

**DRAFT**  
**MINUTES OF THE TOWN OF WAYNE**  
**ZONING BOARD OF APPEALS**  
**December 5, 2022**

The meeting opened at 7:00 PM with a roll call of the members. The meeting was held in-person and via Zoom at the Town Hall.

	<b>PRESENT</b>	<b>ABSENT</b>	<b>LATE</b>
MEMBERS: Wayne Hand, Chair	<u>  X  </u>	<u>      </u>	<u>      </u>
Jon Serdula	<u>  —  </u>	<u>  X  </u>	<u>      </u>
Candy Dietrich, alt	<u>  X  </u>	<u>      </u>	<u>      </u>
David Westcott	<u>  X  </u>	<u>      </u>	<u>      </u>
Gill Harrop, CEO	<u>      </u>	<u>  X  </u>	<u>      </u>
Emily Jennifer Rouin, Alt	<u>  X  </u>	<u>      </u>	<u>      </u>
Karsten Konig	<u>  X  </u>	<u>      </u>	<u>      </u>
Dave Bauer, Board Liaison	<u>  X  </u>	<u>      </u>	<u>      </u>

ALSO PRESENT: Lauren Kearney, Steven Tarcza II, Steven Tarcza, Joan Tarcza, Larry Albee, Mary-Claire Krebs, Leigh Smith, Jason Smith Michael Haff, Charles Devine, Alyse Johnson-Schmidt.

**Agenda Review**

No changes to agenda as presented.

**Minutes**

Mr. Westcott made a motion to approve the minutes of November 7, 2022 seconded by Mr. Konig, minutes approved.

**NEW BUSINESS**

**Appeal No. 15V22: Lawrence Albee**, Property Tax ID #077.12-01-001.000, 112551 East Lake Road, Town of Wayne in LR-1. Sec.1 & Sec. 3.A.4.b.iii replace a non-conforming second building on the property – height greater than 18’ and size greater than 12x16x10

Larry Albee presented a request to replace an existing pole barn/accessory building on his property with a new barn that would be located out of the Right of Way of Rt 54 with appropriate property line setbacks. He would remove the original building within 60 days of the completion of the new building. The new barn would need a height variance of 1’6” to allow for an overall roof elevation of 19’ 6”. The new building would be more conforming than the original building.

Public comments opened. No comments offered. Public comments closed.

Mr. Hand made a motion, seconded by Mr. Westcott, to approve the replacement of an accessory building with the location change out of the right-of-way with conforming setbacks. Further the building would be granted a height variance of 19’6”. The existing accessory building must be removed from the site within sixty (60) days of the completion of the new building.

The motion passed.

**Appeal No. 16V22: Leigh and Jason Smith**, Property Tax ID #091.07-01-013.000, 11600 East Lake Road, Town of Wayne in LR-1. Sec. 3.A.4.b.5 setback relief to enlarge and remodel a pre-existing, non-conforming property.

The Smith's wish to expand the pre-existing non-conforming home by removing the current 3 season room and building a two-story addition based on the current patio pad. The new home will remain on the original footprint of the house. A new larger deck will be added to the front (northside) of the house and will require setback relief of 5' from the north property line to accommodate the new deck size and placement.

Public comments opened. No comments offered. Public comments closed.

Mr. Hand made a motion, seconded by Mr. Westcott, to allow for expansion of a pre-existing, non-conforming structure on a pre-existing, non-conforming lot and to grant five (5) feet of setback relief from the north property line. Conditions of approval include building according to plans submitted 11/01/2022.

Motion was considered and approved.

**Appeal No. 17V22: Steve and Jan Tarcza**, Property Tax ID #077.00-03-021.100, 9645 Grove Spring Rd, Town of Wayne in HC-1. Sec 1.2 f A, C, E & Setback 2c iv. Replace existing mobile home on non-conforming lot, setback relief.

The Tarcza's have a purchase agreement to buy the land owned by the Rose Buck Estate. Currently the lot is four (4) Acres and has two residences – manufactured homes – hence it is a non-conforming lot. After much discussion, it was settled that if the land transfers with both homes intact, then the property would continue to be non-conforming and the structure in question could be replaced. If one of the trailers is removed before transfer, then the property would become conforming and the second residence could not be replaced.

Public comments opened. Mr. Haff offered some history as he understood the situation on the Bucks property. Public comments closed.

Mr. Hand made a motion to approve the replacement of the existing trailer by the Tarczas with the following condition that the land must convey to the Tarczas with both trailers on the lot. Then the trailer to the south could be replaced as detailed in the plans dated 11/1/2022. Motion was approved with conditions.

### **Unfinished Business**

**Appeal No. 14V22: Mary-Claire Krebs**, Property Tax ID #064.17-01-012.000, 13279 Bluffers Drive, Town of Wayne in LR-2. Sec 1.0 3, g setback relief and exceed allowed lot coverage Sec. 3.A.4.b.5 Remodel a non-conforming property.

Chuck Devine presented the change in plans for an addition that would substantially alter the existing cottage on the property. The existing home and lot are non-conforming. As the board reviewed the new plans several issues were identified.

- The proposed deck was reduced in size to allow 5' setback, still need setback relief.
- The proposed deck will need setback relief from the high-water mark of 4' (current HWM setback is 25').
- The lot is undersized and current lot coverage calculations based on code indicate coverage of 89%. Coverage calculation is based on the buildable portion of the lot, not entire parcel size.

Public Comments opened and closed with no comments offered.

Many board members expressed concern with the lot coverage. Concern over approving the requested lot coverage setting a precedent was raised by all members. Mr. Hand acknowledged the concern, but reminded the board that each case is unique to the conditions presented. Ms. Krebs does not want to entertain any changes to the proposed build as she does not want a second story. She feels it would block views of neighbors and not meet her desire to age in place.

Ms. Dietrich made a motion to approve the request as submitted with a setback relief of 5' granted on the east side from the lot line, 4' setback relief from the mean high-water mark, and relief to allow for 64% addition lot coverage than allowed in current LUR. Build must be according to plans submitted 12/1/2022. Motion was approved.

#### **Discussion**

Board members shared their travel schedule for the winter months.

**Adjournment** The meeting adjourned at 8:45 PM.

Submitted by: Amy Gush, Board Secretary