

#3205. Appeal by Edward Webb for a variance from required setback from road as provided by Section 10.17(3) to permit addition/alteration of existing residence at 4493 Oak Hill Road in the NE 1/4 NE 1/4 Section 18, Town of Rutland.

FAVOR: E. Webb **OPPOSED:** --- **COMMUNICATION:**
Town Board.

KLOPP/KAY to grant variance of 7 feet to centerline of Oak Hill Road to permit garage addition to existing residence as proposed.

Finding of fact:

- 1). Residence is site of an old school house of which only the basement was utilized in construction.
- 2). Existing garage encroachment variances by Board of Adjustment action dated 9/19/69.
- 3). Existing garage built on slab and proposal is expand using footings.
- 4). Entry enclosure will aid in energy conservation.

Conclusion:

- 1). Variance preserves the zoning ordinance as much as possible without injustice to applicant.
- 2). Variance is not contrary to rights of others or to the public interest.

Motion carried. 5-0.

#3206. Appeal by Edwin Arnold for a variance from required setback from road as provided by Sections 10.16(4) and 10.17(5) to permit addition to existing residence at 3220 Aalseth Lane, being Lot 5, Camp Dewey, Section 25, Town of Dunn.

FAVOR: D & D Eccles **OPPOSED:** --- **COMMUNICATION:**
Town Board.

SAYLES/KAY to hold appeal in abeyance until October Hearing, at the request of the township. Motion carried – 5-0.

#3207. Appeal by Capital City Harley Davidson for a variance from required maximum wall signage requirements as provided by Section 10.74(23) to permit wall signage as proposed at 6200 Mill Pond Road, being Lot 2, Certified Survey Map #8066, Section 26, Town of Blooming Grove.

FAVOR: B. Oyler, M. Subjac, J. Feller **OPPOSED:** ---
COMMUNICATION: Town Board.

KAY/LONG to grant, with conditions, variance of the maximum number of wall signs permitted to allow (3) wall signs and (4) logos to be installed in the triangular pediments of the 50 foot tower.

Conditions:

- 1). Property shall not be allowed a pylon sign on Highway 12-18 side.
- 2). Property shall be limited to one "ground" on-premise sign.

Finding of fact:

- 1). Of the (3) wall signs permitted as follows: "Capital City Harley Davidson" on North facade and on the South façade as well as "service" sign on the South facade.
- 2). The tower signage shall consist of (4) logos only, 1 each in each of the (4) triangular pediments.
- 3). Applicant is constructing a new motor cycle dealership on vacant lands and desires signage over and above ordinance requirements.
- 4). Additional signage needed to be visible to passing cyclists on the Interstate.
- 5). Building is 254 feet long and visible from visible from I-90, US 12-18 and Millpond Road.

Conclusion:

- 1). Variance preserves the zoning ordinance as much as possible without injustice to applicant.
- 2). Variance is not contrary to rights of others or to the public interest.

Motion carried. 3-2. (Sayles & Ross, no).

Appeals from Previous Hearings:

#3171. Babiarz – Albion – 1/24/02 P.H.

Appear: S. Babiarz

KLOPP/LONG to re-open. Motion carried 3-1-1 (Sayles, no – Kay, abstain)

ROSS/LONG to grant, with condition, a variance of 3.5 ± feet from required right sideyard to permit residential addition as constructed.

Condition:

Subject to Zoning Staff inspection of property to verify inconsistencies, claimed by applicant, between testimony and site plan provided by architect.

Finding of fact:

- 1). Applicant is seeking an overturn of previous denial by Board based upon site plan not accurately reflecting limited alternative buildable area.
- 2). Encroachment needed to accommodate stairway chair lift to disabled mother of applicant.
- 3). Foundation of encroaching addition was site of former porch.
- 4). Board previously granted variances from minimum elevation of 1st floor above flood elevation and variance to exceed 50% of assessed value of non-conforming structure. (Board of Adjustment decision 3/21/02).
- 5). Property is in an area of numerous non-conforming structures with numerous variances granted.

Conclusion:

- 1). Variance preserves the zoning ordinance as much as possible without injustice to applicant.
- 2). Variance is not contrary to rights of others or to the public interest.

Motion carried. 3-2. (Sayles & Kay, no).