

Village of Canton

Zoning Board of Appeals Meeting

May 26, 2020

Zoom Virtual Meeting

7:00pm

Members Present

Chairperson Conrad Stuntz; Sally McElhearn; Mike Snow; Caitlin Gollinger; Debbie Gilson; Andy Whittier
Recording Secretary Jeni Reed

Members Absent

None

Others Present

Code Enforcement Officer Jeff Murray; Moderator Carol Pynchon; Troy and Suzanne Creuer; Adam Atkinson; Klaus Proemm; Ken Pratt; Charles Carvel; Mike Crowe

Public Hearings

30 Miner St

This public hearing was cancelled as the applicant withdrew their application for an interpretation of the code.

55 Judson St

The public hearing for an area variance at 55 Judson Street began at 7:03pm with a description of the public hearing process by chairperson Conrad Stuntz. At the conclusion of his description he made a request for any general questions - there were none.

Code Enforcement Officer Jeff Murray presented the details of the application as follows:

The application by Troy and Suzanne Creuer for an area variance at 55 Judson Street is to allow them to build a two-car garage, which encroaches on the required setback of 10 feet. This will only affect the left side of their property (as facing the property), which is the side that shares a line with Greg Howe's property. The application requests permission to build with a 3 foot setback along the identified property line.

It was noted that Greg Howe (general public and owner of the adjoining property) called to discuss the request with Jeff Murray, and agreed that he has no issues with this request.

Property Owners Troy & Suzanne Creurer presented their request as follows:

Currently on the property is a small shed with a single garage door. They would like to remove this shed and build a two-car garage on the property with a second story storage/"rumpus" room. It was mentioned that their lot is long but a

little narrow. They indicated that they had also discussed the request with Greg Howe and he claimed to have no issues with the request. The application requests a setback of 3 feet; however the owners state that the building will likely require closer to only 5 or 6 feet. Stakes have been placed on the property at this time to show the planned outline of the garage edge, and no official survey of the property is planned at this time. The footprint of the planned garage will be 24 feet by 32 feet and 25 feet at its highest point. The proposed garage and existing house will represent approximately 11% usage of the property.

The following questions and clarifications were posed to owners Troy & Suzanne Creuer by chairperson Conrad Stuntz:

- Confirmation that the ridge pole for the new garage will run parallel to Judson Street, and that the building facing Judson Street will be 14 feet high.
- The orientation of the new garage will be facing South to align with the house; this alignment will also allow for possible expansion of their solar power generation in the future.
- The wall facing Greg Howe's driveway (neighboring property) will be designed to "look appropriate."
- The setbacks are expected to be greater than the requested 3 feet; falling somewhere between the allotted 10 feet and the proposed 3 feet.
- Regarding the property along the lot line between driveway and access to Howe Apartments; the driveway/parking lot will abut the new garage.
- The snow plowing done on Greg Howe's property has never been an issue and there is not one anticipated with the new building (the board wants to avoid snow removal affecting the new garage, etc.).

Chairperson Conrad Stuntz then presented the public the opportunity for open discussion of the proposal:

Ken Pratt: Ken is a neighbor who lives across the street from the property being discussed. He wanted to see how the process of requesting a zoning area area variance worked. He states he is comfortable and happy with the process and the Creuer's request.

Mike Crowe: Mike is a member of the public who stated that this request sounds like an appropriate exception of variance and the project is well planned without being a problem. He is also happy that the Creuer's will be utilizing solar power.

Charles Carvel: Charles is a member of the public who stated that this request looks fine.

Chairperson Conrad Stuntz presented the Board Members with the opportunity to ask questions:

Andy Whittier: Andy states he was looking at the Google Map of the property and wants to know how far back relative to the current house the new structure will be? The Creuer's replied that it will be placed approximately 10 feet off the back porch of the current house to allow them room for snow removal or run a lawn tractor.

Conrad Stuntz: Conrad asked will the new structure overlap the corner of the house? The Creuer's replied that the edge of the new garage will run exactly in line with the edge of the house. There is a bay window that juts out, but the inside of the garage line will line up pretty close to the edge of the house; which presents an additional reason to have the garage a little farther to the left. Jeff Murray added that if the garage wall and the house wall are within 2 feet of each other, state code will require one layer of ½ inch sheetrock to provide a fire break. There is no indication of additional requirements.

At this time, chairperson Conrad Stuntz reviewed the rest of the procedure for deciding an area variance:

- This process of determining an area variance is the least restrictive type of decision for the Zoning Board of Appeals.
- The Board will discuss the points involved in the decision, but even if the request fails on one or more of the points, it still may pass.
- The Board will review four separate points to determine if the benefits of the project outweigh the costs; then they will either pass, reject, or modify the appeal.

Chairperson Conrad Stuntz asked if there were any additional thoughts or comments from the Board or the Public. As there were none, the Public Hearing was concluded at 7:18pm.

Call to Order

The meeting of the Village Zoning Board of Appeals was called to order at 7:18pm by chairperson Conrad Stuntz.

Agenda Items

1. Discussion of area variance request for 55 Judson Street

The impact of the 55 Judson Street area variance request was discussed following the conclusion of the public hearing; it was stated that the request seems to be neutral or provide no impact. The benefit the Creuer's are seeking is to maximize the usable space behind the house, while minimizing any dead space in the same area.

The Board next discussed the 4 key points to making a area variance decision and how they apply to the variance requested for 55 Judson Street:

- **Is there an alternative to this area variance that could solve the same problem?** The chairperson looked to the Board for comment and suggestions. Andy Whittier commented that the only other option would be to move the garage closer to the house, which would create the potential for cars backing into the house during regular movement; he felt there were no good alternatives available to create this 2 car garage space.
- **Is this a substantial request - are they making a change to the entire parcel?** The chairperson clarified the question as are they making a large request or a minimal request. There was no additional comment from the Board on this topic.
- **Will this create an adverse effect on the neighborhood?** The chairperson looked to the Board for comment; it was determined that the only effect would be to create a larger building within the neighborhood. This led to a brief discussion with the Creuer's regarding the design of the new structure. It was indicated that a similar structure on the property of the neighbor across the street was surveyed, and although they will be developing a new structure with an opposite roofline, much of the project will be similar to that neighboring structure. The Creuer's will be working with a former teacher from Madrid to help construct the frame of the new garage, and the design and style will be very straightforward. Although there are no schematics available yet, it is anticipated that there will be no elaborate design changes, and the new structure will stylistically match the existing house and surrounding neighborhood.
- **Is this difficulty self-created; could it have been avoided by the applicants and/or did they create this issue?** The chairperson indicated that this question is generally the area variance "sticky point," and is really a question of if there is a way to do things differently. It was discussed that there is certainly the option to put the garage within the 10 feet setback as the code requires. However, the area variance would provide the flexibility to maximize backyard space and feasibility for moving vehicles around the driveway and in and out of the new garage. Debbie Gilson commented that she did not feel the Creuers created this problem, as the lot has stood as is for a number of years; it is pie-shaped and the discussion of how to build a garage came up as early as the time of sale of the property to the Creuers. It would be possible to create a long, narrow, 2 car garage that would require playing "musical cars," but that really isn't necessary. Debbie felt that the request is appropriate, and is only a small variance of between 3-7 feet which does not pose a major issue.

Following this discussion regarding the four key points for reviewing an area variance, the chairperson commented that it sounds like the board is "pretty comfortable" with allowing this variance. The chairperson asked if there was a need to minimize the requested clearance, or if 3 feet would be appropriate. Debbie Gilson asked about the feelings of the owner of the adjacent property (Greg Howe), and it was indicated that per a phone

conversation there are no issues from that individual regarding the structure and its proposed location. It will be abutting property that provides pull-in parking for the residents of the apartment building next door, and there are no anticipated issues with snow removal or anything else.

The chairperson asked if there were any additional questions or concerns from the board members:

- Andy Whittier: No issues
- Caitlin Gollinger: No issues
- Sally McElhearn: No issues - feels this will be an improvement to the property and good for the owners
- Mike Snow: No issues (non-verbal agreement)

Decision:

The chairperson stated that based on the discussion, it is determined that the benefit of providing this area variance outweighs any detriment, and thus is approved by the Zoning Board of Appeals as a setback of 3 foot from the property line to build a 2 car garage. It was noted to the Creuers to make sure they are CLEARLY outside the lot line to avoid any encroachment on the property line. A written decision of this matter will be provided to Jeff Murray, Code Enforcement Officer, within two days for appropriate dissemination.

Other Items

There was no additional discussion proposed.

Adjournment

The meeting was adjourned by chairperson Conrad Stuntz at 7:30pm.

Respectfully Submitted,
May 28, 2020
Recording Secretary Jeni Reed