

Village of Hilton Zoning Board of Appeals

Meeting Minutes of September 30, 2008

Member's Present: Richard Bjornholm, Pat Holenbeck, Bob Cusenz, Richard Laforce, Jim Bimmler

Administration: Mike Lissow; Code Enforcement Officer, Debbie Jones; Recording Secretary

Guests: John C.P. Lewis, Kurt Brosi, Resident #1, see attached.

The meeting was called to order with the pledge of allegiance to the flag at 7:00 p.m.

Chairman Richard Bjornholm explained the functions and responsibilities of the Zoning Board.

1. PUBLIC HEARING – 43 TYLER TRAIL – AREA VARIANCE

Application of Kurt Brosi, 43 Tyler Trail, for an Area Variance to construct a 10' x 16', 160 square feet storage shed. Per Section 24-302 E 1-b, which states: The footprint shall be over 25 square feet but shall not exceed 144 square feet. The current zoning is Residential.

The public hearing was opened at 7:02 p.m.

Kurt Brosi was present to represent this application. Mr. Brosi stated the necessity of having a shed would be to free up space in his garage and his basement and allow him to park his vehicles in the garage. Mr. Brosi presented with a list of items that are presently stored in his garage and basement with the estimated size of each item which totals more than 144 sq. ft. and more than the total square footage than the size of shed he is requesting. With that Mr. Brosi stated that some of these items are seasonal and need to be kept indoors to protect them from the elements. Mr. Brosi had to take into consideration the limitation of his yard, the grade and a slope that goes down into a drainage ditch. Pictures were presented of the yard. Mr. Brosi did not want to be too greedy in his request on the size of shed he could have really used or have a shed too large that it would not fit in with the rest of the neighborhood. He does not feel the 160 sq. ft. shed would have a negative impact on the neighborhood and feels it is proportional to the houses around it which average around 2,000 sq. ft.

Pictures of the proposed shed were presented, which will be purchased through Heritage Structures and will be sided to match the exterior of the Brosi home. Mr. Brosi stated technically he is considered a corner lot, the construction never followed through so he does have an easement on the side of his house which makes him unable to put the shed there. Mr. Brosi presented with pictures of other sheds in the neighborhood that are larger than the newly adopted ordinance of 144 sq. ft. and does understand that these

sheds are “grandfathered” but wanted to show the Board why he feels his shed would not have a negative impact on the neighborhood. It will have a garage style type door (overhead) but the shed will not be used for vehicles.

PUBLIC COMMENT: None

Public Hearing closed 7:10pm

Board Comment:

Jim Bimmler: With Mr. Brosi’s presentation and driving by the property Jim understands the need for the oversized shed.

Richard LaForce: Stated he has no problem with this application.

Bob Cusenz: Stated he has no problem with this application and it does appear that the back is forever wild.

Pat Holenbeck: From what she has seen Pat feels the shed would not change the character of the neighborhood.

Rick Bjornholm – Chairman Bjornholm presented with several questions to Mr. Brosi:

1. Would it have a single floor only? Yes.
2. Will it have shelves? Yes.
3. Will there be electric? No.
4. How tall? 10’ to peak.
5. How long have you lived at this address? About 6 years.

Chairman Bjornholm stated his concerns regarding the size of this storage shed. Chairman Bjornholm feels strongly about the Village specifically addressing the size limitation of 144 square feet on such storage sheds, that it was done to further regulate these “large” sheds from being constructed in neighborhood back yards and changing the character. Chairman Bjornholm stated this is the first request for a shed larger than what the ordinance states and asked Mr. Brosi if a smaller size wouldn’t help him. Mr. Brosi replied “no, that actually the shed still will not be big enough to get everything in that he would like to.”

With all persons being heard,

Motion to accept the application of Kurt Brosi, 43 Tyler Trail, for an Area Variance to construct a 10’x 16’, 160 square feet storage shed. Per Section 24-302 E 1-b, which states: The footprint shall be over 25 square feet but shall not exceed 144 square feet. The current zoning is Residential.

Motion made by Pat Holenbeck, seconded by Jim Bimmler. Favor 4-1 (Chairman Rick Bjornholm opposed due to the above mentioned criteria)

2. PUBLIC HEARING – 50 PEACH BLOSSOM RD. NO.- AREA VARIANCE

Application of John Lewis, 50 Peach Blossom Road North, for an Area Variance to construct a temporary fence eight (8) feet high in the front yard, Per Section 24-603 A, which states in part, fences and/or walls are permitted in any front yard provided that they do not exceed three (3) feet in height. The current zoning is Residential

3. PUBLIC HEARING – 50 PEACH BLOSSOM RD. NO.- AREA VARIANCE

Application of John Lewis, 50 Peach Blossom Road North, for an Area Variance to construct a fence adjacent to the Village sidewalk. Per Section 24-603 D, fences must be three (3) feet from Village sidewalks. The current zoning is Residential.

Public Hearing opened at 7:20 p.m.

Mr. John Lewis was present to represent these applications. Mr. Lewis stated he has been doing this Halloween Haunted House for 13 years. Mr. Lewis stated for the last 5 years he has constructed a wall up until last year it was a snow fence which was 4 feet tall. Last year he decided to put up a “stake down”, a 2x4 to a stake and then a piece of plywood to that piece of wood and he would do that every 4 feet. Now he does not have problems with wind and the possibility of the wall blowing down and someone getting hurt.

Mr. Lewis presented with pictures of his front yard from last year with the Halloween decorations/wall in place. Along with Mr. Lewis were 7 teenagers who assist him with assembly of the Haunted House and during the hours of operation.

Mr. Lewis stated he was unaware of the necessary variances. Mr. Lewis said he has been fencing right up to the sidewalk for several years but he had been using the snow fence. Mr. Lewis stated he has gone over “safety” issues with Mike Lissow as far as fire extinguishers, safety exits and about 10-14 people who do the “scaring” use walkie talkies to be in constant communication. Mr. Lewis also has the Parma Special Police that patrol the outside of the building on the busy nights. Last year was the first year Mr. Lewis appeared before the Village Board. The Board told him it was an asset to Hilton as it brings people from all over the country here and they told him to go ahead. Mr. Lewis attended the September 2008 Village Board meeting and they approved it. Mr. Lewis stated the Village Board told him he would have to get together with Mike Lissow, Code Enforcement Officer. Mike called Mr. Lewis and instructed him as to what he needed to do as far as the Area Variances.

Chairman Bjornholm asked Mr. Lewis if he was asking for a temporary approval? Mr. Lewis stated he was and Chairman Bjornholm then asked him how long is temporary?

Mr. Lewis stated it comes down right after Halloween. The last day of operation would be Saturday November 1, 2008. He would start taking down on Sunday November 2, 2008 and would totally be down within a week.

Pat Holenbeck asked Mr. Lewis when it goes up. Mr. Lewis stated “now, they have started putting stakes in the ground.”

Mr. Lewis states he has about \$100,000.00 invested in the Halloween decorations. The high wall helps to keep out vandals and is able to lock this wall. Also, by having the high wall it keeps onlookers from looking over and seeing what is inside before they enter.

Chairman Bjornholm wanted clarification as to how much yard is enclosed with the wall. Mr. Lewis stated his whole front yard and side yard to the east and west.

PUBLIC COMMENT:

Resident #1, Hale Haven, has lived at this address since 1987. Resident #1 stated Mr. Lewis moved in 1996. Resident #1 stated the Haunted House has grown over the years and neighbors have asked him what he thinks about it, Resident #1 states “he is all for it.” Resident #1 read a letter of positive comments in regards to the Haunted House (on file).

Chairman Rick Bjornholm read a letter from Resident #2, Peach Blossom Road North, stating his concerns regarding the Haunted House (e.g. graffiti on the wall, disorderly teens, kids loitering, fireworks being set off, etc.). Letter will be kept on file.

Resident #1 asked if there has been any safety issues at the Haunted House? Chairman Bjornholm stated will be addressing that with Mike Lissow, Code Enforcement Officer.

Chairman Bjornholm presented to Mike Lissow any issues with regards to safety or complaints. Mike stated last year when he met with Mr. Lewis after the Village Board meeting they discussed where the emergency doors should be along with the fire extinguishers. Mr. Lewis also has a whole house generator. As far as Mike knows there have been no incidents at the Haunted House during operation.

Chairman Bjornholm stated in regards to the letter from Resident #2 the Zoning Board is not here to comment on how you decorate your front lawn on any given holiday. The Zoning Board however, needs to address the above mentioned variances for which you have appeared before us.

Public Hearing closed at 7:35 p.m.

Board Comment:

Pat Holenbeck: Stated she is concerned with some of the problems that she has heard but she does know how that impacts the Zoning Board. Pat asked Mr. Lewis if it would be possible to construct a shorter fence? Mr. Lewis stated the reason for the high

wall/fence is so when you go through it nobody can ruin it for you as you are walking through. It prevents people from “looking over.”

Bob Cusenz: Stated he has lived with it for 13 years and has enjoyed it. Bob feels that negative comments are normal, you get them for Carnival, Apple Fest, etc. Law enforcement should be instructed to watch over this.

Richard LaForce: Stated one thing that impresses him is the teen involvement, he is all in favor.

Jim Bimmler: Stated he agrees with Bob and Richard but does have 2 concerns. Jim feels we should address the letter from Resident #2 (Secretary will write a letter to Resident #2 in response to the outcome of Zoning Board meeting.) Jim stated his biggest concern is being in the Fire Department, are we okay with adequately gaining access whether it be with a fire truck, ambulance or a gurney? Mike Lissow stated it would obviously be different than if responding to a call where this was not going on. Mike stated there is always someone at the house and he believes Mr. Lewis understands that this situation puts him at a higher risk. Mike stated yes, it would make it a little harder to gain access to the house but does not feel it is a big problem.

Rick Bjornholm: Chairman Bjornholm commented he has lived in the Village for 34 years and has enjoyed watching the Haunted House grow.

After some discussion, the Board decided they would have Mr. Lewis come back for a review every year starting in August 2009 so that Mr. Lewis can begin his set up process on schedule.

With all persons being heard,

Motion to accept the application of John Lewis, 50 Peach Blossom Road North, for an Area Variance to construct a temporary fence eight (8) feet high in the front yard, Per Section 24-603 A, which states in part, fences and/or walls are permitted in any front yard provided that they do not exceed three (3) feet in height. The current zoning is Residential. The following conditions are:

- a. permit is exclusively for present Halloween display, further, current dimensions presently applied for.
- b. The permit shall be renewed each year for approval.
- c. The Village Code Enforcement Officer shall oversee construction each year and submit a letter of compliance to original application.

Motion made by Bob Cusenz, seconded by Pat Holenbeck. Favor 5-0

Motion to accept the application of John Lewis, 50 Peach Blossom Road North, for an Area Variance to construct a fence adjacent to the Village sidewalk. Per Section 24-603

D, fences must be three (3) feet from Village sidewalks. The current zoning is Residential. The following conditions are:

- a. permit is exclusively for present Halloween display, further, current dimensions presently applied for.
- b. The permit shall be renewed each year for approval.
- c. The Village Code Enforcement Officer shall oversee construction each year and submit a letter of compliance to original application.

Motion made by Bob Cusenz, seconded by Pat Holenbeck. Favor 5-0

4. REPORTS

Liaison's Report -	Absent
Zoning Code Officer's Report -	Mike Lissow
Chairman's Report -	Chairman Bjornholm gave his report.

5. MINUTES

Motion to approve the August 12, 2008 minutes with one correction (Jim Bimmler omitted from Members present), motion made by Bob Cusenz, seconded by Richard LaForce. **Motion** approved 5-0.

6. DISCUSSION: There is a conflict with our October 14, 2008 meeting date due to the New York Planning Federation Conference. It was decided to move our October meeting to Monday October 20th, 2008 at 6:30p.m.

There is a conflict with our November 11, 2008 meeting date due to it being Veteran's Day and the Village Offices will be closed. It was decided to move our November meeting to Tuesday November 18, 2008 at 7:00p.m.

7. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:55 p.m. **Motion** made by Richard LaForce, seconded by Pat Holenbeck.

Respectfully Submitted,

Debbie Jones, Recording Secretary

