

**TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS**

January 20, 2020

Present: Duane Travis, Chairman
Mike Maciak, Member
Ed Egan, Member
Cyndi French, Member
Bruce Nemcek, Member

Other Present: Keegan Coughlin, Attorney
Chad Moran, Code Enforcement Officer

Absent: Marc Latini, Associate Member

Chairman Travis called the meeting to order at 7:00 pm.

TOM FRENCH – FOLEY ROAD:

Mr. French stated he has property on Foley Road that has some Frito-Lay trailers parked on it. Some of them he uses and he was told he has to move them. He wants to know why he has to move them. They are not unsightly, they are painted and they are road worthy. Chad Moran stated he knows what the problem is, he just wants to see if there is any recourse. He told Mr. French that he would talk to the Board and see about an area variance. He has three Frito-Lay trailers sitting next to his garage on Foley Road. Mr. French explained they are off the road. Chad Moran stated he is using them for storage. Ed Egan asked if they were licensed and Mr. French stated two are licensed, one is not and he could get rid of that one. Chad Moran stated in the code you can't have anything over a certain square footage for storage in trailers or shipping containers. Mr. French asked if he had a small shipping container he could have it and Chad Moran stated no shipping containers but you could have a shed, 12 X 12, 144 SF or less without a permit as an accessory structure but nothing with the wheels. Mr. French stated he has been there since 1997.

Mr. Coughlin explained that the Board wouldn't be able to help you with anything tonight but if you wanted to work with Chad and potentially apply for an area variance then this Board would be able to do that. They have to appeal Chad's determination is what the Zoning Board of Appeals is able to provide jurisdiction on. Then they would be able to hear your case and determine whether or not, a number of factors they have to consider as to whether or not they can approve the variance or not.

APPROVAL OF MINUTES:

Motion by Mike Maciak and second by Bruce Nemcek to approve the minutes of the December 16, 2019 meeting as submitted. All voted in favor. Motion carried.

ROBERT J. GREEN AND SON ON BEHALF OF DARIAN AND JACKIE GLOVER:

Cyndi French asked if it was just a carport or are they enclosing it and Chad Moran stated it is just a lean-to. Mike Maciak asked if it was bigger than what was there before and Chad Moran stated exactly the same size. They have a portable shed with a regular roof. Mike Maciak stated there is a big tree right there and Chad stated that is where it will end, two feet in front of the tree. Cyndi French asked if he had a lean-to there before and then a carport and Chad Moran stated he never had a lean-to, just a portable garage, which is right on the property line. Mike Maciak asked if the neighbors are alright with this and Chad Moran stated yes, he spoke to

the lady next door and she is okay with it. The problem with the shed that is there now is when it rains with water goes right against the house. They want to deflect the water. Mike Maciak stated as long as they don't enclose it, should just be a carport. Cyndi French stated if we are going to pass this we need to say that it can't be enclosed. Chad Moran stated they want to be able to drive through it because that is the only way to get to the backyard. Cyndi French asked if he was using it as a carport and Chad stated yes, just a carport. Mike Maciak asked if it is going to line up with the garage itself and Chad stated it will come back about two feet, two feet shorter and two feet back. It will be a small foot print. Bruce Nemcek asked if it is custom built and Chad stated yes, the man that put his roof on is going to do it. He will frame it out with 2X10's with shingles to match the house. Cyndi French asked where the lattice was going, on the side toward the neighbor and Chairman Travis stated yes, on the side of the property line.

Chairman Travis reviewed the Area Variance criteria as follows:

1. Whether benefit can be achieved by other means feasible to applicant? Board: No. Only way is to do without. Can't have one on the other side. If he expanded the garage he would have the same problem.
2. Undesirable change in neighborhood character or to nearby properties? Board: No. More desirable that what is there now.
3. Whether the request is substantial? Board: Yes because it is a 100% variance but the angular nature of the property line makes any other possibility of 100% impossible.
4. Whether the request will have adverse physical or environmental effects? Board: No.
5. Whether alleged difficulty is self-created? Board: Yes because of the angular nature of the property.

Keegan Coughlin asked if this is called an accessory structure and Chad Moran agreed and stated he is going to get a building permit for it. Keegan Coughlin commented it is essentially the same as a covered patio.

Motion by Ed Egan and second by Mike Maciak to grant the Area Variance with the condition that it can never be enclosed.

Roll Call Vote:	Mike Maciak	Yes
	Ed Egan	Yes
	Cyndi French	Yes
	Bruce Nemcek	Yes
	Chairman Travis	Yes

Motion carried.

JOSEPH MORGAN:

Chairman Travis explained the property had not been vacant for over a year. Chairman Travis asked if they had to close that public hearing and Mr. Coughlin explained no because the application was withdrawn.

ELECTION OF OFFICERS:

Motion by Ed Egan and second by Cyndi French to nominate Mike Maciak as Co-Chairman.

Roll Call Vote:	Mike Maciak	Abstain	
	Ed Egan	Yes	
	Cyndi French	Yes	
	Bruce Nemcek	Yes	
	Chairman Travis		Yes

Motion carried.

Motion by Cyndi French and second by Bruce Nemcek to nominate Ed Egan as Secretary.

Roll Call Vote:	Mike Maciak	Yes	
	Ed Egan	Abstain	
	Cyndi French	Yes	
	Bruce Nemcek	Yes	
	Chairman Travis	Yes	

Motion carried.

Motion by Cyndi French and second by Bruce Nemcek to adjourn the meeting. The meeting was adjourned at 7:18 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary
Zoning Board of Appeals