

**Village of Hamilton  
Zoning Board of Appeals  
August 12, 2010  
7:00pm  
Village Courthouse**

**APPROVED MINUTES**

**Present:** Chairman Michael Clough; Trustee Margaret Miller; CEO Paul McGinnis; Members: Morgan Davies, Marilyn Upton, Tim Trueworthy, Corey Landstrom.

**Public Present:** Heather Young, 96 College Street; Gair & Suzie Meres, MU of DKE Foundation, 7 College Street.

**Call to Order:** Chairman Clough called the meeting to order at 7:00pm

**Approval of Agenda:** Approved as written.

**Approval of Minutes:** A **motion** was made by Member Upton to approve the minutes of the June 17, 2010, meeting as written. The **motion** was seconded by Member Trueworthy and carried.

**New Business**

**Variance-Christopher & Heather Young, 96 College Street ( Appendix "A" Schedule II, r-2 Side Yard Required)**

CEO McGinnis distributed a map prepared by Carney Rhinevault, dated September 30, 1985, revised November 6, 1986, and a drawing of proposed deck.

The Young's are requesting to add a 10'x12' deck to the back of their townhouse. Their neighbor already has the same size deck on his property. Neighbors on either side of the Young's have no objections to the deck. Chairman Clough stated this is a unique building. The present zoning ordinances do not identify townhouses. Member Upton agrees, this situation is not addressed in the current codes. The possibility of screening was discussed and was determined to be the responsibility of the homeowner, not the ZBA. This townhouse has no side yard due to it being in the middle of a triple townhouse.

A **motion** was made by Member Landstrom to approve the construction of a 10'x12' deck at 96 College Street. The **motion** was seconded by Member Trueworthy and carried.

Chairman Clough stated they must justify their decision.

- 1) Building is unique, townhouses are not specifically covered under zoning ordinances;
- 2) Neighbor has existing deck that poses no problems;
- 3) Does not detract from the character of the neighborhood
- 4) Owners have no alternative location;
- 5) Enhances the property.

**Area Variance, John Wilson, MU of DKE Foundation, 7 College Street ( Appendix “A”  
Schedule II-Bulk Zoning)**

Gair and Suzie Meres, representing John Wilson, explained to the Board their request to make the existing office space into an efficiency apartment. They would be using the existing footprint. House has 2 apartments upstairs, 1 apartment downstairs, and an office space. In the I2 district. Property sits on .34 of an acre lot. CEO McGinnis stated the house is not in compliance with the existing zoning ordinances for square footage. There is parking for eight vehicles. Adding the apartment would not impact the neighborhood.

A **motion** was made by Member Trueworthy to approve the request for the Area Variance. The **motion** was seconded by Member Landstrom and carried.

Justification of decision is as follows:

- 1) Studio apartment would generate less traffic than existing use;
- 2) No adverse affect on neighborhood;
- 3) No objections from neighbors;
- 4) There are no restrictions regarding making the existing apartment larger;
- 5) The request is minimal.

There being no further business to come before the Board, Member Upton made a **motion** to adjourn. The **motion** was seconded by Member Landstrom and carried. The meeting adjourned at 7:45pm.

Respectfully submitted,

Kim Taranto