TOWN OF VERNON

OFFICE OF THE
ZONING BOARD OF APPEALS

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APPROVED Minutes October 17, 2012

Attendees: Bill Francis, Jim Ferguson, Carl Slusarczyk, Bruce Skivington, Jon Gilluly, and Marisa Roy.

Also present: Andy Marchese, Zoning Enforcement Officer, and Jennifer Roy, Zoning Assistant/Recording Secretary

The meeting was called to order at 6:30 p.m. and the opening statement was read.

Jim Ferguson, Secretary read the agenda:

1. KEVIN MCCORMICK, 9 DAVIS AVENUE, seeking a variance from Section 4.16.1.4, 10 foot minimum side yard setback, to allow installation of a driveway one foot from the side yard property line in the NR10 Zoning District.

Andy Marchese explained the owner would like to pave the driveway to meet the parking needs for 4 family dwelling.

Kevin McCormick present to speak on his application. He explained that there was a driveway there previously, a larger one. He dug the driveway up a few years ago, and now the town has asked him to pave the driveway. The new driveway will actually be smaller than previous.

No one present to speak in favor or opposition. The hearing was closed and discussion held.

Jim Ferguson made a motion to approve the variance for a one foot side yard setback, based on lot size and required parking, Carl Slusarczyk seconded the motion; motion carried by unanimous vote.

2. WENDELL LAWSON, 68 LEGION DRIVE, seeking a variance from Section 4.3.1.4, 10 foot minimum side yard setback, to allow construction of a 12'x24' garage, two feet from the side yard property line in the R22 Zoning District.

Andy Marchese explained Mr. Lawson came to the Building Department to apply for a permit for the garage, at that time it was discovered he could not meet the side yard setback requirement.

Wendell Lawson present to speak on his application. Mr. Lawson explained he cannot use the garage due to crack in the floor of the foundation. He needs to store his vehicle in this garage.

Carl Slusarczyk questioned Mr. Lawson about the tires along the fence, would he be cleaning this up? Mr. Lawson agreed that he would clean up the tires and debris prior to installing the fence, most likely in the next week or two.

No one present to speak in favor or opposition. The hearing was closed and discussion held.

Carl Slusarczyk made a motion to grant the variance for a two foot side yard setback, due to lot configuration, with the stipulation that the tires be removed from the property. Bruce Skivington seconded the motion, motion carried by unanimous vote.

3. JOHN GOLDSNIDER, 31 ELM HILL ROAD, seeking a variance from Section 4.4.2.1, single family dwelling, to allow a second dwelling unit on the same property in the R27 Zoning District.

Andy Marchese explained Mr. Goldsnider is now applying for a variance to allow the second dwelling unit on property.

Andy Marchese presented a memorandum from Len Tundermann, the Town Planner. Memo marked exhibit A.

John Goldsnider present to speak on his appeal. Mr. Goldsnider explained that he began the process of refinancing the property; an appraiser discovered that the property card on file with the Town Assessor's office listed the property as a 3 family; all information he presented the Board previously.

Mr. Goldsnider explained that he had contacted the former Building Official Steven Dupere who had inspected the garage in 2007. Mr. Dupere did not recall performing the inspection and could not shed light on the fact that there was an apartment already in the garage when Mr. Goldsnider purchased the property.

Bill Francis, Chairman, presented a print out of MLS listing from the realtor database. The listing shows the property had a garage with an apartment. The listing is marked exhibit B.

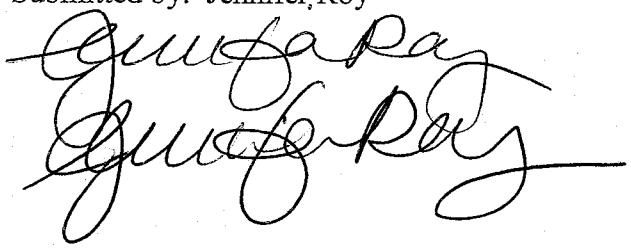
Discussion was held.

No one present to speak in favor or opposition. The hearing was closed and discussion held.

Jim Ferguson made a motion grant the variance for a second dwelling on the property, due to permitted continuation of non-conformance, the stipulation that the space not be used until the proper certificate of occupancy has been obtained; and this variance specific to this property not to be used in other properties, this variance is intended to apply to both Sections 4.4.2.1 and 3.20 of the Vernon Zoning Regulations, Bruce Skivington seconded the motion, motion carried by unanimous vote.

Next item on the agenda, approval of the September 19, 2012 meeting minutes.

Carl Slusarczyk made a motion to approve the September 19, 2012 minutes, Bruce Skivington seconded the motion; the minutes were approved by unanimous vote.

Bruce Skivington made a motion to adjourn the meeting, Carl Slusarczyk seconded the motion; the meeting was adjourned at 7:55 p.m.

Submitted by: Jennifer Roy