

**TOWN OF PARMA  
ZONING BOARD OF APPEALS  
JANUARY 18, 2018**

**Members Present:** Dan Melville  
Veronica Robillard  
Stephen Shelley  
Tim Thomas  
Jim Zollweg

**Others Present:** Dennis Scibetta, Art Fritz, Blake Keller

**Public Present:** Andrey Demchuk

The meeting was called to Order by Chairperson Robillard at 7:00 p.m. Chairperson Robillard explained the function of the ZBOA and the decision-making process. She explained that this is a five member board and a quorum of three is required to pass a motion.

**TABLED BUSINESS**

**1. ANDREY DEMCHUK – 64 WEBSTER RD**

The application of Andrey Demchuk, owner, for 2 area variances located at 64 Webster Road. The applicant is proposing to erect a 2,000 square feet pole barn with a wall height of 14 feet and is requesting relief from Town Zoning Article V, subsection 165-33.C.2 which limits the total area of accessory structures to 600 square feet and Town Zoning Article X, subsection 165-82.C.2 which limits the wall height to 12 feet. This property is currently zoned Medium Density Residential (MD).

Chairperson Robillard explained that this application was tabled to allow the applicant more time to provide further information. The applicant was asked to consider a smaller accessory structure that will still meet his needs and to provide information about other applications with accessory structures of the size he is requesting.

Mr. Demchuk explained that he found a couple properties that had larger accessory structures than the square footage of the house (list provided); however, he has decided to amend his application and request a smaller building by eliminating the workshop area, this would still allow all of the belongings currently outside to be stored inside. He is looking to erect a 35x45 accessory structure or 1575 square feet which would make the structure smaller than the house. The structure would still sit in the same part of the property behind the house. There will be a new map with dimensions and the layout provided to the Building Department for the file. Jim Zollweg asked if there is still a need for the 14' sidewalk. Mr. Demchuk stated yes to store the boat.

There was discussion about the list provided. On Webster Road there are two other properties that have large structures, both larger than the house. They are both also zoned Medium Density. Dennis Scibetta said that the applicant is unable to add onto the current garage because of the leach field and septic system ruling that out as an option. Tim Thomas stated that he is more comfortable with the size now that he has come down in size and with the information that there are other properties that have similar buildings of this size.

After discussion, a **Motion** was made by Tim Thomas to **approve** the application of Andrey Demchuk, owner, for 2 area variances located at 64 Webster Road. The applicant is proposing to erect a 1575 square foot pole barn with a wall height of 14 feet and is requesting relief from Town Zoning Article V, subsection 165-33.C.2 which limits the total area of accessory structures to 600 square feet and Town Zoning Article X, subsection 165-82.C.2 which limits the wall height to 12 feet. This property is currently zoned Medium Density Residential (MD).

Applying the balancing test:

- The benefit cannot be achieved by other means feasible to the applicant. The applicant provided the requested information of other accessory structures of similar size not only in the immediate neighborhood but in close proximity to this. The square footage of these other cases are in some cases a little less and in one case much more. This would allow the applicant to store these belongings inside and be protected and also out of site from the neighbors. The 14' wall height is necessary to store the 2 boats and trailers.
- There will be no undesirable change in neighborhood character or to nearby properties. There are other accessory structures in the area of similar size. The applicant reduced the size of the original request.
- The request is substantial.
- There will be no adverse physical or environmental effects.
- The alleged difficulty is self-created; however, using the balancing test, the benefit to the applicant outweighs any detriment to the health, safety and welfare of the community.

This motion approves both variances for size and wall height. A new diagram will be provided to the Building Department showing the dimensions of 35x45.

**Seconded** by Dan Melville. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Stephen Shelley, Tim Thomas, Jim Zollweg).

## **SPECIAL PERMIT RENEWALS**

There was discussion about Special Permit Renewals and the lateness of the renewals. Dennis Scibetta explained that the Department has a way to take care of the late Special Permits going forward through their BAS system and explained the steps going forward. There was discussion surrounding how you know who is still living in the accessory apartment. The Board felt that going forward it is important to be consistent. Dennis Scibetta felt that the applicant should not be penalized for a delay in the Building Department; however there is some shared responsibility with the applicant to renew. There was also discussion about when a Special Permit is approved before the house is built than that Special Permit should be valid at the time the C of O is issued.

### **2. JEFFREY DERUYTER – 676 OGDEN PARMA TOWN LINE ROAD**

Application of Jean and Jeffrey DeRuyter, owners, for renewal of a Special Permit at 676 Ogden Parma Town Line Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit.

Art Fritz reported that there was no inspection done but Dennis Scibetta spoke to the applicant on the phone who stated that the accessory apartment is being occupied by the same person. Dennis Scibetta stated he will perform the inspection when he goes out there for other Town Business.

A **Motion** was made by Tim Thomas to **approve** the application of Jean and Jeffrey DeRuyter, owners, for renewal of a Special Permit at 676 Ogden Parma Town Line Road for an accessory apartment in accordance to Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Jean and Jeffrey DeRuyter and will be renewable January 2020. This renewal will be conditioned on an inspection taking place. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit. **Seconded** by Dan Melville. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

### **3. KAREN LEONARDI – 1110 OGDEN PARMA TOWN LINE ROAD**

Application of Karen Leonardi, owner, for renewal of a Special Permit at 1110 Ogden Parma Town Line Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit.

Art Fritz reported that there has not been an inspection of this property. He tried scheduling one and sent letters and left cards in the door to schedule with no response.

A **Motion** was made by Tim Thomas to **approve** the application of Karen Leonardi, owner, for renewal of a Special Permit at 1110 Ogden Parma Town Line Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Gary and Judy VanDeViver and this Special Permit will be renewable February 2019. This Special Permit will be conditioned on an inspection and verification of occupancy taking place by March 1, 2018. Revocation of said Special Permit if the inspection does not take place. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit. **Seconded** by Jim Zollweg. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

### **4. JIM FITZMAURICE – 614 PECK ROAD**

Application of Jim Fitzmaurice, owner, for renewal of a Special Permit at 614 Peck Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Agricultural Conservation (AC) which allows this use with a Special Permit.

Art Fritz reported that an inspection was completed on January 10, 2018. There were no violations and no complaints on file.

A **Motion** was made by Jim Zollweg to **approve** the application of Jim Fitzmaurice, owner, for renewal of a Special Permit at 614 Peck Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by his wife's brother Franklin Lewis and this Special Permit will be renewable January 2020. This property is currently zoned Agricultural Conservation (AC) which allows this use with a Special Permit. **Seconded** by Dan Melville. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

### **5. JOSEPH SELVAGGIO – 765 BURRITT ROAD**

Application of Joseph Selvaggio, owner, for renewal of a Special Permit at 765 Burritt Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76.

Art Fritz reported an inspection was completed on January 10, 2018. There were no violations and no complaints in the file.

A **Motion** was made by Stephen Shelley to **approve** the application of Joseph Selvaggio, owner, for renewal of a Special Permit at 765 Burritt Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Joseph Selvaggio's mom, Ms. Selvaggio and this Special Permit will be renewable October 2019.

**Seconded** by Dan Melville. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

### **6. GARY AND JULIE DIMORA – 74 SUMMERTIME TRAIL**

Application of Gary and Julie DiMora, owners, for renewal of a Special Permit at 74 Summertime Trail for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Medium Density (MD) which allows this use with a Special Permit.

Art Fritz reported that there was an inspection on January 18, 2018. There were no violations and no complaints in the file.

A **Motion** was made by Tim Thomas to **approve** the application of Gary and Julie DiMora, owners, for renewal of a Special Permit at 74 Summertime Trail for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Francis Kent and this Special Permit will be renewable January 2020. This property is currently zoned Medium Density (MD) which allows this use with a Special Permit. **Seconded** by Jim Zollweg. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

### **7. MARK JANSEN – 675 MANITOU ROAD**

Application of Mark Jansen, owner, for renewal of a Special Permit at 675 Manitou Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned High Density Residential (HD) which allows this use with a Special Permit.

Art Fritz reported that there was an inspection on January 18, 2018. There were no violations and no complaints in the file.

A **Motion** was made by Stephen Shelley to **approve** the application of Mark Jansen, owner, for renewal of a Special Permit at 675 Manitou Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Mr. Jansen's in-laws, Nancy and Ted Bortosch and this Special Permit will be renewable April 2019. This property is currently zoned High Density Residential (HD) which allows this use with a Special Permit. **Seconded** by Jim Zollweg. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

### **8. JOHN VELTRE – 120 DUNBAR ROAD**

Application of John Veltre, owner, for renewal of a Special Permit at 120 Dunbar Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit.

Art Fritz reported that there was no inspection performed. He left a message and a card in the door to call and schedule one with no response.

A **Motion** was made by Stephen Shelley to **approve** the application of John Veltre, owner, for renewal of a Special Permit at 120 Dunbar Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by his mother, Shirley Kraft, and this Special Permit will be renewable February 2019. This Special Permit will be conditioned on an inspection and verification of occupancy taking place by March 1, 2018. Revocation of said Special Permit if the inspection does not take place. This property is currently zoned Medium Density Residential (MD) which allows this use with a Special Permit. **Seconded** by Tim Thomas. **Motion carried to approve (5-0) (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).**

### **9. PATRICK AND EVELYN LLOYD – 214 HAMLIN PARMA TOWN LINE ROAD**

Application of Patrick and Evelyn Lloyd, owners, for renewal of a Special Permit at 214 Hamlin Parma Town Line Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Agricultural Conservation (AC) which allows this use with a Special Permit.

Art Fritz reported that an inspection has not been completed because there is no one living in the accessory structure at this time. It is currently only being used as storage. An inspection will be done when they are using the structure as an accessory apartment. The applicant is renewing so he does not lose the Special Permit.

A **Motion** was made by Jim Zollweg to **approve** the application of Patrick and Evelyn Lloyd, owners, for renewal of a Special Permit at 214 Hamlin Parma Town Line Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by Helen and Walter Eisenhower, and this Special Permit will be renewable January 2020. This property is currently zoned Agricultural Conservation (AC) which allows this use with a Special Permit. **Seconded** by Dan Melville. **Motion carried to approve (5-0) (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).**

### **10. RICHARD STATT – 1161 HILTON PARMA CORNERS ROAD**

Application of Richard Statt, owner, for renewal of a Special Permit at 1161 Hilton Parma Corners Road for an accessory apartment used as an in-law residence in accordance with Town Zoning Article 9, subsection 165-76. This property is currently zoned Agricultural Conservation (AC) which allows this use with a Special Permit.

Art Fritz reported an inspection was completed on January 11, 2018. There were no violations and no complaints in the file.

A **Motion** was made by Tim Thomas to **approve** the application of Richard Statt, owner, for renewal of a Special Permit at 1161 Hilton Parma Corners Road for an accessory apartment in accordance with Town Zoning Article 9, subsection 165-76. The accessory apartment will be occupied by his mother, Linda Statt, and this Special Permit will be renewable January 2020. This property is currently zoned Agricultural Conservation (AC) which allows this use with a Special Permit. **Seconded** by Stephen Shelley. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

### **MINUTES OF DECEMBER 21, 2017**

The ZBOA minutes of December 21, 2017 were reviewed. **Motion** was made by Jim Zollweg to **approve** the December 21, 2017 minutes as presented. **Seconded** by Dan Melville. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

### **ADJOURNMENT**

There being no further business, a **Motion** was made by Stephen Shelley, seconded by Jim Zollweg to adjourn the meeting at 8:37 p.m. **Motion carried to approve (5-0)** (Ayes: Dan Melville, Veronica Robillard, Tim Thomas, Stephen Shelley, Jim Zollweg).

Respectfully submitted,

Carrie Webster  
Recording Secretary