going to have a hard time tonight because I don't know what it's going to look like. I get it, a wall, a pitched roof. As an example, I went to #34. They have a car port, it is architecturally built, it matches the siding of the house. It looks like it's physically part of the structure. If you go down the street a little further, #32 looks like

a lean to that hasn't been fixed in a long time. Not knowing what yours is going to look like, I don't think I can make an informed decision.

E. Culhane stated I went and looked at #34, I'd like to do the same thing to make it look decent. This is not going to look like a shed but I don't have a drawing.

D. Hennel stated when you look at it from the road, you're going to see the roof and you're going to have an arch and vinyl siding in the arch too.

E. Culhane stated yes. It's going to be solid and then a semi-circle that goes across the top like #34.

D. Hennel asked if the side wall, that will be sided with windows, if that will go all the way down.

J. Pangburn handed up the side profile to the board.

D. Hennel asked if he will be putting gutters on it.

E. Culhane stated he probably will. I don't have gutters now because the water just drops on the driveway and freezes. I can put gutters on it because I do have drainage on the side of the driveway.

D. Hennel stated I also think your neighbor at #40, that's the one that is impacted. I believe their property is higher than yours.

E. Culhane stated it is.

D. Hennel stated even if you didn't put gutters it will probably never make it to them.

B. Suydam asked when he plans on starting the project if it were to be approved.

E. Culhane stated it probably won't be until the spring. I spoke with Relyea the builder and he stated as soon as we get through this process, they're ready to go. But he doesn't return phone calls so I'm not sure when this will be. I may have to find a new builder.

D. Schlansker asked this letter from Herbert Dieck, where is his home located.

E. Culhane stated directly across from us, diagonally. That's why I included him because he can see it.

D. Hennel stated and he has a letter from #40. He asked if the trees were E. Culhane's trees or the neighbors.

E. Culhane stated the trees are mine, except the dead ones. The two dead pines are his. We do have one of ours that's about 80 feet tall that's dead.

D. Schlansker stated on your site plan, the driveway isn't really depictive.

D. Hennel asked if next to where the car port would go if it's already paved.

E. Culhane stated yes. It's paved alongside the garage.

D. Hennel asked if that's wider than where the car port is going to be or about the same.

E. Culhane stated it's about the same. We'll probably have about 6 inches beyond the wall. He will put in screw tight footings. It's all paved.

D. Hennel asked if there were any other questions and if anyone else wishes to speak in favor of or oppose.

B. Peterson stated before you close it to the board, I would like to make a motion on this but I'm going to be basing it on the drawing we just saw. To me, it looks like the lean to idea, which looks like the neighbor at #32 and it's not very appealing looking. Hearing that this may not be a project until you're doing until the spring, are you willing to come back with a more detailed picture? I don't want to be one sided based on a penciled picture, but this is what I have to go with.

E. Culhane stated it will look more like the other one [#34]. I went down there, I spoke to my neighbor, I walked through there and I liked that one. I think #32 is a house that's had tenants for the last 14 years and if you check the police records, you'll see there's been a number of visits. It's a mess.

D. Hennel asked what about conditioning it based on what he's saying – the wall will be a solid wall with white vinyl exterior with two windows.

J. Pangburn stated on the building permit application, doesn't that show that on the style.

D. Hennel asked that it's a solid wall?

J. Pangburn stated yes.

B. Peterson stated he's not worried about the solid wall on the side. I'm thinking of the street view.

J. Pangburn stated it says framed and sided on the drawing. All indications it will be a finished project.

D. Hennel stated you can condition as noted in the drawing. I agree with your concern, but I also think potentially based on what we've heard, based on what it does say. Again, if you're not comfortable without seeing the drawing, you can certainly add things like that – the front will be vinyl, it won't be open up to the roof.

D. Schlansker asked are those conditions you can review before issuing the permit or another drawing or are expecting that's the only drawing you'll probably get?

J. Pangburn stated for something like this, it's more than enough detail more my purposes. If you make a condition, you want the siding to match the existing house or the structure needs to be sided then certainly if that's something on our radar, we would be checking it at the final to make sure all the conditions are met.

D. Schlansker stated I don't want to put a condition in that's very difficult. I'm comfortable with a condition, I want to make sure it's enforceable.

J. Pangburn stated when you're looking at an \$18,000 car port, you're not necessarily going to get a detailed drawing like you would a renovation. In the cross section it does say it will be finished with vinyl siding. You can either say per plans submitted or if you want to make actual conditions.

D. Hennel stated you can also photocopy that plan and add it to the packet.

B. Peterson asked if E. Culhane pursued the idea of making a closed garage with a walkway with your current garage.

E. Culhane stated I did look at it years back but it is cost prohibited right now.

D. Hennel stated like you said, this way you can blow through stuff in the back.

E. Culhane stated if I did that, the walkway between the garage and the existing house would be too narrow to get a snowblower through.

D. Hennel asked if there were any further questions.

Chairman Hennel closed the public hearing.

MOTION:

The applicant, Edmonds Culhane, having applied for an area variance after having been denied a building permit, to erect or construct an attached carport at 38 Sutherland Drive, in the Town of Glenville, New York. This property is located in the Suburban Residential Zoning District. It is identified on the tax map as parcel # 15.12-6-18.

The applicant having applied for an area variance with regard to the Codes of the Town of Glenville, Section 270 Attachment 1, because the proposal would be in violation of the dimensional zoning regulations of the Town of Glenville and;

The Zoning Board of Appeals having considered the application, after a full and complete public hearing held on October 24, 2022, and after having considered the benefit to the applicant as weighed against any detriment to the health, safety and welfare of the neighborhood or community; in particular,

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Finding of fact: Yes. All but two houses on the street are without carports. The existing one at #34 Sutherland Drive is very tasteful, but it does not go with the typical architecture of the surrounding houses. Yet, the one at #32 Sutherland Drive is a complete eye sore. Not only is it plain in design, it is in need of major cleaning and repair. Adding a carport for this applicant would be in fact a change to the look of the neighborhood and the surrounding houses.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance.

Finding of fact: No. Building an enclosed garage would prove to be too costly.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: No. Five-foot is not substantial.

4. Whether the area variance will have an adverse impact on the physical or environmental conditions of the neighborhood or community.

Finding of fact: No. Water runoff will continue its current path.

5. Whether there has been any self-created difficulty.

Finding of fact: Yes. Just about all requests are the result of change initiated by the applicant. However, this should not preclude the application itself

Now, therefore be it resolved that because this application did not meet all the requirements set forth by the Town of Glenville, that this application for an area variance be denied.

D. Hennel asked the Board for a Seconded. No one answered. Asked C. Heinel an application was just made but not seconded. Does it fail automatically because it wasn't seconded or do we need to vote?

C. Heinel stated you can't move to a vote until someone seconded the application.

D. Hennel asked again if anyone wishes to seconded the application.

MOTION:

270-1 –Side Setback - Residential Uses

MOVED BY: Brian Peterson

SECONDED BY: None.

AYES: N/A

NOES: N/A

ABSENT: 0

MOTION FAILED

MOTION:

The applicant, Edmonds Culhane, having applied for an area variance after having been denied a building permit, to erect or construct an attached carport at 38 Sutherland Drive, Glenville, New York. This property is located in the Suburban Residential Zoning District. It is identified on the tax map as parcel # 15.12-6-18.

The applicant having applied for an area variance with regard to the Codes of the Town of Glenville, Section 270 Attachment 1 relating to the side setback requirements requiring a minimum of 15 feet. The applicant is requesting an area variance of 5 feet. Because the proposed use of the property would be in violation of such restriction in the setback requirement;

The Board having considered the application, after a full and complete public hearing, and after having considered the benefit to the applicant as weighed against any detriment to the health, safety and welfare of the neighborhood or community; in particular,

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

Finding of fact: No. Based on the submitted drawings for a carport with a solid side wall, finished with siding to match the exterior of the home and two windows. As well as the depiction and the applicant confirming the front facing of the carport constructed with vinyl siding. We find this will not produce an undesirable change in the neighborhood.

2. Whether the applicant can achieve their goals via a reasonable alternative which does not involve the necessity of an area variance.

Finding of fact: No. In order to place a carport on the side would require a side setback variance.

3. Whether the requested area variance is substantial as compared to the lawful dimensions allowed by zoning code.

Finding of fact: No. This is a 1/3 reduction. However, based on other properties in the area, it would not be noticeable or obvious this required the side setback variance.

4. Whether the area variance will have an adverse impact on the physical or environmental conditions of the neighborhood or community.

Finding of fact: No. All effected neighbors on both sides of applicants' house, as well as opposed have no issue with the plans and design of this carport.

5. Whether there has been any self-created difficulty.

Finding of fact: Yes. It is self-created but alone does not preclude the granting of the variance. The applicants have been in the house 40+ years may preclude the change requirements in the side setback.

Now, therefore be it resolved that this application for an area variance be granted.

MOTION:

270-1 –Side Setback - Residential Uses

MOVED BY: David Hennel

SECONDED BY: Dick Schlansker

AYES: 3 (Hennel, Schlansker, Suydam)

NOES: 1 (Peterson)

ABSENT: 0

CONDITIONS:

- 1)** The style and design of the carport to match the plans submitted to the building department. As noted in the plans, the wall towards 40 Sutherland Drive to be a solid wall with white vinyl exterior and two windows as listed in the drawing.
- 2)** The front of the carport facing Sutherland Drive to have a finished arch design.
- 3)** Existing light on the side of the house not get relocated any closer to the property line.

MOTION APPROVED

MOTION: To adjourn the October 26, 2022 meeting of the Town of Glenville Zoning Board of Appeals at 7:55 p.m.

Moved by: Chairman Hennel

Seconded by: Brian Peterson

AYES: 4 (Hennel, Schlansker, Peterson, Suydam)

NOES: 0

ABSENT: 0

MOTION APPROVED

Next agenda meeting: November 21, 2022

Next meeting: November 28, 2022

Submitted by,

Kristen Bode, Stenographer

_____, 2022
Date

ZBA Chairman

Date

Town Clerk

Date

FINAL