

# TOWN OF NORTH HARMONY ZONING BOARD OF APPEALS

WEDNESDAY, 02/28/2024, 7: 00 P.M.

## ZBA MEMBERS PRESENT:

GREG MICHALAK  
HELEN EMICK  
DAN THOMAS

WILL ORTMAN  
ROGER VAILLANCOURT

Julie Conklin, Zoning Board Clerk  
Kelly Johnson, Attorney  
Bradley Lawson, Zoning C.E.O.

## OTHERS PRESENT:

Louise Ortman  
Mark Eicher  
Sue Marchiando  
John Navage Jr

Uma Vejendla  
Ted Bogdan  
Robert Marchiando  
John Navage

**Mr. Michalak brought the hearing to order at 7:00 PM.**

**Mrs. Johnson swore in all who expressed intent to speak.**

**Mr. Thomas motioned to adopt the minutes of the 12/20/2023 Zoning Board of Appeals Hearing as submitted by the Clerk. Mr. Ortman seconded. Yes (5): Michalak, Ortman, Emick, Thomas, Vaillancourt. No (0).**

- 1. Navage Enterprises, LLC requesting an Area Variance to construct a garage higher than allowed according to Zoning Code 403 on property located in the R1 District at Lot 14 & 15 Cove Circle East., specifically SBL. 367.09-1-5.27*

**Mr. Navage** explained the reasoning for requesting variance. Original plans were for a 29 ft garage, after which he became aware of the 16 ft zoning ordinance and would like to meet in the middle at 21ft. He feels that it would not obstruct the view of the neighborhood.

**Mr. Navage Jr.** explained how the arrangement of the house and the garage will sit on the property and feels that this is the best set up to minimize any views from the neighboring properties.

**Mr. Lawson** stated that all setbacks are meant on the garage and the house. The only issue is the height of the garage.

**Mr. Navage Jr.** explained that they have spoken with the neighbor to the right and that it would not affect their view.

**Mr. Bodgan**, is the neighbor that is directly adjacent to the property, borders the property up the hill. He asked the board to deny the request for the variance, he feels that he would be most affected by the height of the garage.

**Mr. Navage Jr.** explained that prior to the variance request that his application was approved by the Sunrise Cove committee.

**Mr. Eicher**, resident and member of the architectural board at Sunrise Cove, explained that they did not know that the garage height, being classified as an accessory structure, exceeded the zoning height of 16 ft at the time of approval. They did not realize until the notification of this hearing. He asked on behalf of the HOA board and the architectural committee that the board deny the request for the variance.

**Mrs. Emick** asked Mr. Eicher if the architectural committee was aware of this issue prior to reviewing the application, would they have denied it.

**Mr. Eicher** stated that if they had been aware, he feels that it would have been denied at the time of request.

**Mr. Navage explained** that if the garage is lower than the house (they are building on a double lot in center) and if they were they were only on the one lot that someone could have built next to them a house that would be much taller than the garage.

**Mr. Navage Jr.** felt that out of all the different options that they had (moving the house closer to one side or the other) this was the best option for everyone.

**Mr. Thomas** read into the record Zoning Ordinance SECTION 904-USE and AREA VARIANCE, C. Area Variances

ZBA-Area Variance Findings & Decision- Attached to minutes.

**Mr. Michalak motioned to grant an Area Variance as requested to construct a garage at a height of 21' 10 1/8". Mr. Thomas seconded. Yes (0), No (5) Michalak, Ortman, Emick, Thomas, Vaillancourt.**

The board asked that they go back to the drawing board or contact the Homeowners Association.

2. Motion to rehear Robert and Susan Marchiando's application for area variance to construct a garage with living space above in the R-1 district closer to side setbacks than allowed according to Zoning Code Section 403 located at 3198 Chautauqua Ave., specifically SBL 349-20-1-54.

**Mr. Michalak motioned to rehear Marchiando's requests at the meeting next month (March 27, 2024). Mrs. Emick seconded. Yes (5), Michalak, Ortman, Emick, Thomas, Vaillancourt. No (0)**

**By a motion made by Mr. Michalak, Mr. Vaillancourt seconded and with none being opposed the hearing was adjourned at 7:30PM**

*Julie Conklin*  
*Zoning Board Clerk*