

PRESENT: Katharine Praczkajlo, Chair
Tracy Hirsch
Robert Woodring
Lisa Rood

ABSENT: Courtney Yoviene
Bethany Pryor

ALSO PRESENT: Sean Costello
William Ferguson
Allison Koczur

Town Attorney
Code Enforcement Officer
Secretary to the Boards and Committees

Mrs. Praczkajlo read the Public Hearing notice and opened the Work Session at 7:06 PM. Attendance was taken by Allison Koczur, Secretary to the Boards and Committees, and is noted above.

General Correspondence

Code Revision Committee will be meeting on September 13, 2018 to discuss changes to the Town of Boston code.

Discussion of Evening's Events

Re: Petition #538 – Mrs. Praczkajlo asked Code Enforcement Officer Ferguson whether Mr. Penders would need a variance for the number of accessory buildings there are on the property. Mr. Ferguson explained that a decision regarding that would be up to the Town Board and the Zoning Board would just be responsible for the variance regarding the addition.

Mrs. Praczkajlo then appointed Lisa Rood (a Town Board Approved alternate for ZBA) as a voting member for the duration of petitions 535-539 in place for Ms. Pryor who is on temporary leave.

Mrs. Praczkajlo made a motion to close the work session, which was seconded by Mr. Woodring. All were in favor.

Mrs. Praczkajlo made a motion to reopen the work session at 8:37 PM to approve the August 2018 minutes. All were in favor.

Mrs. Rood decided to abstain since she did not get a chance to read them as a new member.

Mrs. Praczkajlo made a motion to approve the minutes as drafted, seconded by Mr. Hirsh. All were in favor.

Ms. Praczkajlo made a motion to close the meeting, seconded by Mr. Hirsch. All members were in favor.

Signed: Katharine Praczkajlo ak
Katharine Praczkajlo, Chairman

Dated: September 6, 2018
September 6, 2018

PRESENT: Katharine Praczkajlo, Chair
Tracy Hirsch
Robert Woodring
Lisa Rood*

ABSENT: Courtney Yoviene
Bethany Pryor

*Appointed a voting member for duration of this petition, in place of Bethany Pryor.

ALSO	Sean Costello	Town Attorney
PRESENT:	William Ferguson	Code Enforcement Officer
	Allison Koczur	Secretary to the Boards and Committees
	Kevin Bogold	Applicant – Liebler Rd.
	Melissa Sikora	7227 Liebler Rd.
	Stephen Sikora	7227 Liebler Rd.
	Beth Schwab	7230 Liebler Rd.
	Brett White	7230 Liebler Rd.

Mrs. Praczkajlo read the public hearing notice in its entirety.

Mr. Hirsch read Town Engineer James Hannon's report in its entirety; the closing points being:

- The materials submitted are sufficient to be considered complete with respect to SEQRA
- The construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density; is listed in Section 617.5(c)(10) as a Type II Action
- The granting of an area variance(s) for a single-family, two-family or three-family residence is listed in Section 617.5(c)(13) as a Type II Action
- The action will not have a significant impact on the environment
- The action is not subject to review under Part 617
- No further action with respect to SEQRA is necessary or recommended

Mrs. Praczkajlo asked Mr. Bogold to come forward to state his case.

Kevin Bogold – V/L on Liebler Rd.

- Looking to replace a 10' x 10' shed on Liebler road that collapsed from the snow load last year
- Would like to put up an 8' x 40' sea container that will sit back off the road and be able to be locked; will be critter proof; will sit back off road, out of everyone's view
- Gravel driveway will lead to the container
- Will hold – farm tractor, set of plows, used for storage of equipment
- Owned the lot for 20 years
- Would like to build a house on the lot in the future, but not in the next year – would like to build within the next 5 years
- Able to go smaller, but would like bigger storage because there is no residence and he cannot "keep an eye on things" for security reasons (container will be lockable)
- Mr. Woodring asked if there is a property on the White's property – yes.

Mrs. Praczkajlo read correspondence from neighbors.

1. Greg Hylkema – 7266 Liebler Rd. – Letter stating not opposed to variance.

2. Brett White – 7230 Liebler Rd. – Phone call message, stating not opposed to storage.
 - a. Also signed petition (see #3), stated during meeting he is not against a shed, but is against storage container
3. Petition from neighbors – Opposed to variance
 - a. Signed by neighbors – Paula White, Dennis White, Brett White, Beth Schwab, Laurette Janak, Raymond Janak, Johnathan & Mary Gruchala, Kathryn Welton, and Thomas Dzierba.

Applicant Kevin Bogold's response to the correspondence:

- Does not live in Boston, lives in Cheektowaga, so it is a lot to come out in the winter to shovel off the roof
- Working out of town for the last 5 years, just got a permanent job back here in the area, so he can take much better care of the area
- Proposed structure is much stronger
- Will be able to bring brush hog and tractor to help clear the land to make it look better for neighbors

Mrs. Prackajlo opened the public comment portion.

Melissa and Stephen Sikora – 7227 Liebler Rd.

- Directly across the street
- There is a gas-line/ stone road, is there going to be a driveway put in? Where?
- All front windows look to the property, does not want to look at a shipping container
 - Mr. Sikora pulled up a picture on his phone and confirmed with Mr. Bogold that is what the container looks like, and then shared it with the board.
- Is it going to be a brand new container? Used? What will the condition be? How will Mr. Bogold get back to the container? Where would the driveway sit in relation to neighbor's driveways? Is this a permanent structure or temporary before residence? Will the container be visible from the road or Mr. Sikora's second story windows? If there is a driveway, you cannot drop blades on public roads: will the snow be plowed and pushed across the road? Why a shipping container instead of a pole barn?
- Not opposed to replacement shed, but is opposed to a sea container.

Applicant Kevin Bogold's response

- Will be using stone road from the gas company
- Will not plow across into neighbor properties
- Unsure if it will be new or used yet, was waiting for a variance approval to look
- Sea container can be hidden better than a pole barn and is animal proof, pole barns are unlockable and are not critter proof.
- Not cost effective to move to another location.

Mrs. Sikora: Will the property be abandoned during the winter months?

Mr. Bogold: It is not in use at all right now, but I would like to do something with it when then

Brett White – 7230 Liebler Rd.

- No objection to storage shed, but is objected to sea container. Not aesthetically pleasing, will be able to see from property.

- Shares a driveway with Mr. Bogold.

Mrs. Prackajlo: Upon hearing the concerns of your neighbors, would you consider putting up a shed?
Mr. Bogold: Definitely. I just thought it would be quicker and easier to put up a sea container.

Mrs. Prackajlo closed the public comment portion of the meeting.

Mrs. Prackajlo made a motion to table the petition, but subsequently removed her motion.

Mr. Hirsch made a motion to deny the variance to put up an accessory structure prior to a principal structure.

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|---|------|
| 1. Does it create an undesirable change to the character of the neighborhood? | Yes. |
| 2. Can the benefit sought by the applicant be achieved if the variance is not granted? | Yes. |
| 3. Is the requested variance substantial? | Yes. |
| 4. Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | Yes. |
| 5. Is the alleged difficulty self-created? | Yes. |

The motion was seconded by Mrs. Rood.

Secretary Koczur: If you're in favor of the motion to deny the variance, please say yes:

Mr. Hirsch	Yes
Ms. Pryor	Absent/Excused
Mr. Woodring	Yes
Mrs. Yoviene	Absent/Excused
Mrs. Rood	Yes
Mrs. Prackajlo	Yes

Mr. Hirsch: If there is another intention of doing something else, then that intention can be brought before the board in the future if you decide you want to go a different route. Then we would look at that situation differently.

Mrs. Rood: And now you know the neighbors wouldn't mind a shed.

Mrs. Prackajlo: With that we will close Petition 535 and move to Petition 536.

Signed: Katharine Prackajlo ak
Katharine Prackajlo, Chairman

Dated: September 6, 2018
September 6, 2018

PRESENT: Katharine Praczkajlo, Chair
Tracy Hirsch
Robert Woodring
Lisa Rood*

ABSENT: Courtney Yoviene
Bethany Pryor

*Appointed a voting member for duration of this petition, in place of Bethany Pryor.

ALSO PRESENT: Sean Costello Town Attorney
William Ferguson Code Enforcement Officer
Allison Koczur Secretary to the Boards and Committees
Jeffrey Gorrell Applicant – 7929 Hywood Dr.

Mrs. Praczkajlo read the public hearing notice in its entirety.

Mrs. Praczkajlo read Town Engineer James Hannon's report in its entirety; the closing points being:

- The materials submitted are sufficient to be considered complete with respect to SEQRA
- According to Section 617.5(c)(12) – State Environmental Quality Review, granting of individual setback and lot line variances is a Type II Action
- According to Section 617.5(c)(13), granting of an area variance(s) for a single-family residence is listed in Section as a Type II Action
- The action is not subject for review under Part 617
- No further action with respect to SEQRA is necessary or recommended

Mrs. Praczkajlo asked Mr. Gorrell to come forward to state his case.

Jeffrey Gorrell – 7929 Hywood Dr.

- Looking to have a shed constructed at the bottom of the driveway, neighbor's property line runs right next to where proposed shed would be – 2 ft
- Shared letters from 7916 and 7915 Hywood neighbors.
- The area that the proposed shed will be in is not usable by his neighbors
- Closest spot to house, no power will be run to the shed
- Back yard is heavily wooded, terrain is the only flat spot

Mrs. Praczkajlo read letters received from neighbors. The letters were in approval of the variance being granted. Signed by Jeanmarie Gasbarre and Fredrick Muraco.

Mrs. Praczkajlo asked about the possibility of anywhere else the shed could be placed.

Mr. Gorrell stated that there's an incline on the other side of the house and it would need to be graded. There is a drain pipe on the other side. The proposed area is the most convenient spot.

Mr. Hirsch asked if it is at least 2 feet from the property line.

Mr. Gorrell stated that yes, it is at least 2 ft. away from property line; there are not many other options without hitting the incline. Machinery could not get down the hill.

Mrs. Praczkajlo opened the public comment portion of the hearing, however there were no comments and it was subsequently closed.

Mr. Woodring made a motion to approve the variance of 8 feet.

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|---|------|
| 1. Does it create an undesirable change to the character of the neighborhood? | No. |
| 2. Can the benefit sought by the applicant be achieved if the variance is not granted? | No. |
| 3. Is the requested variance substantial? | No. |
| 4. Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | No. |
| 5. Is the alleged difficulty self-created? | Yes. |

The motion was seconded by Mrs. Praczkajlo.

Secretary Koczur: If you're in favor of the motion to approve the variance, please say yes:

Mr. Hirsch	Yes
Ms. Pryor	Absent/Excused
Mr. Woodring	Yes
Mrs. Yoviene	Absent/Excused
Mrs. Rood	Yes
Mrs. Praczkajlo	Yes

Mrs. Praczkajlo: With that we will close Petition 536 and move to Petition 537.

Signed: Katharine Praczkajlo ak
Katharine Praczkajlo, Chairman

Dated: September 6, 2018
September 6, 2018

PRESENT: Katharine Praczkajlo, Chair
Tracy Hirsch
Robert Woodring
Lisa Rood*

ABSENT: Courtney Yoviene
Bethany Pryor

*Appointed a voting member for duration of this petition, in place of Bethany Pryor.

ALSO Sean Costello Town Attorney
PRESENT: William Ferguson Code Enforcement Officer
 Allison Koczur Secretary to the Boards and Committees
 Randy Geiger Applicant – 4901 Eckhardt Rd.

Mrs. Praczkajlo read the public hearing notice in its entirety.

Mrs. Praczkajlo read Town Engineer James Hannon’s report in its entirety; the closing points being:

- The materials submitted are sufficient to be considered complete with respect to SEQR
- The construction, expansion or placement of minor accessory/appurtenant residential structures, barns, storage sheds or other buildings not changing land use or density; is listed in Section 617.5(c)(10) as a Type II Action
- The granting of an area variance(s) for a single-family, two-family, or three-family residence is listed in Section 617.5(c)(13) as a Type II Action
- The action will not have a significant impact on the environment
- The action is not subject to review under Part 617
- No further action with respect to SEQRA is necessary or recommended

Mrs. Praczkajlo asked Mr. Geiger to come forward to state his case.

Mr. Geiger brought up letters from neighbors who were not opposed to the building of the pole barn, and Mrs. Praczkajlo read them. Letters were signed by: Eric Osmanski (4801 Eckhardt Rd.), Marvin and Helen Zittel (6995 Boston State Rd.), Shannon and Lindsey Rogers (4908 Eckhardt Rd.), and Roger and Susan Duffett (4845 Eckhardt Rd.).

Randy Geiger – 4901 Eckhardt Rd.

- 40’ x 50’ building would have more space for “stuff” – he has 5 kids.
- Will match the house better.
- Corn fields all around the area, woods on one side

Mrs. Praczkajlo opened the public comment portion of the hearing; however there were no comments and it was subsequently closed.

Mr. Hirsch made a motion to approve the variance of 8 feet.

- | | |
|---|-----|
| 1. Does it create an undesirable change to the character of the neighborhood? | No. |
| 2. Can the benefit sought by the applicant be achieved if the variance is not granted? | No. |
| 3. Is the requested variance substantial? | No. |
| 4. Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | No. |

5. Is the alleged difficulty self-created?

Yes.

The motion was seconded by Mrs. Prackajlo.

Secretary Koczur: If you're in favor of the motion to approve the variance, please say yes:

Mr. Hirsch	Yes
Ms. Pryor	Absent/Excused
Mr. Woodring	Yes
Mrs. Yoviene	Absent/Excused
Mrs. Rood	Yes
Mrs. Prackajlo	Yes

Mrs. Prackajlo: With that, we will close Petition 537 and move to Petition 538.

Signed: _____
Katharine Prackajlo, Chairman

Dated: _____
September 6, 2018

PRESENT: Katharine Prackajlo, Chair
Tracy Hirsch
Robert Woodring
Lisa Rood*

ABSENT: Courtney Yoviene
Bethany Pryor

*Appointed a voting member for duration of this petition, in place of Bethany Pryor.

ALSO	Sean Costello	Town Attorney
PRESENT:	William Ferguson	Code Enforcement Officer
	Allison Koczur	Secretary to the Boards and Committees
	Michael & Francie Penders	Applicant – 9495 Boston State Rd.
	Matthew Szarleta	7018 Sunset Ln.
	Bob Fiegl	9483 Boston State
	Phil & Ellen Munger	9399 Boston State

Mrs. Prackajlo read the public hearing notice in its entirety.

Mr. Costello read Town Engineer James Hannon's report in its entirety; the closing points being:

- The materials submitted are sufficient to be considered complete with respect to SEQR
- The construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing the land use or density; is listed in Section 617.5(c)(10) as a Type II Action
- The granting of an area variance(s) for a single-family, two-family or three-family residence is listed in Section 617.5(c)(13) as a Type II Action
- The action will not have significant impact on the environment
- The action is not subject to review under Part 617
- No further action in respect to SEQRA is necessary or recommended

Mrs. Prackajlo asked Mr. Penders to come forward to state his case.

Michael and Francie Penders – 9495 Boston State Rd.

- Recently moved here from Evans from a 3,200 square foot house to a 1,700 square foot house
- Will store a few vehicles: tractor, 4-wheeler, etc.
- Downsized in home when they moved here, but they are currently storing their children's things as their children are in the military
- Addition will be to the back side of the barn, there are woods all around

Mrs. Prackajlo opened the public comment portion of the hearing.

Matthew Szarleta – 7081 Sunset Ln.

- New resident, in favor of the variance being approved
- Secluded lot, cannot see lot from Sunset, won't be obstructing anyone's view

Bob Fiegl – 9483 Boston State Rd.

- In favor of variance being approved
- Took care of property the last few years for the previous owner
- 1/3 of the barn is a workshop, there isn't a lot of room in there – will need bigger doors, not easily accessible, only 2 man doors to get inside

Ellen Munger – 9399 Boston State Rd.

- Lives behind the Penders
- Thrilled with new neighbors
- No opposition to variance

Mrs. Prackajlo closed the public comment portion of the hearing.

Mrs. Prackajlo made a motion to approve the variance of 770 square feet.

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|---|------|
| 1. Does it create an undesirable change to the character of the neighborhood? | No. |
| 2. Can the benefit sought by the applicant be achieved if the variance is not granted? | No. |
| 3. Is the requested variance substantial? | No. |
| 4. Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | No. |
| 5. Is the alleged difficulty self-created? | Yes. |

The motion was seconded by Mr. Woodring.

Secretary Koczur: If you're in favor of the motion to approve the variance, please say yes:

Mr. Hirsch	Yes
Ms. Pryor	Absent/Excused
Mr. Woodring	Yes
Mrs. Yoviene	Absent/Excused
Mrs. Rood	Yes
Mrs. Prackajlo	Yes

Mrs. Prackajlo: With that, we will close Petition 538 and move to Petition 539.

Signed: Katharine Prackajlo ak
Katharine Prackajlo, Chairman

Dated: September 6, 2018
September 6, 2018

PRESENT: Katharine Prackajlo, Chair
Tracy Hirsch
Robert Woodring
Lisa Rood*

ABSENT: Courtney Yoviene
Bethany Pryor

*Appointed a voting member for duration of this petition, in place of Bethany Pryor.

ALSO PRESENT: Sean Costello Town Attorney
William Ferguson Code Enforcement Officer
Allison Koczur Secretary to the Boards and Committees
John Ingoldsby Applicant – 6615 Rice Rd.

Mrs. Prackajlo read the public hearing notice in its entirety.

Mrs. Prackajlo read Town Engineer James Hannon's report in its entirety; the closing points being:

- The materials submitted are sufficient to be considered complete with respect to SEQR
- The granting of individual setback and lot line variances is listed in Section 617.5(c)(12) as a Type II Action
- The granting of an area variance(s) for a single-family, two-family, or three-family residence is listed in Section 617.5(c)(13) as a Type II Action
- The action will not have a significant impact on the environment
- The action is not subject to review under Part 617
- No further action with respect to SEQRA is necessary or recommended

Mrs. Prackajlo read additional correspondence received regarding Petition #539

1. Letter opposed to variance being approved – signed Donald Kirst (9130 Back Creek Rd.)
2. Letter opposed to variance being approved – signed Paul Ziarnowski (9137 Back Creek Rd.)
3. Letter opposed to variance being approved – signed James Gastle (6573 Rice Rd.)

Mr. Costello: I did research the question of whether the creation of two substandard lots is an improper thing to do, and this actually happens rather frequently. It is not an improper thing as long as the board gets the resolve. The other criteria, the few cases I did review, the factors that appear to be most significant to the court were that this is the classic case of self-created difficulty and balance of benefits to the applicant. The applicant who has a lot that currently exists that can be built upon, or in this case, there's already a structure there, if they are deprived of any useful applications or pursuit of the property. I wanted to update the board that I had looked into whether the request itself would be uniformly disfavored by the courts. There's nothing, no absolute bar out there that seems to say that splitting a lot into two substandard lots is per say wrong. But the self-created difficulty does come up a lot.

Mrs. Prackajlo asked Mr. Ingoldsby to come forward to state his case.

John Ingoldsby – 6615 Rice Rd.

- House sits at the bottom of the 5.1 acres, driveway has 25ft of frontage on Rice Rd, the rest of property comes in behind and up
- Would like to break off property into 2 acres, sell the remaining 3 acres to his son who has lived there his entire life and works in Boston and would like to stay here

- Water Concerns – Creeks are DEC controlled and Army Corps of Engineers is working on a solution for the bridge

Mr. Woodring: How many years have you lived there?

Mr. Ingoldsby: 26 years

Mr. Woodring: Have you seen these floods that the letters are talking about?

Mr. Ingoldsby: On every creek in Boston. It happens and it doesn't matter if it's a 6ft pipe or 8ft pipe. I was there when the big oval pipes washed out on Back Creek Road. It's debris. I agree, that's why the engineers are getting involved. You can't do it without them.

Mrs. Rood: One of the things that I think needs to be considered is the topography of the property. And you say you're going up. So you're on a hill?

Mr. Ingoldsby: I am. My house is situated at the bottom of the hill. If you're familiar with the old Rice Rd, it's the second driveway up, still at the flat part. House goes in 400 feet from the road, but from behind my house, out my back door, it starts to go up. I'm not looking to build something behind me and he's not looking to come down the hill. He's looking to build up where it flattens out again.

Mrs. Rood: I think that's a concern though, because years ago we did look at steep slopes legislation because the more you put up here, as far as a structure, any of the water that would normally rain down from the sky, it would be going into the permeable land. It would be draining down. When you build a structure, you're now creating hardscape so that water is now not going to be sinking into the ground. It's hitting the roof, it's hitting the garage, it's hitting the paved driveway, and it's all creating more runoff that's going to impact what's below. So I think that's a consideration.

Mr. Ingoldsby: And I agree with that. Most of it comes from up the hill. I was here when they were zoning a couple houses up on Rice Rd. It's all developed now. It's one of the last lots there. People keep calling me about it and I'm not looking to sell out for money. I'm looking to sell so he [son] can build something. And he's the 15th house down, so I can't see that being...

Mrs. Rood: Anything you do above is going to impact below.

Mr. Ingoldsby: Right, well most of the lots are above, but we're all the way down at the bottom. Absolute lowest, bottom building lot that Rice Road has seen in the 27 years I've been here.

Mrs. Rood: That's also one of the considerations why you're looking 3 acre lots too, so that you can't have the density on smaller lots.

Mr. Ingoldsby: Right, and that's what he would have. All the lots around me are (indistinguishable)... prior to me buying it.

Mrs. Praczkajlo: When you purchased your property, were you also aware that the town at that time had Codes that the lot size had to be the minimum of 3 acres?

Mr. Ingoldsby: It wasn't a question at the time. My lot at that time was 5.1 acres. I didn't build the house on it, the house was existing. I added on in 1999.

Mr. Woodring: You have the only flat part there on the bottom.

Mr. Ingoldsby: Until you get up to where the frontage on top. And yes the crossing is why, from what I understand, the guy across the road they were talking about he... (indistinguishable). About the methods that he was (indistinguishable 1:25:15). We already have a case worker for the Army Corps of Engineers. We're looking into doing it the right way, not throwing a plate in the creek. I've been here 26 years and the road construction sign on Rice Road was there for 20, 25. A lot of the earlier water issues were cause by whoever's decision it was to do all of the storm water onto the North side of Rice Rd. They had me on engineering out there. I said "Look, do you know what (indistinguishable 1:26:31)

is, do you understand elevation? Everything's coming over to the side. All of Rice Rd is being directed over to the north side." Nothing was on the south side of the roads. To rectify that, it got better.

Mr. Woodring: There's not currently a structure on that upper part now?

Mr. Ingoldsby: There is not. There's a vacant lot above it, Gary Marciniak, he's up above that on the next 40 acres.

Mrs. Prackajlo: The other part too is not just breaking off into the 3.1 acre lot for your son, is that part two of the variance request is that you have to have a 75 foot line for the house. Basically with the way the driveway is, it doesn't meet that.

Mr. Ingoldsby: That's my driveway. It was like that when I bought it. So what I was trying to do there was to – I probably should've put in another 50 foot to get the 75 foot, that's what caused the second variance. I probably still can and give him the 3 acres, he'll just have to redo the lot line a little bit. I can't, the way it's configured; I couldn't use that as a driveway anyway. But I can't get more than 25 feet down below with the way it was.

Mr. Woodring: Would it change on this part, if doing like you said to make him comply with the restrictions by expanding his driveway?

Mrs. Prackajlo: No, because you're still looking at a 3.1 acre lot and a 2 acre lot, so we can't get 6 out of 5.1 acres.

Mr. Ingoldsby: You're talking about the driveway? I can expand that frontage to 75 feet, but it's going to be in two pieces. Or even if I keep it up there, it's useless frontage unless I was going to put a house up there. And that's why I gave him the 225 feet, or whatever it breaks out to.

Mrs. Prackajlo opened the public comment portion; however there were no comments and it was subsequently closed.

Mr. Hirsh made a motion to deny both variances.

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|---|------|
| 1. Does it create an undesirable change to the character of the neighborhood? | Yes. |
| 2. Can the benefit sought by the applicant be achieved if the variance is not granted? | Yes. |
| 3. Is the requested variance substantial? | Yes. |
| 4. Will the variance have an adverse effect/impact on the physical or environmental conditions of the neighborhood? | Yes. |
| 5. Is the alleged difficulty self-created? | Yes. |

The motion was seconded by Mrs. Prackajlo.

Secretary Koezur: If you're in favor of the motion to deny the variances, please say yes:

Mr. Hirsch	Yes
Ms. Pryor	Absent/Excused
Mr. Woodring	Yes
Mrs. Yovienc	Absent/Excused
Mrs. Rood	Yes
Mrs. Prackajlo	Yes

Mrs. Prackajlo: With that we will close Petition 539 and reopen the Work Session to approve the August 2018 minutes.

Signed: Katharine Prackajlo at
Katharine Prackajlo, Chairman

Dated: September 6, 2018
September 6, 2018