

**Village of Hamilton
Zoning Board of Appeals
September 6, 2011
7:30pm
Village Courthouse**

APPROVED MINUTES

Present: Chairman Michael Clough; Members: Morgan Davies, Marilyn Upton, Corey Landstrom; Trustee Anne Clauss.

Public Present: Mayor Margaret Miller; Brian Jenkins, Regina Conti and Bill Porta; Melissa Davies; Rich Fenner.

Call to Order: Chairman Clough called the meeting to order at 7:30pm

Approval of Minutes: Tabled. Ms. Taranto will resend the draft minutes of the March 2011 meeting out via email for approval.

Mayor Margaret Miller thanked the members of the Board for their continued service to the Village of Hamilton and its residents.

New Business

Bill & Regina Conti, 42 Maple Ave, 168.35-1-85, Rear Setback and 25% Maximum Lot Coverage Variances

Brian Jenkins, representing Bill and Regina Conti, presented to the Board drawings, dated 8/16/11 by Bruce Ward, of the proposed changes to 42 Maple Ave. The plans include a two-car garage, full basement, and a master suite with an office. The addition will all be one story with the master bedroom having cathedral ceilings. A mudroom/breezeway will connect the existing living space to the new living space. An old carriage garage had been removed several years ago, as well as a bedroom and bathroom two years ago. Member Davies asked what the new setback would be. Mr. Jenkins stated it is 45 feet. Chairman Clough stated that there are really two violations to zoning ordinances. One violation is the 50' set back and the other is the 25% maximum lot coverage. The Board must consider if the request is minimal. Each request on its own is. Together these requests may not be minimal. Chairman Clough asked Mr. Jenkins what was on the opposite side of the setback. Mr. Jenkins stated there is only a yard. Chairman Clough stated that this addition would not encroach the neighbor to the rear of the property. Mr. Jenkins stated the increase is 1.8% for a total of 26.8% of building area covering the lot. Chairman Clough received letter from neighbor Jennifer Brice. No members of the Board of have received any concerns or comments from neighbors. Melissa Davies asked questions regarding greenway, sidewalk and driveway. Trustee Clauss asked if there was really a need for a two-car garage and if there was going to be an office. She stated that there are some restrictions on businesses in the R1 and they should contact CEO Paul McGinnis. A home office may need a use variance. Rich Fenner asked about sight lines, plowing, sidewalks and assessed value.

A **motion** was made by Member Upton to approve the rear setback relief of 5 feet to 45 feet or greater; and relief of less than 2% of maximum lot area to greater than 25%. The **motion** was seconded by Member Landstrom and unanimously carried.

Verification:

1. No detriment to neighborhood
2. Relief is minimal
3. Request was safety initiated
4. Will be an improvement of what current exists
5. Keeping in character of community

There being no further business to come before the Board, Member Landstrom made a **motion** to adjourn. The **motion** was seconded by Member Davies and carried. The meeting adjourned at 8:15pm.

Respectfully submitted,

Kim Taranto