

Zoning Board of Appeals
August 18, 2020

The Zoning Board of Appeals met for a scheduled meeting on Tuesday, August 18, 2020. Due to public health and safety concerns related to COVID-19, the Zoning Board of Appeals did not meet in person. In accordance with the Governor's Executive Order 202.1, the August 18, 2020 meeting was held via videoconferencing. The live meeting online was available on YouTube at <https://www.youtube.com/channel/UCvPpigGwZDeR7WYmw-SuDxg>. Comments could be called in during the meeting at **(929) 205-6099; Webinar ID: 883 3675 8032; Password 983015**

In attendance during the Zoom meeting were Chairman David Jensen, Members Robert Lanier, Judith Smith (joined the meeting at 7:15 p.m.), and Elaine Ciaccio; Building Inspector David Buckley, and City Attorney Drew Gamils. Member Jordan Haug was absent.

Mr. Jensen called for corrections/additions or a motion to approve the minutes of the July 21, 2020 meeting. Ms. Ciaccio made a motion to approve the minutes of the July 21, 2020 meeting as presented, seconded by Mr. Lanier. All voted in favor. Motion carried; 3-0.

ITEM NO. 1 REVIEW APPLICATION SUBMITTED BY VICTORIA VERGOLINA, 15 VAIL AVENUE, TAX GRID NO. 30-6054-46-164567-00, R1-5 ZONING DISTRICT, FOR RELIEF FROM SECTION 223-17(C) FOR A SECOND STORY ADDITION (OVER EXISTING ONE-STORY) WITH 9.7 FT. AND 5.6 FT. SIDE YARD SETBACKS (10 FT. REQUIRED)

Mr. Lanier made a motion to open the public hearing on the application submitted by Victoria Vergolina, 15 Vail Avenue, for relief from Section 223-17(C) for a second story addition over an existing one-story with 9.7 ft. and 5.6 ft. side yard setbacks, seconded by Ms. Ciaccio. All voted in favor. Motion carried.

Joe and Victoria Vergolina have two boys and have lived in Beacon for 15 years. They love their neighbors and the neighborhood however have outgrown their home. They are seeking approval to build a second story addition like their neighbors' homes. The side yard setbacks are pre-existing and in order to add a second floor a variance is needed. Their builder, Dave Nessels, explained they will be adding 8 feet to the peak of the existing house. The addition will be in line with the existing house with no change to the current footprint.

Mr. Jensen opened the floor for public comment and read the following letters of support into the record:

My name is Martha Lewis, I am a neighbor of Joe and Vicki Vergolina. Our properties meet on my fence line to the left of my home and the right of theirs, where their home is already built 5.5 feet from the property line. I completely understand the plan they have to build a full second floor with no additional encroachment towards the property line beyond their current home's footprint, and I have no issue with it at all. If anything, it will benefit me, our neighbors and our neighborhood by increasing my property value, as the other rehabs on the block have in recent years. We are neighbors and friends, and we look out for each other and our homes. It's a blessing to have good

neighbors! I support their home building plan and don't have any concerns with their plan. Please feel free to reach out with any questions. Thank you –

Martha Lewis
9 Vail Avenue

My name is Laura Boettcher, I am a direct neighbor of the Vergolina's for the last 13 years. Our properties meet on the left side, where their current home is built 9.7 feet from my property line. I have seen and understand the full plan they have to build a second floor onto their existing home and it sounds great to me! We have been neighbors and friends for many years and I am excited for them and their boys to add to the space! I support their home building plan and don't have any concerns with it.

Laura Boettcher
17 Vail Avenue

I'm Eileen Civitello, a neighbor of Joe and Vicki Vergolina. We live across the street at 10 Vail Avenue. I understand the plan to build a second floor onto their home and I have no issue with it. I look forward to them expanding their home for both them and their boys. They are great neighbors and friends, and I fully support their building plan.

Eileen Civitello
10 Vail Avenue

I am a neighbor of Joe and Vicki Vergolina. I live on or near Vail Avenue. I understand the plan to build a second floor onto their home and take no issue with it. Most every other home on the block is two stories, this won't affect the feel or look of our neighborhood.

Maria Guido
1 Vail Avenue

I am a neighbor of Joe and Vicki Vergolina at 15 Vail Avenue in Beacon. I live on or near Vail Avenue. I understand the plan to build a second floor onto their home and take no issue with it. Most every other home on the block is two stories, this won't affect the feel or look of our neighborhood.

John Hartzell
75 Russell Avenue

I am a neighbor of Joe and Vicki Vergolina at 15 Vail Avenue in Beacon. I live on or near Vail Avenue. I understand the plan to build a second floor onto their home and take no issue with it. Most every other home on the block is two stories, this won't affect the feel or look of our neighborhood.

Christine Pascarella
15 Madison Avenue

I am a neighbor of Joe and Vicki Vergolina at 15 Vail Avenue in Beacon. I live on or near Vail Avenue. I understand the plan to build a second floor onto their home and take no issue with it. Most every other home on the block is two stories, this won't affect the feel or look of our neighborhood.

Jennifer Dixon
12 Vail Avenue

Mr. Jensen reported when he looked at the subject house it was clear that most others in the neighborhood were generally two-story homes where the Vergolina's home is only a one-story.

Mr. Vergolina explained they considered looking elsewhere but love their neighborhood and the street. Their 11- and 9-year old sons share a room and as they grow will need a space of their own. He thanked the board for considering their request.

Mr. Jensen asked the board if they had any comments or questions. Although Ms. Smith could not be seen on the Zoom meeting, she was connected via phone. She understood their request, has driven by the house and had no questions. There were no further comments and no one from the public wished to speak. Mr. Lanier made a motion to close the public hearing, seconded by Ms. Smith. All voted in favor. Motion carried.

Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by granting the requested area variances?

The Board found that the second story addition is consistent with the neighborhood and the change will bring the property into conformance with the neighboring homes.

Can the benefit the applicant seeks be achieved through another method, feasible for the applicant to pursue, that does not require area variances?

The Board found that there is no other way to construct the second story addition. The proposed second story addition over the existing footprint reduces the nonconformity of the property relative to expanding the home in the backyard. Constructing the addition in the backyard would remove green space and would not be in conformance with the neighborhood.

Are the requested variances substantial?

The Board found that the variance is not substantial because it is going above the existing footprint. The additional height is only an additional eight feet over the roofline.

Will the proposed variances have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

The Board found that the proposed variances will not have an adverse impact on the physical or environmental neighborhood. The proposed addition will conform to the physical environment (i.e. surrounding two family homes). Adding the addition to the second story and not the backyard is better for the environment.

Is the alleged difficulty self-created?

The Board found that the alleged difficulty is not self-created except from the perspective of constructive knowledge and the Board does not consider this to be a factor weighing against the granting of the variance.

Discussion took place as to whether a condition should be put on the variance, if granted, limiting the height of the second story addition. After careful consideration, members felt limitation would not be necessary because they would need to return if another floor is proposed in the future.

The applicant was informed of the conditions set forth in the resolution, most significantly that a permit must be obtained within six months with two years to complete

construction. was aware that he could seek an extension if needed but saw no issue in completing the project within the timeframe set forth in the resolution.

After careful consideration, Ms. Smith made a motion to grant the variance with conditions outlined in the draft resolution, seconded by Mr. Lanier. On roll call Ms. Smith, Ms. Ciaccio, Mr. Lanier and Mr. Jensen voted to grant the variance as requested. Motion carried; 4-0.

There was no further business to discuss and the meeting was adjourned on a motion made by Ms. Smith, seconded by Mr. Lanier. All voted in favor. Motion carried. The meeting adjourned at 7:50 p.m.