

Mary Pat Mussleman of 90 State Street presented a letter (Exhibit C) that stated that she had no particular complaint since she lives on the opposite side of the street, but she wanted to make an observation. The property already has an existing parking area, which appears to be adequate for the tenants that reside there. She feels the bigger issue is that there are too many variances being approved allowing Village landlords to turn whole backyards into unpaved parking lots. Do these people receive variances or do they just do it without permission? She feels that landlords should have to abide by the same rules as privately owned homes. It is unfair to give them special rules. She believes it is sad and disheartening to watch time after time the rights of private homeowners passed over in favor of landlords desires. The existing codes need to be enforced and bring some needed improvements to side streets. It is time to reclaim rental properties or have them abide by the same rules.

Steve Locke of 81 State Street presented a letter (Exhibit H) that stated that he is very opposed to the area variance that would allow more than 25% of the rear yard as a parking lot. It has been a 20-year problem of code infractions and has required police response on occasion to the tenants. It has had parking violations, storing commercial backhoe and unregistered motor vehicles. The parking lot has been expanded without the request for a legal expansion. He feels that he is only requesting this now because a complaint was lodged. This property has been divided up into four units which he feels is more units than should be allowed for approximately 2000 square feet of dwelling. He believes it was originally a single family home and is not sure when it became a 4 family. He feels he is the one who has suffered all the hardship from all that has been done on this property. The commercial dumpster that is on this property is uncalled for and should not be being filled up by the other rental properties he owns. It is a health concern that the tenants have 4 large dogs and if the parking lot is allowed, how will they be able to function properly on the property. Again, all the hardship is placed on him, not the landlord of the property. He urges the ZBA to moderate this extreme indifference of Mr. Mosher to the welfare of his neighbors, and enforce best interest of the community forced to share his property borders. He has sent e-mails in the past to the Mayor and the Code Enforcement Officer that he would like to have submitted to the ZBA.

Notice of Violation – Order to Remedy was submitted (Exhibit I)

A letter received prior to the meeting from Kenneth Applebaum (Exhibit G) was read. It stated that he is surrounded on three sides by parking lots of rental properties. This takes away from looking like we are in a residential neighborhood. Currently the backyard is 100% parking lot. Did he request this and was granted a building permit or did he just do it? During the last election there was much talk of enforcing current zoning ordinances. He believes, granting an exemption to a zoning ordinance after the owner did work to the property that created a zoning violation makes a mockery of the Village zoning laws. This sends the wrong message to the people of the Village. If Village zoning laws contend that a backyard must not be more than 25% parking lot, this property should be restored to that rather than given a free pass to have non-compliance excused.

G. Mosher commented that according to the instrument survey, the fence on the Locke property is built on the lot line. The tree was removed because when Mr. Locke trimmed it, it died and had to be removed.

⇒ Member Keiser moved, Member Hamlin seconded, unanimously carried that the public hearing be closed and the regular meeting be reopened.

Continued Board discussion on application:

Member Hamlin asked when it changed from a 2 family to a 4 family. G. Mosher said it was always a 4-family since he has owned it for over 20 years.

Member Hamlin asked how many spots would be needed if the pay loader, unregistered vehicle and dump truck were removed. G. Mosher said those items really are not on the property. They are housed somewhere else when they are not being used there. They are not part of the equation.

It was asked that they look at the criteria for an area variance 7712 B 3 B to make sure it is met and that they draw up an appropriate map indicating the proposal that define the details more clearly for the Board to analyze this request better before a decision can be made.

⇒ Member Keiser moved, Member Hamlin seconded, unanimously carried that the application be tabled until the details are sorted out.

