

**Village of Liverpool Zoning Board of Appeals
Minutes
Monday, May 22, 2017 – 6:00 p.m.**

Attendees:

Michael Romano, Chairman

Pamela Carey

David DeRouchie

Jon Miles

Jason Recor

John Langey – Attorney

Bill Reagan, Chief Codes Officer

Sandra Callahan, ZBA Secretary

Call to Order

Chairman Romano called the meeting to order at 6:00 p.m. and led all present in the Pledge of Allegiance.

Adoption of Minutes

Mr. DeRouchie moved and Mr. Recor seconded the motion to adopt the minutes from May 1, 2017. Approved.

Old Business – 609 Vine Street, The Advocates

Matt Devendorf, 215 Sycamore Street addressed the board. He stated he was present as a village resident and in no way in his capacity as a Trustee on the Village Board. He is a homeowner who converted a commercial property to a single family home. He stated that if we grant the variance, we will lose our opportunity for this property to ever be a single family home again.

Chairman Romano asked for questions from the board.

Mr. Miles spoke of the sales history of the property. The recent pending sale is contingent on the variance being granted. The Advocates will have a significant loss in the sale whether or not the variance is granted.

He believes this is a self-created hardship caused by The Advocates. Realtors haven't marketed this property as residential and if they did, they may find a willing buyer. He would not be in favor of granting the use variance.

Ms. Carey agreed with Mr. Miles and would like to see the property keep zoned as R-1 as a single family home. She would not be in favor of granting the variance.

Mr. DeRouchie agrees with Mr. Miles. He would like to see the property as residential to keep with the integrity of the Village.

Mr. Recor said if we grant the use variance the property will always be commercial. This is a self-created hardship and he would not be in favor of granting the variance.

Attorney Langey said we could gather more information in terms of appraisal reports, remodeling costs, etc. The Zoning Board would have to get approval from the Board of Trustees for funds needed to gather estimates.

Chairman Romano read the 4 criteria for granting a variance.

1 – Reasonable Return – Chairman Romano said The Advocates won't get a reasonable return whether the variance is granted or not and they have accepted that based on the sales/offer history. If the property was marketed as a residential property they may possibly get a better offer.

The applicant has failed to demonstrate a reasonable return.

2 – Unique – Chairman Romano said this is not a unique situation as there have been 9 properties within the Village that have been converted back to single family homes.

3 – Alter the character of the neighborhood – No – The property has been used as a commercial space for 60 years. Chairman Romano said the house was built in 1854 and for the previous 100 years it was a single residential home. The Comprehensive Plan shows we want to bring properties back to single family.

4 – Self-Created Hardship – Yes – The Advocates paid too much for the property and won't ever get a reasonable return.

Attorney Langey will formalize a resolution listing the findings and prepare for a vote at the next meeting.

This case will remain on the agenda for June 26.

New Business – 604 7th Street – Rick Hills requesting an area variance to allow for the construction of an attached garage.

Chairman Romano read the 5 criteria for granting an area variance.

The applicant stated that they purchased the home six years ago and have done extensive remodeling.

The drawings submitted show the garage 4' up from the house to allow for a side door. The design will match the existing house design.

It was noted a letter was received from the homeowners at 705 Balsam David and Barbara Krause who are against the addition of the garage. They said the addition will close off the neighborhood view.

Mr. Recor said the garage would block the view of the street in between the houses.

Mr. DeRouchie said it is a good opportunity to enhance the house.

Mr. Miles thinks this is a nice addition.

Mr. Miles moved and Mr. DeRouchie seconded the motion to grant the variance with the following conditions: the finished material will be vinyl siding to match the house color. The

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood:

Yes
No

Reasons: No physical or negative environmental conditions have been identified.

5. Whether the alleged difficulty was self-created:

Yes
No

Reasons: The request for the garage itself is a self-created hardship.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

the benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is DENIED.

the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community and therefore the variance request is APPROVED.

Reasons: The garage addition will be in keeping with the residential character of the neighborhood. The proposal to match the addition architecturally with the existing house will mitigate any issues.

The ZBA further finds that a variance for 25' of relief from §380-16B(1), of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety, and welfare of the community because:

STANDARD CONDITIONS (If Approval is Granted):

1. That the construction be completed in strict compliance with the submitted plans and application materials.

2. The siding on the garage addition shall match the existing vinyl siding (on the rear) in color, style and material with the exception of the stone facia as shown on the plan.

The Board by motion made by J. Miles and seconded by D. Derouchie adopted the above Resolution.

Michael Romano
Chairman, Zoning Board of Appeals

Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY	EXCUSED
Chairman	MICHAEL ROMANO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	PAMELA CAREY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Member	DAVID DEROUCHIE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	JONATHAN MILES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	JASON RECOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alternate Member	MELISSA CASSIDY	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

There being no further business, Mr. Recor moved and Mr. DeRouchie seconded the motion to adjourn. Meeting adjourned at 6:50 p.m.

Respectfully submitted,

Sandra J. Callahan
ZBA Secretary