

TOWN OF KIRKWOOD
ZONING BOARD OF APPEALS
August 21, 2023

A Zoning Board of Appeals meeting was held on August 21, 2023 at 7:00 p.m. at the Joseph A. Griffin Town Hall on the application of **Richard Woodward** regarding property located at 177 Colesville Road in the Town of Kirkwood known as Tax Map No. 146.03-3-28 and located in a Residence R Zoning District, for an Area Variance to construct a 16 X 24 concrete slab and pavilion closer to the property line than permitted.

Present: Duane Travis, Chairman
Mike Maciak, Member
Marc Latini, Member
Bruce Nemcek, Member

Other Present: Keegan Coughlin, Attorney

Chairman Travis called the meeting to order at 7:00 pm.

APPROVAL OF MINUTES:

Motion by Mike Maciak and seconded by Bruce Nemcek to approve the minutes of the January 16, 2023 meeting as submitted. All voted in favor. Motion carried.

PUBLIC HEARING:

Chairman Travis read the notice of public hearing and stated we have the affidavits of posting on the town sign board, publication in the Country Courier and the Press & Sun Bulletin, and mailing to neighborhood owners within 500 feet. There was a 239 filed and the County responded that the Planning Department has reviewed the above-cited case and has not identified any significant countywide and inter-community impacts associated with the proposed project. However, we have the following comment: The site plan should show the required and requested dimensions. This is a Type 2 proceeding so no EAF is required.

Chairman Travis opened the Public Hearing for public participation at 7:03 PM.

Richard Woodward was present and explained they did send to the County the dimensions.

Hearing no other comments, Chairman Travis closed the Public Hearing at 7:04 PM.

Mike Maciak asked if the 18 inches is next to the house and 30 inches away from the fence and Mr. Woodward stated yes. Mike Maciak commented there will be no sides and Mr. Woodward agreed.

Bruce Nemcek asked if it came out in front of the house and Mr. Woodward stated no, just the side, it was the only place they could put it. Bruce asked if he lived at that property and Mr. Woodward stated he does live there but his father owns it.

Mike Maciak asked about the piles of dirt in the front, if they were going to level them out after and Mr. Woodward explained he is going to get rid of those. Mrs. Woodward stated they will fill in the side parts of the concrete. Mike Maciak asked what you have up already is the size you are going to have and Mr. Woodward stated yes. Mike Maciak asked how high is the opening to the roof line and Mr. Woodward stated 8 feet, from the cement to the bottom of the roof.

Mr. Coughlin asked which way the water will flow and Mrs. Woodward stated toward the road area, not the apartments. Mr. Woodward stated it flows down toward the front of the house and the front of the house slopes down toward the road. He added he did speak to his neighbor that owns the apartments, he did have a concern that it was going to be too steep of a pitch but he told him since it will be a 4 X 12 there isn't an issue. Mr. Coughlin asked if Chad had talked to him about the air conditioner in the space in between that and the structure and Mr. Woodward stated no, but that isn't an issue it can be moved. Mr. Coughlin explained he may have to talk to you about that from a building code standpoint. Mr. Coughlin asked if they had thought about doing one that is smaller and Mr. Woodward stated no. Mrs. Woodward explained they use that area already, they have a grill. They utilize that entire space. Mr. Coughlin asked they can't put it in the backyard because of the slope and Mr. Woodward stated yes, right behind the swimming pool there is a creek that overflows if it rains hard.

Chairman Travis reviewed the area variance criteria with the Board:

1. Whether benefit can be achieved by other means feasible to applicant? Board: No, the only level spot on the property in the back.
2. Undesirable change in neighborhood character or to nearby properties? Board: No. There could be a condition on the application that satisfactory drainage run and stay on the property itself and not run onto the neighbors, which would help mitigate any of those issues.
3. Whether the request is substantial? Board: Yes, from 15 feet down to 18 inches.
4. Whether the request will have adverse physical or environmental effects? Board: No.
5. Whether alleged difficulty is self-created? Board: No, no other spot on the property and Yes, the code is there.

Mike Maciak commented this can't be enclosed and Mr. Woodward agreed. Bruce Nemcek asked if they were going to park a car under it and Mr. Woodward stated no, that isn't the idea. His neighbor did have that concern, he thought they were putting up a garage, that is not the case.

Mike Maciak asked if they were going to use it as a picnic area and Mr. Woodward stated yes.

Bruce Nemcek commented the biggest thing is access, not stopping access of a fire truck. Mike Maciak asked about lights and Mr. Woodward stated he isn't running electric to it. Mrs. Woodward stated there would be LED lights or solar.

Motion by Mike Maciak and seconded by Bruce Nemcek to grant the area variance with the following conditions:

1. The structure will not have any sides.
2. Drainage runoff will stay on the property itself and not run onto the neighboring properties.

Roll Call Vote:	Mike Maciak	Yes
	Marc Latini	Yes
	Bruce Nemcek	Yes
	Chairman Travis	Yes

Motion carried.

RESIGNATION BY CYNDI FRENCH:

Chairman Travis explained Cyndi French did resign, so if you know of anyone that is interested let us know. Mike Maciak commented we really need 2 people, one as an ad hoc member.

Motion by Marc Latini and seconded by Bruce Nemcek to adjourn the meeting. The meeting was adjourned at 7:15 pm.

Respectfully Submitted,

Mary Kay Sullivan, Secretary
Zoning Board of Appeals