

**ZONING BOARD OF APPEALS
MONDAY, DECEMBER 28, 2020**

Members Present, attending remotely: Edward Darrow, Robert Gagnier, Rick Tamburrino, Stephanie Devito, Tom Adessa, Mario Campanello and Susan Marteney.

Staff Present, attending remotely: Brian Hicks, Code Enforcement, Nate Garland, Corporation Counsel.

APPLICATIONS APPROVED: None.

APPLICATIONS DENIED: 1 Morris Street.

Ed Darrow: Good evening. Welcome to the City of Auburn Zoning Board of Appeals. I'm Board Chairman, Edward Darrow. Tonight we will be hearing 1 Morris Street.

October 26, 2020 minutes approved.

1 Morris Street: Applicant is requesting two Area Variances for a deck and front-yard parking. Applicant: Christopher Mehl.

Chair invites applicant to approach, give name and address and explain what they would like to do.

Christopher Mehl, 1 Morris Street, attending remotely. Mr. Mehl advises that he wishes to put a deck on the back of his house which is tucked away to the property line and the only access to the house is on the opposite side. He also advised that there were multiple neighbors who approved of the plans for the deck. He also has a driveway on the north side of the property in front of the house. Unfortunately, he doesn't have the space for the required City space allowed on the side of his house so that's why he's applying for a variance.

Chair advised that the variance requested is two-fold because it's also to allow front-yard parking.

Brian Hicks, Senior Code Enforcement Officer, explained what the variances requested were for.

Chair asked if there was any set-back for the front-yard parking or if it was strictly for a variance to allow for front-yard parking.

Mr. Hicks advised that on this application, it was a variance to allow for front-yard parking.

Chair advised that the Board would first address the 1 foot, 6 inch area variance of the 3 foot setback required for the deck and asked for discussion on this matter.

Board asked why it was so close to the property line. Why would he build a deck so close? Why not move the deck back and satisfy the actual dimensional requirements?

Mr. Mehl advised that it was basically just the functionality of the thing with the bump-out at the back of the house and with such a small lot, he was trying to make the house as functional as possible.

Chair asked if the chain-link fence was actually his property line.

Mr. Mehl advised that he believed it was close.

There was discussion about the space between the decking and the chain-link fence. Mr. Mehl advised that the space was approximately 12 inches.

Chair asked who was the neighbor at 3 Morris Street and was advised that it was Christine Brokaw.

Chair inquired as to the amount of space between the house and the sidewalk in order to achieve front-yard parking. Mr. Mehl advised that it was approximately 20 feet from the front of the house to the sidewalk and any average-size car would fit. There was some discussion on the actual measurement.

Board inquired as to the overall dimensions of the deck. Board also questioned the length of the posts on the deck and asked if it was intended that the deck be covered. The answer was no, there is no intension of covering the deck, however, it's planned to install privacy panels for two sections. The height of the privacy panels and where they would be installed was discussed.

Chair asks if there is anyone present wishing to speak for or against 1 Morris Street.

Joe Blumerick, adjacent property owner. Mr. Blumrick said he didn't have a problem with anyone improving their property but wondered just how much could be done on a property that is only 40 by 66 with a house that takes up 85% of the lot. He was concerned that there would be virtually no green space on the property. He advised that Mr. Mehl had to get a previous variance to erect an 8 x 10 shed because his lot is so small.

Donna Blumrick, also an adjacent property owner. She advised that she had a concern when the shed was erected because of the weeds that grew up through their fence and Mr. Mehl said he would take care of them. He did not; his girlfriend took care of them. Ms. Blumerick said she could see right through his house and knows everything that he has done to the house and he did not pull permits for the work. He gutted the house and no one questioned it. There is no reason he couldn't have a patio as opposed to a deck. As to the front-yard parking, the nose of his car is going to have to be touching the front of the house in order to get it in there and not overhang the sidewalk. The adjacent property owners feel that by Mr. Mehl trying to squeeze so much onto his property, their property value is decreased.

Chair closes the public portions and invites Board discussion.

Board sympathized with the adjoining property owners' concerns that the lot size and crowding and the fact that there would be no greenspace. There is also the matter of the deck being started without any permit being issued. There was concern that any gathering relative to deck use would be way too close to the neighbor's yard and would infringe on people's privacy. As to the driveway, the Board felt that there was just too much congestion in the area. There was discussion regarding the congestion on that street and the number of cars parked on the street. The Board discussed deck issues as to size and the height of the privacy panels.

Chair asked applicant why he didn't seek the permit in the first place. Applicant advised that he did but pulled the wrong permit and explained the circumstances of that. This was discussed. Applicant was asked if he had spoken to anyone in the Codes Office to get advice but was advised that he did not. Board asked Mr. Hicks if the applicant just shrunk the deck by 10 inches, would he need the variance? Mr. Hicks advised that that would negate the need for a variance.

The Chair will entertain a motion for the area variance for the deck.

Mr. Tamburrino makes a motion to grant Chris Mehl of 1 Morris Street a 1 foot, 6 inch area variance of the required 3 foot setback from the property line to the north to install a deck. Seconded by Ms. Marteney.

All members vote to deny the application. Variance is denied.

Chair will entertain a motion.

Mr. Tamburrino makes a motion to grant an area variance to install a driveway parking area in the front yard, 12 feet by 19 feet, 1 inch. Seconded by Ms. Marteney.

All members vote deny the variance. Variance is denied.

Chair advised that he would be attending next month's meeting via Zoom as he will be out of state at a business venture trip.

Meeting adjourned.

Next meeting will be held on Monday, January 25, 2021 at 7:00 p.m.