

TOWN OF MINA
ZONING BOARD OF APPEALS MINUTES

December 14, 2022

ZBA Members Present: John Shifler (Chairman), Bryan Allison, Lori Wagner, Joe DeBoe, Chuck Carter

ZBA Members Absent: None

Others Present: Chris Jones, Sarah Jones, Curt Frigon; Ellen Shifler (Code Secretary)

Call to Order: The meeting was called to order at 7:03 PM by John Shifler, Chairman.

Public Notice of the meeting was acknowledged (*Post-Journal 11/19/22*).

Approval of Minutes:

The meeting minutes of November 16, 2022 were approved as **presented**.

Motion was made by Joe DeBoe, with a second by Lori Wagner, to approve the minutes as PRESENTED. Motion carried.

Approved: Ayes (unanimous) –DeBoe, Wagner, Carter, Allison, Shifler

ZONING BOARD OF APPEALS HEARING REQUEST

1. Applicants – CHRISTOPHER and SARAH JONES

Type of Request: **SPECIAL USE PERMIT** to erect a 40' x 30' accessory building at **2407 Shadyside Road, Findley Lake**, on the lot known on the tax maps of the Town of Mina as 359.18-1-57, owned by Christopher Jones and Sarah A. Jones.

Motion: Bryan Allison moved, and Chuck Carter seconded, a motion to **APPROVE** a Special Use Permit for a 30' x 30' accessory building with attached 30'-wide x 10'-deep roofed porch (for total roofed area of 40' x 30') at **2407 Shadyside Road, Findley Lake**, on the lot known on the tax maps of the Town of Mina as 359.18-1-57, owned by Christopher Jones and Sarah A. Jones.
Condition: The roofed porch may not be used for storage.

Decision: Special Use Permit application **APPROVED**, three to two.

Old Business: None

New Business: None

Next meeting is **Wednesday, January 25, 2023** at 7:00 PM. Applications are due to the Code Officer before 12:00 PM on Friday, January 6, 2023.

Adjournment: The meeting was adjourned at 7:58 PM upon motion by Lori Wagner and second by Bryan Allison.

Recorded by: Ellen Shifler
Code Secretary, Town of Mina

1 Attachment: #1 – JONES Special Use Permit

Attachment to Zoning Board of Appeals Minutes – #1

Town of Mina
Zoning Board of Appeals

SPECIAL USE PERMIT December 14, 2022

Applicants: Christopher and Sarah Jones

DESCRIPTION OF REQUEST:

SPECIAL USE PERMIT to erect a 40' x 30' accessory building at **2407 Shadyside Road, Findley Lake**, on the lot known on the tax maps of the Town of Mina as 359.18-1-57, owned by Christopher Jones and Sarah A. Jones.

DISCUSSION AND QUESTIONS FROM THE ZONING BOARD OF APPEALS:

Property is zoned **R1** (Residential, Non-Lakeside).

- Although not noted on the drawing submitted with application, the planned structure will encompass 40' x 30' (1,200 square feet) of storage, with an additional 10-foot-deep covered porch (400 square feet) on the 40-foot side closest to the dwelling. Total proposed area under roof is 1,600 square feet (40' x 40').
- The porch will have a "lean-to" roof. Siding and roofing will be the same as the dwelling and will complement the house in design and appearance. The accessory building will serve as a 2-car garage with additional storage space.
- The ZBA consulted page 4 ("Definition – Accessory Building") of the *Town of Mina Zoning Law, Rev. 7/11/20*: "An accessory building or use is one which is subordinate to and serves a principal dwelling or principal use; is subordinate in area, extent, or purpose to the principal building or principal use served ..."
- Mr. Jones wishes to use pole-barn construction, rather than traditional construction, as he will realize considerable cost savings. He pointed out that many pole-barn structures exist nearby. The Board responded that Zoning Laws were changed in 2020 to prevent the proliferation of pole-barn structures in residential areas.
- The ZBA also consulted pages 36 (R1 - Special Use Permit required for accessory building in the R1 district); 14 ["Definition – Garage, Private" - "...a permanent structure with traditional construction (footer, stud frame, plywood or plank wall sheeting) ..."]; and 21 ("Definition – Pole Barn/Pole Structure": "... Construction is typically a wood pole or steel framework with 'embedded posts.' Walls are post and frame with wall 'girts.' ...")

(continued)

[Attachment #1 – Jones Special Use Permit]

- The proposed pole structure will be 350 feet from the road and 1 ½ stories in height. The floor will be a concrete slab; 6" x 6" posts will be cemented in the ground.
- The Board reviewed page 37 (R1 – Area Standards) of the *Town of Mina Zoning Law*. The accessory building / garage will exceed all setback requirements.
- The ZBA also reviewed "Supplemental Regulations" on pages 66 and 67: #4 - "Character of Neighborhood" and #9 – Aesthetics." The Jones home is in a newly developing area; the Board has concerns about allowing a large storage structure. The proposed square footage exceeds that of the principal dwelling.
- The lean-to porch may not be used for storage.

PUBLIC COMMENT: Neighbor Curt Frigon (2420 Shadyside Road) asked questions about the use of the storage structure. He was assured there would be no storage of heavy-duty machinery or construction equipment. Mr. Frigon expressed no objection.

Donna Winfield (2387 Shadyside Road) emailed the Board with a request to deny the building as proposed: *"This type of building does not fit with the other buildings/homes in the neighborhood. This is a residential area and I worry that this will affect the overall aesthetics and sense of community. I hope my concern is acknowledged and perhaps a smaller auxiliary building could be built and still achieve the goals of the homeowners."*

The Zoning Board of Appeals considered the following for the Special Use Permit:

1. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it, and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the district and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. **Allison – Yes. Carter, Wagner, DeBoe, Shifler – No. The lot is a suitable size, but the storage building is very large for a residential area.**
2. The operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or lights than would be the operations of any permitted use. **All ZBA members agreed – Yes. Uses of the accessory building will be personal / family only. There will be no heavy-duty machinery that would create excessive noise.**

(continued)

[Attachment #1 – Jones Special Use Permit]

3. Conditions:

- a. The Permitting Board has referred to General Conditions in the Zoning Law. **Yes (see Attachment notes)**
 - b. A plan for the proposed development of a site for designated special use was submitted with the application and shows the location of all buildings, lots, parking areas, traffic access and circulation drives, open spaces, landscaping and any other pertinent information that the Permitting Board deems necessary. **All ZBA members agreed – Yes.**
 - c. There are no existing violations of the zoning law on the property where the Special Use Permit is being requested. **All ZBA members agreed – Yes.**
- The ZBA and applicants returned to discussion. No alternatives met the applicants' needs and wishes. Four board members expressed disapproval of the structure size. Chairman Shifler offered 3 options: 1) Voting on the application as submitted; 2) Tabling the application until January, in order for owners to develop a plan more in conformity with Zoning Laws; 3) Changing the proposal and voting on an amended application.
 - The applicants proposed reducing the storage size to 30' x 30' (900 square feet), with the roofed porch (now 30' x 10') intact. Total square footage under roof would be 1,200 square feet. The application was amended and initialed.

MOTION: *Bryan Allison moved, and Chuck Carter seconded, a motion to APPROVE a Special Use Permit for a 30' x 30' accessory building with attached 30'-wide x 10'-deep roofed porch (for total roofed area of 40' x 30') at 2407 Shadyside Road, Findley Lake, on the lot known on the tax maps of the Town of Mina as 359.18-1-57, owned by Christopher Jones and Sarah A. Jones. Condition: The roofed porch may not be used for storage.*

Decision: *Special Use Permit application APPROVED, three to two.*

Allison - Aye
Carter - Aye
DeBoe - Nay
Wagner - Aye
Shifler - Nay