

**MINUTES OF ZONING BOARD OF APPEALS PUBLIC HEARING
AND MEETING HELD NOVEMBER 03, 2004**

Present: William Henry, Co-Chairman Steve DeHond, Code Enforcement Officer
Patrick Beaton Don Eastman, Code Enforcement
Michael Haley

Absent: Donald Mordue, Anthony Muscolino

Others: Patricia McIntyre, Thomas Crowell, Alfred J. Liberati, Dorothy Ann Liberati, Rita Vienna,
Kathleen Vienna, Jeffrey Liberati, Allison Liberati

Recording: Rita J. Gurewitch, Deputy Clerk/Treasurer

The public hearing was called to order at 7:30 PM by Co- Chairman Henry. He stated that three hearings would be heard this evening. Each appealing for area variances, each needing the following factors to be considered in making its determination: (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 an area variance; (2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether an alleged difficulty is self-created. Being that there are three requests this evening, each will be addressed individually and acted upon.

Ms. Patricia McIntyre has requested an area variance to place a new doublewide residence at 75 Onondaga Lane that does not meet village code Schedule 1 of the Village of Manchester Zoning Ordinance, which would require a 20' setback from the rear property line. Application shows only 16' to the rear property line.

There was no one to speak against the proposal.

After discussing the request, the following resolution was offered by Mr. Haley, seconded by Mr. Beaton and carried:

WHEREAS, Ms. McIntyre has applied for a variance to allow her to build double wide home at 75 Onondaga Lane; and

WHEREAS, Ms. McIntyre is requesting a 16' setback to the rear property line so she may make the property more aesthetically appealing and utilize space; and

WHEREAS, it does not appear to create a hardship for any area owners and no one opposed this use; and

WHEREAS, the members of this board are familiar with said location and the conditions and circumstances under which said variance is requested; and that the character of the area would remain unchanged; and

WHEREAS, a strict application of the village zoning law would result in a practical difficulty; and

NOW, THEREFORE, BE IT RESOLVED, that this application be **GRANTED** to allow Ms. McIntyre to place a new double wide residence in Friendly Village.

BE IT FURTHER RESOLVED, that the home not be placed until necessary fees have been paid and permits have been obtained from the Code Enforcement Officer.

The above resolution was put to roll call vote, which resulted as follows;

Patrick Beaton	Voting	“AYE”
Michael Haley	Voting	“AYE”
William Henry	Voting	“AYE”

The resolution was thereupon declared duly adopted.

The First Baptist Church of Manchester has requested a sign variance and permission to erect a non-conforming temporary sign at 54 South Main Street that does not meet village code Section 100-79-D of the Village of Manchester Zoning Ordinance which would require temporary signs not to exceed 24 square feet in area and subject to time limitations. The sign is 30 square feet.

There was no one to speak against the proposal.

After discussing the request, the following resolution was offered by Mr. Beaton, seconded by Mr. Haley and carried:

WHEREAS, The First Baptist Church has applied for a variance to allow them to erect a temporary sign at 54 South Main Street for advertising activities purposes; and

WHEREAS, The First Baptist Church's benefit sought can not be achieved by another method that would not require the variance; and

WHEREAS, it does not appear the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district and no one opposed this use; and

WHEREAS, the members of this board are familiar with said location and the conditions and circumstances under which said variance is requested; and that the character of the area would remain unchanged; and

WHEREAS, a strict application of the village zoning law would result in a practical difficulty; and

NOW, THEREFORE, BE IT RESOLVED, that this application be **GRANTED** to allow The First Baptist Church to erect a temporary sign at 54 South Main Street.

BE IT FURTHER RESOLVED, that the sign can be erected 7 days prior to the event with removal immediately after event; that lighting will not be continuous through the night; the probability of only one event a month and no fee charged but must get necessary permits obtained from the Code Enforcement Officer.

The above resolution was put to roll call vote, which resulted as follows;

Patrick Beaton	Voting	"AYE"
Michael Haley	Voting	"AYE"
William Henry	Voting	"AYE"

The resolution was thereupon declared duly adopted.

Mr. Jeffrey P. Liberati at 35 State Street has requested an area variance to build a 30' X 40' detached garage that does not meet village code Schedule 1 and Section 100-34-B-1a of the Village of Manchester Zoning Ordinance which would require a 15' setback from the rear property line, maximum building coverage not over 30% and a private garage with a maximum capacity of 720 square feet. Application shows only 2' to the rear (south) property line, building coverage over property exceeds 30% and 1200 square feet capacity on a private garage. Height shows 15 ½ feet, which is within the 16' code restriction.

Mr. Liberati addressed the board with his reasons for the variance. He has stored a car in his grandparent's garage; they have passed away and it needs to be stored and can't afford storage costs. He has no garage now. He is using a fabric tent and shed basically. He would like to get rid of the tent, which he considers an eyesore and clean up the back part of his property. He has two motorcycles currently in the tent, a van, his old car, and his wife's car with no place to put them. The existing 12 X 20' garage is still on the property, but in disrepair.

Kathleen Vienna questioned how it would be built in the back yard. Mr. Liberati stated it would be built where the existing garage is now and pull off the back corner across the back of the property. The Manchester Family Park is to the rear. The existing garage is 2' from the rear property line now. The surrounding properties around 35 State Street are on the boundaries in the back also.

Ms. Vienna addressed the board stating its unfortunate to come to this situation. Her family has lived next door and has gotten along with no problems. She is representing 37 State Street on the west side with a 15' side setback within code. Ms. Vienna stated that Steve DeHond, the Manchester zoning officer, did not approve Mr. Liberati's building permit application. He stated that the measurements were too large for such a small parcel of land. She feels its great when people want to make improvements and she's all for that, but she feels that its just a little bit too big for property within the village. The properties are close together. Another concern of Ms. Vienna's was setting precedent for future requests to build a large garage. The board assured her that all appeals before the Zoning Board are on a case-by-case basis. No precedents are set.

Mike Haley asked if a garage was present at 37 State Street and where the house set. Set back of both 35 & 37 State are about the same. Mr. Liberati stated that the garage would not extend past the west side of the house. It will be no wider than his house.

Ms. Vienna stated that bottom line is that it will be pretty big and the view that her parents have had for over 50 years will be lost. She stated that others disapproved but did not come to voice their opinions, because they don't want hard feelings and feel that just voicing their opinion should not make them the bad guy. Co-Chairman Henry stated that this is her right to come here. It is part of the appeal process.

Co-Chairman Henry asked Mr. Liberati if he was making the garage to store cars and a workshop and for storage. Then Mr. Henry asked Mr. Liberati if he would consider anything smaller. Mr. Liberati stated he wants to go as big as he possibly can go. He is coming before the board with what he would like.

Neighbors to the east side of subject property stated that they feel it would improve the value of the property. What they are looking at now depreciates the value of the property now. A sided garage to match

the house would definitely improve the looks of the property and house all the things that are now out could go inside the garage.

Co-Chairman Henry asked if there were any others that would like to say anything. No one presented themselves.

The public hearing was adjourned on motion.

Mike Haley stated that the max. is 720 square feet, the request is 1200 square feet; Bill Henry said the overage of property covered is 220 square feet over the 30% and it's 2 feet to the back park.

After discussing the evidence before them, the Zoning Board agreed that the difficulty is self-created, but that a nice garage would improve the property, but the building would be twice the recommended size. The Zoning Board would like more information presented to them to determine between necessity and convenience. Co-Chairman Henry chose the board's right delay any decision. They will meet again in two weeks. Mr. Liberati is to bring supporting documents. Photographs from both angles, a picture of garage at 37 State Street, and a counter proposal to make the garage smaller.

The meeting was closed at 8:35pm and will re-open on November 17, 2004 at 7:30pm.

Respectfully submitted,

Rita J. Gurewitch
Deputy Clerk/Treasurer