

Passed

Mr. Christ read the practical difficulties factors aloud. Whether special conditions or circumstances exist that are peculiar to the land or structure involved, the applicant has indicated that they are trying to utilize the existing land configuration and an existing tree. Which is a reasonable approach, they will have to clear a few things with the Building Department beforehand. Regarding whether the property in question will yield a reasonable return, he does not believe that it will apply. The variance is not substantial, and based on the current configuration, it is the minimum necessary. He does not think that the essential character of the neighborhood will be substantially altered, as it is already screened by existing vegetation. The delivery of government services will not be adversely affected. Whether the owner purchased the property with knowledge of the zoning restrictions, he does not believe that it applies. He does believe that special conditions exist because of the actions of the owner, only because of the location they are choosing, but it is a reasonable approach that they are taking. He does not believe that the predicament can be obviated by some method other than a variance. He believes that the spirit and intent of the Code will be observed, and substantial justice will be done by granting the variance without conferring any special privilege on the applicant. Does the literal interpretation of the provisions of the Code deprive the applicant of rights commonly enjoyed by other properties, he believes it would. The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to Stephanie Licata, 1182 Bates Rd, to construct a play structure with a height of 13' vs. the 12' that is permitted. Per Section: 1153.15 (g)(1). The applicant has indicated their difficulties with locating the headroom and a swing below the platform, and a reasonable height in the room that is being built on the platform. The applicants will adjust the roof to make sure that it does not exceed 13', and this is a reasonable solution. As part of that, they will verify with the Building Department the electrical clearances, the structural design, and with the utility that is required for locating where it's at. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to Stephanie Licata, 1182 Bates Rd, to construct a play structure with a setback of 3' vs. the 7' that is permitted. Per Section: 1153.15 (g)(1). This is indicated to apply to both the side yard setback and the rear yard setback and is subject to the same provisions as the first variance regarding electrical, structural, and utility. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

5. **WILLIAM TODD SEABROOK – 20360 Parkview Ave. – PUBLIC HEARING –**
Variance: To construct a new garage that is 810 square feet vs. the 600 square feet that is permitted. Per Section: 1153.15 (c).
Variance: To construct a new garage with a 2' side setback vs. the 5' that is permitted. Per Schedule: 1153.15 (1).

Mr. Christ introduced the variance request, and Mr. Farrell swore in the homeowner, William Seabrook, and his father, Craig Seabrook, the chief engineer. Mr. W. Seabrook said they are tearing the existing garage down and rebuilding it a little bigger. That is to fit the two cars he and his partner have, and all of their stuff that comes with owning the home. The garage will be placed in the same place as the existing garage, which is nonconforming as it currently sits 2' from the property line. Mr. Farrell questioned whether the current foundation or floor would be able to sustain a building of this size. Mr. C. Seabrook said that the existing foundation would be removed, and a new foundation would be poured.

Mr. Farrell is curious about why it needs to be so large. Mr. W. Seabrook said the way he determined the size was by pushing all his items to the wall of his garage and adding the length of his car, plus some wiggle room, to come up with the depth. Mr. Farrell pointed out the support letters from his neighbors on both sides. Mr. Farrell also pointed out the depth of his lot and the fact that he will not be infringing on any rear neighbors as he has plenty of space behind the garage. Mrs. Martinez recommended that if space is an issue, make one large garage door instead of two separate ones, which allows you to park cars closer, allowing for more space. Mr. W. Seabrook said he had just installed new doors in his existing garage and wants to use those instead of buying a new, larger door.

Mr. Reich let the board know that since the wall is so long and abuts the property line, this project will have to go to the Design and Construction Board of Review. Mr. Christ said in essence, Mr. Seabrook is building a garage with an attached storage shed. Mr. Christ believes having one structure is more reasonable than having two structures. It will look better, even with a long wall. Mr. Christ thought the current garage looked closer than 2 feet to the property line and wants to make sure that the 2 feet will be verified by the Building Department. Mr. Reich said the Building Department will do a lot line inspection to verify. Mr. Farrell wanted to verify that they are not doing anything to the driveway; they are not. Also verifying if the existing garage and the new garage are the same width, they are.

Mr. Wright moved to close the public hearing. Mr. Christ seconded.

5 Ayes – 0 Nayes
Passed

Mr. Christ read the practical difficulties factors aloud. Whether special conditions or circumstances exist that are peculiar to the land or structure involved, the existing setback is around 2', and they will be maintaining that. While expanding the garage in the portion of the property that will not impact any adjacent neighbors, and is reasonable. Regarding whether the property in question will yield a reasonable return, this will enhance the return on the property and is reasonable. The variance is not substantial and is the minimum necessary, the applicant has indicated the practical difficulties of taking their lawn items and incorporating them in the yard to reduce the clutter and improve the total appearance of the yard. He does not think that the essential character of the neighborhood will be substantially altered; they will work with the Design Review Board to make sure the walls adjacent to the property line are appropriate. The delivery of government services will not be adversely affected. Whether the owner purchased the property with knowledge of the zoning restrictions, he does not believe that it applies. He does not believe that special conditions exist because of the actions of the owner. He does not believe

that the predicament can be obviated by some method other than a variance. He believes that the spirit and intent of the Code will be observed, and substantial justice will be done by granting the variance without conferring any special privilege on the applicant. Does the literal interpretation of the provisions of the Code deprive the applicant of rights commonly enjoyed by other properties, he believes it would. The other Board members agreed with Mr. Christ's assessment.

Mr. Christ moved to grant a variance to William Todd Seabrook, 20360 Parkview Ave, to construct a new garage that is 810 square feet vs. the 600 square feet that is permitted. Per Section: 1153.15 (c). The applicant has indicated the practical difficulties of locating the new car space and storage space, and this is a reasonable solution. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

Mr. Christ moved to grant a variance to William Todd Seabrook, 20360 Parkview Ave, to construct a new garage with a 2' side setback vs. the 5' that is permitted. Per Schedule: 1153.15 (1). This is the existing setback, and this will be maintained and extended within an area of the property that will not impact any of the neighbors. And the architectural review will be dealt with through the Design and Construction Board of Review. Mr. Wright seconded.

5 Ayes – 0 Nays
APPROVED

6. TIMOTHY PALMER – 315 South Riverdale Dr. – PUBLIC HEARING –

Variance: To construct a deck with a 9.3' rear setback vs. the 25' that is permitted. Per Schedule: 1153.07 (2).

Variance: To construct a deck with a 3' side setback vs. the 5' that is permitted. Per Schedule: 1153.07 (1).

Variance: To construct a deck that is 344 square feet vs. the 250 square feet that is permitted. Per Section: 1153.15 (g)(3).

Mr. Christ introduced the variance request, and Mr. Farrell swore in Timothy Palmer, the homeowner. Mr. Palmer bought the home last summer and knew it was going to need a lot of work. There is a launch easement to get to the water that runs through the property and to the river. Mr. Reich said the home used to be a part of the property up the hill, and in 2022, the property was split into two. One on top of the hill along Riverdale and one down the hill along South Island. Mr. Farrell verified that the deck would start at the southeast corner of the home. Mr. Palmer confirmed that the corner of the house is 3' from the property line, explaining the side setback variance. Mr. Palmer said that parking was moved from the front of the house to the north side of the house. Mr. Wolf wanted to know what the expectations are for off-street parking. It looks like where the new driveway is, the access easement runs right on that. Mr. Reich said that he is unsure what the parking requirements are for that area, but he and Mr. Farrell agreed that people park wherever they like down there.

Mrs. Martinez wanted to confirm that the new driveway is where the boat easement is on the site plan; it is. Mr. Farrell assumes that it is okay to do so since it is still accessible and there are no

