

Village of Caledonia Zoning Board of Appeals
Meeting Minutes for July 15, 2020

Members Present: Steve McIlwaine, Patrick Talty, Robert Middleton, William Hughes
Also Present: Mike Burnside, Code Enforcement Official
Tom Kruger, TK Automotive (2881 West Main Street)
Tammy and Mark McFadden (3082 Mill Street)

Steve McIlwaine called the meeting to order at 7:00 pm with the Pledge of Allegiance.

May 2020 Minutes

Motion by Patrick Talty, seconded by Robert Middleton, to approve the May 2020 minutes.

Aye: Steve McIlwaine, Patrick Talty, Robert Middleton, William Hughes

Nay: None

Abstention: None

Before further agenda items were discussed, Steve McIlwaine reminded attendees that the Board is not scheduling dates for Public Hearings.

Tom Kruger, TK Automotive (2881 West Main Street)

Mr. Kruger would like to install a car wash at his auto repair business. The drains, tanks, water line, oil separator, and power are all already in place. He will need to add a filter system. The proposed system will not discharge any water and will be touchless. The tanks, of which there are 3- 1,500 gallon, will need to be pumped periodically. They have been inspected and there are no leaks. Traffic flow for the carwash will move along the east side of the building, and then through the wash. It will be open 24 hours/day with a pay station. Mr. Kruger would like to install this ASAP.

This business is located in an I-1 zone. As an auto repair business, it operates under a special use. I-1 zoning does not specifically allow a carwash.

The Board discussed whether a use variance is actually required for this:

If ZBA interprets I-1 as somewhere a car wash is an approved use, then no variance is needed. If ZBA interprets that no, I-1 zoned locations cannot have a carwash, then a use variance is needed.

Board members discussed. This location has been an auto repair business for years, and there used to be a car wash open there. It is a preexisting/nonconforming use, which the Board interpreted as an acceptable use.

Motion by Bill Hughes, seconded by Robert Middleton, that the Board interprets a carwash as an acceptable use at 2881 West Main Street. As such, it does not need a variance. The Zoning Board of Appeals will refer this back to the Planning Board for further review.

Aye: Steve McIlwaine, Patrick Talty, Robert Middleton, William Hughes

Nay: None

Abstention: None

Mark and Tamela McFadden (3082 Mill Street)

Mr. and Mrs. McFadden came to the ZBA to discuss options for replacing the front porch of their home. The current porch and stairs are damaged and unsafe. They plan to replace the porch and steps with an 8' x 10' deck so they could sit outside. McFaddens have talked with Mike Burnside re: a building permit for the repair/replacement. As of tonight's meeting, there is no building permit and no denial for this project.

There are 2 issues:

- Residence is zoned L-C, which does not allow alterations to structures
 - o McFaddens need to address this with the Village Board. McFaddens believed that the Zoning was changed from L-C years ago.
- Required setback is not available
 - o This can be addressed with a variance once the zoning is changed.

Based on how code is worded and the location of McFadden's home, we cannot address the L-C issue. McFaddens will need to put this issue in writing and present re-zoning to the Village Board. The ZBA can also consult with Village Counsel for interpretation of L-C.

Keenan Building Project (Park Place)

Board members discussed Dan Keenan's proposed home building on Park Place:

- Can't have 2 primary residences on a single lot
- It is a single parcel of approximately 11 acres
- Home would be put on a single parcel
- A driveway would need to be constructed
- ZBA is unclear what it may be issuing a variance for: frontage or variance to allow a subdivision? (per Planning Board, parcel cannot be subdivided because 100' of frontage would not be possible on each parcel.)

Motion by Steve McIlwaine, seconded by Patrick Talty, to adjourn the meeting at 8:30.

Aye: Steve McIlwaine, Patrick Talty, Robert Middleton, William Hughes

Nay: None

Abstention: None

Elizabeth Dietrich
Secretary, Village of Caledonia Board of Appeals