

**MINUTES
VARIANCE BOARD MEETING
JUNE 19, 2019**

The meeting was called to order at 7:34 a.m.

Present: Members: Christopherson, Denn, Johnson; Planner: Riedesel; Applicants: Anthony Morgan, Andrew Nelson, Matt Menior, and Patrick & Rheanna O'Brien.

APPROVE AGENDA: Johnson moved approval of the Agenda as submitted. Christopherson seconded.

APPROVE MINUTES: Johnson moved approval of the Minutes of May 15, 2019. Christopherson seconded.

ANTHONY & MORGAN ABBOTT, 5216 Grand Avenue – Request for a 13.5' Right-of-Way Setback Variance to Construct a 3 Season Porch: Riedesel summarized the request to add a 3 season porch onto the existing deck. Riedesel noted that a variance was requested and received by the previous owner in 1997 allowing construction of the deck. This lot is considered an undersized lot of record at the corner of Grand and Stillwater Street.

In 1997 it was noted that 6 of the 8 homes on this block did not meet right-of-way setback requirements and it was found that the average setback of the homes on this block was consistent with the setback of the proposed deck. The average setback along this block is currently 24' +/-.

The Variance Board discussed the request and no issues were noted.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board to approve the 13.5' right-of-way setback which will allow construction of a 3 season porch based on the previous variance approval of the deck in 1997. Christopherson seconded. Ayes all.

**MINUTES
VARIANCE BOARD MEETING
JUNE 19, 2019**

ANDREW NELSON, 3940 Lakewood Avenue – Request for a 6.375’ Side Yard Setback Variance to Pave Driveway 3’ From the Side Lot Line: Riedesel summarized the request for a 6.375’ side yard setback variance and an 8.7% green area variance to allow him to pave his driveway up to 3’ from the side lot line. The driveway is currently gravel and is constructed up to the lot line.

The paved driveway width is proposed to be 12’4”, and the driveway will serve a detached garage located behind the home. There is also an existing parking area which adjoins Lakewood Avenue. This was once a driveway that extended up to the home. A portion of this driveway has been removed and the remainder is used for parking.

The majority of the homes in the Eastwood Manor neighborhood were built in the 50’s and 60’s, many with single car garages. As these garages are replaced with two car garages it is common for the Town to review variances proposing a 5’ side yard setback.

Johnson inquired about calculations of green space for neighboring properties. He also stated that he met with Nelson and found that no other options are really available to him for the driveway.

The Variance Board discussed the parking pad located on the property. Nelson stated that he would like to keep the parking pad as he uses it to park his work vehicle. He also noted that the parking pad is supported on one side by a retaining wall and that would have to be removed and fill brought in to make it look acceptable.

Christopherson moved to recommend to the Planning Commission to recommend to the Town Board to approve the 6.375’ side yard setback variance and 8.7% green area variance to allow paving of the driveway. Johnson seconded. Ayes all.

MATT & ANN MENIOR, 5216 Park Avenue – Request for 24’ Right-of-Way Setback & 3% Green Area Variance to Construct a Two Car Garage: Riedesel summarized the request for a 24’ right-of-way setback variance and a 3% green area variance to allow for construction of a 24’ x 24’ detached garage. The garage would replace an existing single car garage which is constructed up to the Park Avenue right-of-way and a small shed located behind it. The new garage is in approximately the same location as the existing garage but would be set back 10’ from the right-of-way line.

The Menior property is a corner lot, 49.98’ wide and 120’ deep, 5,998 square feet in area, and is considered an undersized lot of record. The Town requires a 35’ right-of-way setback and a 10’ side (rear) setback for a standard sized lot. This undersized corner lot requires a 6’ side setback. With these setback requirements applied to this lot

**MINUTES
VARIANCE BOARD MEETING
JUNE 19, 2019**

a garage on greater than 9' deep can be constructed without approval of a setback variance.

The Town requires 70% green area for non-lakeshore residential properties. The proposed coverage for this lot with the newly proposed garage is 33%, requiring a 3% green area variance.

The Town has historically approved variances to permit construction of a two car garage and this request is consistent with others which proposes a two car garage with greater setbacks than an existing non-conforming garage.

Riedesel stated that the garage could be shifted more to the north, however, this would create more driveway and a greater green area variance

Denn inquired as to whether there would be room to park a vehicle in front of the garage. Johnson stated that there would be room.

Denn moved to recommend to the Planning Commission to recommend to the Town Board to approve the 24' right-of-way setback variance and 3% green area variance to allow construction of a two car garage. Johnson seconded. Ayes all.

PATRICK O'BRIEN, 1382 Top Lane – Request for Minor Subdivision Requiring Approval of a Lot Size & Lot Width Variance: Riedesel summarized the request for approval of a minor subdivision which requires approval of a lot size and lot width variance. The property is located at the corner of Top Lane and South Birch Lake Boulevard. The home fronts on Top Lane and the driveway accesses Top Lane. The property is "L" shaped with 89.05' of frontage on South Birch Lake Boulevard and 200' of frontage on Top Lane.

O'Brien would like to split the property into two lots. One lot approximately 90' wide by 207.56' deep fronting on Top Lane. This lot has the O'Brien home on it. The second lot would be a vacant corner lot 89.05' wide by 110' deep.

The lot containing the O'Brien home would be approximately 18,000 square feet in area meeting lot size and width requirements.

The corner lot is proposed to be approximately 9,790 square feet in area. The Town's minimum lot size is 12,000 square feet in area with a minimum of 105' width along each right-of-way. Therefore, the applicant is requesting a 15.95' lot width variance and a 2,210 lot square footage variance for the newly created lot.

**MINUTES
VARIANCE BOARD MEETING
JUNE 19, 2019**

The configuration of the O'Brien property seems as though it should be split; however, no stub was constructed and the property was only assessed for one unit.

Denn stated that he is not in favor of creating undersized lots which will may require variances in the future to construct houses.

O'Brien stated that any home constructed on the new lot would not be a two story dwelling but a single story home that would fit on the lot.

Johnson proposed an option whereby O'Brien could increase the size of the newly created lot by downsizing the size of his lot to 80' wide thereby adding an additional 900 square feet onto the new lot which will decrease the size of the lot size variance needed.

Denn stated he could support Johnson's proposal as it would get the new lot closer to the minimum lot requirement and that no variances be allowed on either parcel in the future.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board to approve the minor subdivision subject to the applicant downsizing the size of the lot on which the house is located to be 80' wide which would add approximately 900 square feet onto the new lot thereby getting it closer to the minimum lot requirement and decreasing the amount of the lot size variance, and noting that no variances will be permitted for the newly created corner lot. Christopherson seconded. Ayes all.

The Variance Board stated that a revised sketch plan should be presented prior to or at the Planning Commission meeting.

The meeting was adjourned at 8:18 a.m.

Respectfully Submitted,

Patti Walstad