

**TOWN OF ELSMERE
BOARD OF ADJUSTMENT
MEETING MINUTES
September 25, 2018
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

CHAIRMAN	JAMES PERSONTI	PRESENT
BOARD MEMBER	JOHN ACTON	PRESENT
BOARD MEMBER	PATRICIA BOYD	PRESENT
BOARD MEMBER	RON RUSSO	ABSENT
BOARD MEMBER	JOHN SMITH	PRESENT

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Minutes from the July 24, 2018 Board of Adjustment meeting

ACTION: Board Member Acton made a motion to approve the minutes from the July 24, 2018 Board of Adjustment meeting. The motion was seconded by Board Member Smith.

VOTE: 4 in favor and 1 absent Motion carried

Personti – Yes, Acton – Yes, Boyd – Yes, Russo –Absent, Smith – Yes

OLD BUSINESS:

None

NEW BUSINESS:

Review Petition 18-15 Tax Parcel # 1900-400-345

The board members had a short discussion about whether they would consider the application since the petitioner was not present. Board Member Acton raised a question

about the wording of the memorandum from the Planning Commission and whether the application was recommended the Planning Commission.

Board Member Boyd stated that they do not have a copy of the drawing which the Planning Commission had requested the petitioner to submit to the Board. Code Officer Melissa Faedtke stated that the only variance that the Board is considering is to the front setback for the porch. A discussion followed about the variance to the front setback and the condition to remove the existing shed that is located in the back of the property.

ACTION: Board Member Smith made a motion to approve Petition 18-15 to grant the variance to reduce the front setback by 3.6 feet with the conditions that they supply a drawing to the code office and remove the shed in the rear yard. The motion was seconded by Board Member Boyd.

ACTION: Board Member Acton amended the motion that the shed should be removed by December 31, 2018. The amended motion was seconded by Board Member Acton.

VOTE: 4 in favor and 1 absent Motion carried

Personti – Yes, Acton – Yes, Boyd – Yes, Russo –Absent, Smith – Yes

Review Petition 18-20 Tax Parcel # 1900-400-216

Code Officer Faedtke read the summary analysis for Petition 18-20, including the following sections from the site analysis: The Request, The Statement of Fact, The Issues, and The Grant of the Petition.

Board Member Boyd asked whether it is a new business for the applicant. Code Officer Faedtke stated that the property is not currently being used and that the code office had advised the applicant to apply for zoning approval prior to purchasing the property and that they purchased the property anyway.

Mr. David Reed, 1304 Kirkwood Highway, expressed concern about two large trees in the back that could be damaged if the backyard area is paved. Mr. Reed stated that he has no problem with the trees being cut down but does not want to have to pay for it and that the property owner has a lot of things to address. Mr. Reed stated that safety issues are his biggest concern.

ACTION: Board Member Smith made a motion to deny Petition 18-20 due to safety concerns and parking. The motion was seconded by Board Member Boyd.

VOTE: 4 in favor and 1 absent Motion carried

Personti – Yes, Acton – Yes, Boyd – Yes, Russo –Absent, Smith – Yes

Review Petition 18-26 Tax Parcel # 1900-500-104

Chairman Personti stated that this appeal would be postponed until the special meeting on October 30, 2018.

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Board Member Boyd to adjourn. The motion was seconded by Board Member Smith.

VOTE: 4 in favor and 1 absent Motion carried

Personti – Yes, Acton – Yes, Boyd – Yes, Russo –Absent, Smith – Yes

These minutes summarize the agenda items and other issues discussed at the September 25, 2018 Board of Adjustment meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

JAMES PERSONTI, CHAIRMAN

PATTY BOYD, SECRETARY