

TOWN OF EAST BLOOMFIELD

Zoning Board of Appeals Minutes

May 24, 2017

Zoning Board of Appeals Members Present, Art Babcock, Mike Long, Sonja Torpey, Tim Crocker

Absent: Mark Thorn

Others Present: Kim Rayburn (Secretary), Jim Kier (Code Enforcement Officer), Charles & Denise Seibert (Applicant)

Babcock opened the meeting at 7:30 pm, Babcock waived the reading of the Public Hearing, and the hearing was opened.

- I. **7:30 pm** Area Variance Review TV2-17, Owner Charles Siebert tax map # 67.03-1-7.400 has applied for an Area Variance, to erect a 11 x 27 deck onto west side of existing single family home. A Variance to the side setback is requested Per Schedule I.

Rayburn reviewed the neighbor notifications, all neighbors within two hundred (200) feet were notified of the proposed project. Babcock asked Siebert to go over the proposal; Siebert stated that this is the only viable location due to the layout of the home. There is a step-up entrance that is need of repair so this is the opportune time to create longer wider steps with a deck. He explained that the house sits on a slight angle so the farthest the eleven (11) foot deck will intrude into the setback is nine (9) feet, leaving forty-one (41) feet of a side yard setback where fifty (50) if required. Then it will go down to three (3) feet at its smallest point of intrusion.

Torpey made a motion and Long seconded the motion to close the public hearing, as there were no further questions or concerns from the Public, motion carried unanimously.

Babcock stated that a deck has no foundation and is not considered living space, Kier stated that it is considered part of the primary structure and needs to meet the setbacks of the primary structure. Babcock stated that when the property was originally subdivided the properties on Rabbit Run were approved with different zoning and had smaller setback requirements. The zoning changed to AR-2 which made the lots substandard to the current zoning. The Board has had other variance request for this area and does not believe this will be the last do to the change in zoning.

Torpey stated that the deck is not all that much larger than the existing step entrance, Babcock agreed and felt that the request is not substantial. There were no objections by the neighbors, and the parcel to the west of them is vacant, Kier spoke with the agents of the vacant lot and they stated they would make sure the owners knew of the request. Babcock stated that there are no environmental impacts, the request is self-created but that alone will not keep an Area Variance from being approved. Babcock noted the Board received the Planning Board's minutes to forward on the Variance.

ZBA Decision:

Long made a motion and Torpey seconded the motion to approve the review of Area Variance TV2-17, Owner Charles Siebert tax map # 67.03-1-7.400 to erect a 11 x 27 deck onto west side of existing single-family home. A Variance to the side setback is requested Per Schedule I
Whereas:

1. There were no complaints from the neighbors
2. The maximum intrusion will be nine (9) feet into the required fifty (50) foot setback
3. There are no environmental concerns
4. The request is not substantial

Record of Vote:

Art Babcock Aye

Sonja Torpey Aye

Mike Long Aye

Tim Crocker Aye

All Board members present voted Aye. Vote was carried unanimously.

II. Discussion

Babcock reviewed the prior zoning for Rabbit Run when it was subdivided starting in 1990, it was zoned as MD Medium Density the regulations were as follows:

Lot Size 20,000 sq ft

Lot width 120 feet

Principal building

Front setback 35 feet

Rear setback 20 feet

Side setback 15 feet

Accessory structure:

Rear setback 20 feet

Side setback 20 feet

III. Minutes of December 28, 2016

Minutes could not be voted on as Torpey and Crocker were not present at the 12/28/ 2016 meeting

IV. Meeting Adjourned

Babcock made a motion and Corocker seconded the motion to close the meeting @ 7:50 pm. All Board members present voted aye, Vote was carried unanimously.

Respectfully submitted,

Kim Rayburn

Planning & Zoning Board Secretary