TOWN OF VERNON

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OFFICE OF THE
ZONING BOARD OF APPEALS

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DRAFT Minutes October 20, 2010

Attendees: Jim Ferguson, Carl Slusarczyk, Bill Francis, Bruce Skivington, David Clough, and Jon Gilluly.

Also present: Abraham Ford, Jr., Zoning Enforcement Officer, and Jennifer Roy, Zoning Assistant/Recording Secretary

The meeting was called to order at 6:30 p.m.

Jim Ferguson, Secretary read the agenda:

1. MARGARET M. WILKE, 82 WINDSOR AVENUE, seeking a variance from section 4.9.1.4 & 4.9.1.5, minimum side yard and minimum rear yard requirements, to allow construction of an 8'x12' shed 5 feet from the rear and 5 feet from the side property lines in the Commercial Zoning District.

*Correction noted that this property is in the R-10 Zoning District.

Abraham Ford explained the application. Ms. Wilke is unable to meet either rear or side yard setback requirements.

Margaret Wilke, 82 Windsor Avenue, present to speak on her application. Ms. Wilke mentioned that if she where to put the shed anywhere else it would be in the middle of her back yard. If she were to use the required setback, it would almost be touching her house.

Seeing no one present to speak in favor or opposition; the hearing was closed. Brief discussion was held.

Jim Ferguson made a motion to grant the variance due to lot size, Bruce Skivington seconded the motion. The variance was granted by unanimous vote.

2. SILVERIO CRUZ, 39 OXBOW DRIVE, seeking a variance from section 4.3.1.5, minimum rear yard requirement, to allow construction of an 8'x12' shed less than 20 feet from the rear property line in the R-22 Zoning District.

Abraham Ford explained the application. 39 Oxbow is a pie shaped lot; therefore there is no actual rear property line. According to Town of Vernon Zoning Regulations, when this occurs, there must be a parallel line, 80 feet in length from the right property line to the left property line; this is creates the rear setback line. In following this regulation, there is a substantial piece of the Cruz's property that can not be used.

Patricia Cruz, 39 Oxbow Drive, present to speak on the application. Mrs. Cruz restated the situation as Mr. Ford explained. Using the regulation for the rear setback, there is a large piece of their property that would not be able to be used. If they follow the 20ft rear yard setback, the shed would be right close to the house or the street.

Mrs. Cruz provided photos of their property, including the side and rear yard. Photos marked Exhibits 1 – 5.

Jay Karliner, 37 Oxbow Drive, present to speak on the application. Mr. Karliner is neither in favor or opposed, he is there is find out what the application is about. Mr. Karliner was provided a plot plan as well as photos to look at what is being discussed.

Mr. Karliner's property immediately abuts the Cruz's property; however there are trees lining the property so overall the location of the shed would not affect him.

Seeing no one else present to speak, the hearing was closed and discussion was held.

Jim Ferguson made a motion to grant the variance of 10 feet from either side property line, due to lot configuration, Carl Slusarczyk seconded the motion. The variance was granted by unanimous vote.

Approval of the September 15, 2010 minutes. Jim Ferguson suggested we add "Dry Well" to the description of the work performed at 25 Earl Street.

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

Other business; none.

David Clough made a motion to adjourn the meeting, Carl Slusarczyk seconded the motion; the meeting was adjourned at 6:58 p.m.

Submitted by: Jennifer Roy