

**MINUTES OF THE ZONING BOARD OF APPEALS**  
**October 12, 2009**

The regular meeting of the Zoning Board of Appeals was called to order by Chairman William Cotey at 7:03 p.m. at the Village Hall.

Members present: Chairman William Cotey, Robert Guarnaccio, Terry Howard, Mark Moore, and Andy Robinson.

Members absent: Scott Adams and Walter Oakley.

A quorum was established.

Village Staff present: John Spoden, Director of Community Development; and David Smith, Senior Planner.

Board Member Robinson moved, seconded by Board Member Howard, to approve the September 14, 2009, Zoning Board of Appeals meeting minutes.

Motion carried 6 - 0.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**ZBA 09-17    Andrew Stall, Applicant**  
**401 Hampton Terrace**

**Request is for a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 8 feet in order to construct a detached garage for a single family home located in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, stated that the petitioner, Andrew Stall, is seeking variations to reduce the minimum required corner side yard setback and increase the maximum permitted height for an accessory structure in order to construct a detached garage for a single family home located in an R-6 Single Family Residential District at 401 Hampton Terrace.

Mr. Smith stated that the petitioner is proposing to demolish an existing 1-1/2 car detached garage approximately 415.6 square feet in floor area size currently setback from the (Lincoln Avenue) corner side yard property line approximately 22.34 feet and replacing it with a two car garage approximately 498.6 square feet in floor area approximately eight (8') feet from the corner side yard property line. Mr. Smith stated that due to improper public notice for the height variation, public testimony cannot be heard regarding the proposed garage height.

**Minutes of the October 12, 2009, Zoning Board of Appeals Meeting**  
**Page 2 of 4**

Mr. Bill Stall, 1219 St. James Street, petitioner, stated that he and his son have done many improvements to the existing home at 401 Hampton Terrace, including gutting it and replacing the plumbing, electrical, and windows. He stated that he is not opposed to teardowns, but they decided that the 401 Hampton house was worth rehabbing and not tearing down.

Mr. Stall presented a site plan that included the proposed new detached garage to the Zoning Board of Appeals. He stated that the house and garage are approximately 60 years old. He stated that the subject property has two mature Ash and two mature Maple trees. He stated that he is making every effort to preserve the trees on the property. He presented a revised letter from an Arborist that discussed the Zone of Rapid Taper (ZRT). He stated that the ZRT is the area at the base of the tree where roots necessary for stability rapidly taper away from the trunk. He stated that this area should never be excavated or impacted as future tree failure is a high possibility. He stated that this area is generally defined to be at two times the trunk diameter and given that the existing Ash tree located closest to the detached garage is approximately 27 inches, this requires 54 inches or about 4.5 feet from the tree where there should absolutely be no excavation or impact. He stated that caution should be used when planning for the over-dig for the foundation and that his optimum choice is to locate that new garage approximately 9 feet from the Ash tree which would require a 8'7" setback from the Lincoln Avenue r.o.w. property line. He stated that he is willing to be flexible to bring the garage back further from the property line with an 11'5" setback which would bring the garage closer to the Ash tree with a 6.75 foot separation.

Mr. Stall presented an exhibit that showed there were at least three other detached garages with comparable setbacks from the Lincoln Avenue r.o.w. property line.

Mrs. Ann M. Stall, wife of petitioner, stated that the arborist advised that caution should be exercised so that the Ash tree's stability is protected.

Board Member Robinson stated he favors the 11'5" setback from the property line.

Board Member Howard stated he favors the 11'5" setback from the property line.

Board Member Guarnaccio stated that consideration should be given to raising the grade to protect the tree root zone.

Chairman Cotey stated that he is concerned about the line of site for vehicles exiting the drive from the subject site. He stated that he prefers that the garage is setback as much as possible. He asked the petitioner to give consideration to moving the garage closer to the house.

*In the matter of ZBA 09-17, Board Member Robinson moved, seconded by Board Member Guarnaccio, to recommend the Village Board of Trustees approve a variation to reduce the minimum required corner side yard setback from 30 feet to approximately 11 feet 5 inches in order*

## Minutes of the October 12, 2009, Zoning Board of Appeals Meeting

### Page 3 of 4

*to construct a detached garage for a single-family home located in an R-6, Single-Family Residential District, in accordance with the plans submitted.*

*Motion carried 5 - 0.*

*Ayes: Cotey, Guarnaccio, Howard, Moore, Robinson*

*Nays: None*

*Absent: Adams, Oakley*

#### **ZBA 09-18 Joseph Atkinson, Applicant 338 Laurel Avenue**

**Request is for a variation to reduce the minimum required front yard setback from 30 feet to approximately 23 feet in order to construct a house addition to a single family home in an R-6, Single Family Residential District.**

Mr. David Smith, Senior Planner, stated that the petitioner, Joseph Atkinson, is seeking a variation to reduce the minimum required front yard setback in order to construct a house addition to a single family home. The property is located in an R-6, Single Family Residential District at 338 Laurel Avenue. Mr. Smith stated that the petitioner is proposing to add additional second story floor area and expand an existing attached garage which would bring it closer to the side yard property line in order to create a usable two-car garage. Mr. Smith stated that at present, the existing garage is approximately 17'6" wide with a 15' wide garage door. Mr. Smith stated that the garage expansion would widen the inside of the garage to 19 feet with a 16 foot wide garage door. Mr. Smith stated that the proposed garage expansion will follow the existing front building line, however, the front building line along the existing garage and a portion of the front of the home is currently set back at a non-conforming 24.79 feet from the front property line. Mr. Smith stated that the new garage extension and second floor dormer above the garage will encroach into the front yard, but not exceed the existing front building line.

Mr. Smith stated that the Zoning Code requires that there shall be a minimum front yard setback of 30 feet from the front property line for the principal structure. Mr. Smith stated that the petitioner is also showing a new first floor front bay window that projects from the front facade wall approximately 2.66 feet, thus setback from the front property line approximately 23 feet. Mr. Smith stated that bays are permitted to encroach into the front yard, but not more than 3 feet. Mr. Smith stated that since the existing house structure currently has a setback of 24.8 feet, any additional architectural features such as the proposed bay window on the front building wall shall require a variation for its encroachment into the front yard.

Mr. Joe Atkinson, agent for homeowner, stated that the house was built in the 1950's. He stated that he is doing the work for the second floor and garage expansion. He stated that the garage is not usable as a two-car garage.

## **Minutes of the October 12, 2009, Zoning Board of Appeals Meeting**

### **Page 4 of 4**

Board Member Moore asked for clarification of the bay window as to why it was already constructed. Mr. Atkinson stated that there was a misunderstanding as to which building permit application plans were reviewed and approved.

*In the matter of ZBA 09-18, Board Member Moore moved, seconded by Board Member Robinson, to recommend the Village Board of Trustees approve a variation to reduce the minimum required front yard setback from 30 feet to approximately 23 feet in order to construct a house addition to a single family home in an R-6, Single-Family Residential District, subject to the following condition: 1) The approved plans include the Site Plan dated October 9, 2009 by AKL Architectural Services.*

*Motion carried 5 - 0.*

*Ayes: Cotey, Guarnaccio, Howard, Moore, Robinson*

*Nays: None*

*Absent: Adams, Oakley*

### **COMMUNICATIONS AND DISCUSSION:**

Board Member Cotey moved, seconded by Board Member Robinson, to adjourn the Zoning Board of Appeals meeting.

Motion carried 5 - 0.

Meeting adjourned at 8:12 p.m.