

**MINUTES OF ZONING BOARD OF APPEALS PUBLIC HEARING  
AND MEETING HELD OCTOBER 04, 2006**

Present: Donald Mordue, Chairman  
Michael Haley  
Anthony Muscolino

Absent: Rick Beaton, William Henry

Others: Charles Whitmarsh, Alice Vanhanja, John Vanhanja, Ken Potter, Mary Potter, Adela Crowley,  
Kevin Crowley

Recording: Rita J. Gurewitch, Deputy Clerk/Treasurer

The public hearing was called to order at 7:30 PM by Chairman Mordue. He stated that two hearings are scheduled this evening and the board will proceed with one at a time.

The first hearing will be that of **Charles and Joy Whitmarsh at 43 South Main Street** for an area variance to erect a 12ft X 12ft addition to his detached one car garage that does not meet village code Schedule 1 of the Village of Manchester Zoning Ordinance which would require a 5ft setback from the side property line. The application shows only 1ft to the south property line. Mr. Whitmarsh would like more workspace.

Chairman Mordue addressed those present to express their questions or concerns.

Mr. Vanhanja expressed his concerns about the workshop and any noise that would be generated from it.

Mr. Whitmarsh stated that it is an existing workshop that has been used and he has had no complaints. He will be insulating the addition to have minimum noise. Also that he does not work at night. The building sets to the rear of the property.

Mr. Muscolino asked if the roofline is going to be made higher. Mr. Whitmarsh stated no.

Mr. Haley's concern is that sometimes additions do not put the siding on. Mr. Whitmarsh reassured the board that he will put siding on and that he will use T 11 and a tin roof.

Chairman Mordue asked if there were any further questions or comments for the Whitmarsh hearing. No further comments or questions were stated.

The second hearing to order is **Kenneth and Mary Potter at 7 Newton Street** for an area variance to add a 9ft 6inch X 23ft 3inch addition to an existing attached garage that does not meet village code Schedule 1 of the Village of Manchester Zoning Ordinance which would require a 15ft setback from the side property line. The application shows only 10ft to the north property line. Mr. & Mrs. Potter would like more storage space, would like to access their home from the inside of the garage (they currently have to go outside of the garage to get inside their house) and they would like to add value to their home.

Chairman Mordue addressed those present to express their questions or concerns.

Adela Crowley stated that the addition would make their home too close to hers. A car would not be able to drive to the rear without going on the other property. She is concerned about her property value going down. Also she felt the homes would be too close together in case of fire.

At this time, ZBA members Anthony Muscolino and Michael Haley went to 7 Newton Street. Upon their return they stated that currently there is 30 feet between the existing garage and the house next door. If the addition were granted that would drop to 20 feet between dwellings. If this were to be a detached garage only 5 feet would be required for the side setback instead of 15 feet. If this appeal were granted, there would be 10 feet to the property line from the Crowley dwelling and 10 feet to the property line for the Potter dwelling.

Michael Haley asked Mr. Potter is the siding on the addition will match the rest of the house. Mr. Potter stated yes.

Anthony Muscolino asked if the roofline would be conforming to the rest of building. Mr. Potter state yes.

The public hearings were adjourned on motion.

The meeting was called to order at 8:00 PM by Chairman Mordue.

After discussing the **Charles and Joy Whitmarsh** appeal, the following resolution was offered by Mr. Haley, seconded by Mr. Muscolino and carried:

**WHEREAS**, Charles and Joy Whitmarsh have applied for a variance to allow them to build an addition on their current garage at 43 South Main Street; and

**WHEREAS**, Charles and Joy Whitmarsh are requesting 1 foot setback to the south property line so they may 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 Mr. & Mrs. Charles Whitmarsh to build an addition to their garage/workshop.

**BE IT FURTHER RESOLVED**, that the addition to garage will not be constructed 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	Absent
Michael Haley	Voting	“AYE”
Donald Mordue	Voting	“AYE”
William Henry	Voting	Absent
Anthony Muscolino	Voting	“AYE”

The resolution was thereupon declared duly adopted.

After discussing the **Kenneth and Mary Potter** appeal, the following resolution was offered by Mr. Muscolino, seconded by Mr. Haley and carried:

**WHEREAS**, Kenneth and Mary Potter have applied for a variance to allow them to build an addition on their attached garage at 7 Newton Street; and

**WHEREAS**, Kenneth and Mary Potter are requesting a 10 ft setback to the north property line so they 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

**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 Mr. & Mrs. Kenneth Potter to build an addition to their attached garage.

**BE IT FURTHER RESOLVED**, that the addition to the garage will not be constructed 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	Absent
Michael Haley	Voting	“AYE”
Donald Mordue	Voting	“AYE”
William Henry	Voting	Absent
Anthony Muscolino	Voting	“AYE”

The resolution was thereupon declared duly adopted.

The meeting was adjourned at 8:35pm.

Respectfully submitted,

Rita J. Gurewitch  
Deputy Clerk/Treasurer