

ZONING BOARD OF APPEALS
Town of Lewiston 1375 Ridge Road
Lewiston, New York 14092
Thursday – August 13, 2026

**Agenda- Thomas Branchini Area Variance 5126 Forest Road (A), Glenn Deverell Area Vernice 516 Morgan Drive
(B)**

Present: Conti, Fontana, Heuck, Lilly, Machelor

Absent: Warnick

Presiding: Norman Machelor, Chairman

Pledge of Allegiance

Machelor: I'd like to ask the board to read the minutes of the prior meeting.

Heuck: Chair, I'd like to make a correction, please, to the minutes.

Machelor: Yes, sir.

Heuck: And that's in who was abstained: Mackler and Heuck. It should be absent.

Machelor: Absent? Yes, sir.

Heuck: Just so it's noted.

Machelor: Lisa noted that's okay.

Heuck: Therefore, I'd like to make a motion to accept

Machelor: As revised All in favor, say " aye."

Members: Aye.

Machelor: If you have not attended a zoning board of appeals meeting before, the task of the board is to grant or deny requests to vary the Town of Lewiston code. Hence, a variance request to allow or disallow a project brought to us because it cannot be built or performed as presented without a hearing to determine whether upon presentation of the details of the request, the board will grant a variance to continue the project or denial to prohibit a project as presented. And with that, I'd like to open the public hearing on Mr. Branchini. Are you here, sir?

Branchini: Yes, yes, I am.

Machelor: Um, let's see. Okay, Thomas Brancini, 5126 Forest Road. Tell us what you're wanting to do. Please go up to the microphone for the record.

Branchini: Did you receive these documents.

Machelor: Uh sir just go to the microphone.

Conti: We received all the pictures and stuff. Yeah, we got everything. We got everything in our package.

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Heuck: Okay, thank you.

Branchini: You're welcome.

Conti: State your name, your address, And what uh.

Branchini: Thomas Branchini 5126 Forest Road, in Lewiston.

Machelor: What do you want to do?

Branchini: I had a shed put in uh a while back. I wasn't there when it was put in. It was set up where it violated the five-foot ordinance with the neighbor's property by probably two or three feet. To move it, it would be a great cost to me. I'd have to take a fence down, bring a piece of equipment in, dig out a lot of dirt because of the configuration of the yard. And I am asking if it can it stay where it is. It don't think any of the neighbors are concerned about it. In fact, if you look closely, the documentation, my neighbor's shed is closer to my property line than I am to his.

Conti: Who installed the shed?

Branchini: I... it was a big name. I bought it from the Amish. I'm not sure it was a firm out in Lockport.

Conti: So, they're actually responsible for putting it in the wrong place.

Branchini: I don't know how they are responsible

Conti: They, well, if you got the approval for those uh building right building permit to put in a certain area. I'm assuming they must have had that. Because you didn't just say, hey go in my backyard and throw a shed up, right? You must have told them where you wanted it.

Branchini: Yes.

Conti: And they put in the wrong place. So, what may be responsible for of the change of it since they violated town code?

Branchini: I wouldn't blame them. If it was, it was an oversight on their part. But they were probably put it where someone told them to put it. Like I said, I wasn't there, but I had a person be there, and that person probably told the shed company to put it. They listened to him. So, I wouldn't blame the shed company.

Machelor: It was brought in intact; it wasn't built on the spot.

Branchini: No, no, no

Machelor: It was bought brought in by the Amish guy. Some kind of a machine.

Branchini: Yep.

Machelor: Drop there.

Branchini: Yeah.

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Machelor: Why couldn't it be that kind of a machine go in and pick it up and move it?

Branchini: They could, but I'd have to take the fence down so the machine could get in.

Machelor: Did you put a fence up after this was installed?

Branchini: Fence was there.

Machelor: Well, then how did they get there to put it down if they if the fence was in the way?

Branchini: I paid to have the fence took out, taken out

Machelor: Oh well, you could do that again, I suppose.

Branchini: I certainly could. Yes, I could.

Conti: As Gary pointed out, it's Heritage structures out of Lockport.

Branchini: Sounds familiar. This was brought up about a year ago.

Conti: Because looking at the pictures, it looks like they could throw a forklift underneath and just move it out those three feet.

Branchini: Again, I'll repeat myself; I'd have to. To have the fence taken down, now there's an iron fence. If you look closely, that one of those photos references that would have to be taken down again.

Machelor: The cyclone fence you're talking about.

Branchini: Yes, yeah, not the wood fence. And then a vehicle would have to come in, and then they would have to move. So, I'd have to pay for the vehicle to come in; I'd have to pay for the fence to be taken down and put back up again. And I'd have to pay for a lot of the land to be removed I think Photo number three, you can see that configuration. A lot of dirt would have to be moved.

Machelor: I just, you know, I am going to take your word for it because I can't see why that would have to happen. It's actually you can slide right under and pick it right up.

Conti: He's talking about this land right he'd have to move it all over.

Talking

Conti: How far from the back fence is it?

Branchini: It's an interesting question. The back fence is, I believe, my fence.

Conti: Right, but how far from the back fence?

Branchini: About two feet.

Conti: So, two feet—is that fence on the lot line?

Branchini: No, no, it's my lot line. Fence is.

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Heuck: Usually, it's one foot in from the lot line.

Branchini: I don't think the back part is an issue, but you should may be able to tell me that if you have a survey.

Conti: I can't.

Machelor: How did you happen to come here?

Branchini: It's an interesting question because I was here a month ago to see Tom Sheeran because I was told by the building department that I had two choices: I could either come here or plead My case in front of Judge Sheeran. I elected to plead my case in front of him. I came here about a month ago, sat in this room, was asked to go over there, and the gentleman said, "What are you doing here?" And I said, "I am here to try and get a variance for the Shed I put up. " And, he said that you are in the wrong place; Judge Sheeran doesn't have the authority to do that. I said, "Why did the building department give me that as an option." He said, I don't know. I said, so there's no point in me talking to Judge Sheeran. And they said, no.

Conti: Could it be?

Branchini: I walked out. The lady over there said, Mr. Branchini, can you come back? And I said, yeah. She said, why? What made you come here? And I said, well, I wanted to get a variance. She says the judge doesn't do that you have to go in front of the zoning board. I say, well, I don't know why they told me to come here. So, then I left. And I get a letter in the mail, saying I violated court procedures because I didn't stay for the meeting.

Conti: I would think that you probably you had a notice of violation from the building department.

Branchini: Pardon me.

Conti: You had a notice of violation from the building department

Branchini: Yes.

Conti: And

Machelor: You said something about your neighbors? When I look at that photo, was there a building next to your Fence from next to your neighbor, right there. He's right on top of it, too. Right?

Lilly: He's over on top.

Conti: Yeah, but that sounds like from what I heard, that's an older shed that was in there probably before zoning before the zoning laws. Right. So

Branchini: I can only tell you where it is now. I don't.

Machelor: You know looking at the drawings and Aaron pointed out to me that probably the reason. The reason that those people put it where they did is because putting it even five feet where it's supposed to be, you're going to run into that hill.

Branchini: You're talking about his fence,

Lilly: No, he's talking between your shed and the pool the grade comes upwards.

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Machelor: If you move your building five feet from your lot line, it's going to be on that hill on an angle. So that's when you talk about of soil and everything that would have to be done in order to make it level back there.

Conti: Or as Gary pointed out, they can put more block on that side to level it off.

Talking

Machelor: I don't think the issue is that it's not movable. I think the issue is we're trying to work here if there's a simple way to do this, you know, if you can get that. That little tow motor, just some of them are only three feet wide and pick it up and move it. Without taking down a fence.

Branchini: I don't know. That's not my thing.

Machelor: Well, when you go into your yard, is your yard open from the end of your driveway? Can you drive down your driveway around?

Branchini: If you look closely at the documentation, there's a fence there—an iron fence—there 's all these small little gates that fence would have to be removed.

Conti: Couldn't you then in Gary's pointed out also, take the shed and put it this way?

Heuck: Just reorient it. Turn it.

Conti: Which would to eliminate, and then you would have to worry about the soil either, you know. But it's actually shorter you're on the twelve-foot section.

Branchini: It might be an option with cosmetically or if that's my wife would agree.

Heuck: Oh, aesthetics! I know.

Talking

Machelor: We have wives.

Talking

Branchini: But the only thing I'd like to bring up is I don't see how anyone's hurt by leaving the way it is. And by moving it, it makes no difference to anybody. In fact, by moving it, it may even make it more visible to the neighbors.

Conti: There's reasons they have because the Town of Lewiston and has in every town and village had zoning codes. Zoning codes and one of the things that if that started on fire, it's going to affect your neighbor. And I just and this just happened and the shed was five feet away, and it's a neighbor of mine shed started on fire. And it was over five feet away, and it still ruined the guy's fence because it lit the fence up. So that's one of the reasons why they want it so far away. It's for your protection, their protection.

Branchini: I didn't like coming here a month ago, coming back again.

Conti: You said you replaced a similar shed? Where was that shed?

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Branchini: It was...

Conti: Same spot

Branchini: No, it was in a part that was low and the water drained, and it was ruining the wood.

Conti: Oh, okay

Branchini: So, it's not practical to put it back there.

Conti: I know I was just reading that you replaced it.

Talking

Conti: There's Two violations.

Heuck: Yes.

Conti: There were actually two different violations, though. They showed that you would were two violations.

Heuck: Yeah, Seven five three and seven five four.

Conti: Good question.

Wisnieski: I think he put both codes in there, but if you read the corrective action, see the corrective action on the bottom it's both for the same thing. But I think he did the accessory structure. Code and then he did the other code. So, I think it's the same thing.

Conti: Okay

Heuck: Yeah, it looks like it.

Wisnieski: Like if you read the corrective action, it says like the same thing on there. Chris does those, so I don't know.

Talking

Wisnieski: That's a 6.

Conti: That's a 6

Wisnieski: Chris's writing

Talking

Conti: So, he's saying its only 1 foot from the property line.

Machelor: This a public hearing so....

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Conti: Hold on.

Machelor: Anyone else here want to speak about this.

Conti: Hold on one quick second. It shows only one foot your only 1 foot from the lot line, not two.

Branchini: It looked two, two and a half it could have been one.

Machelor: Pictures don't lie.

Conti: But Chris measured it out of inspection on the bottom of this one here. It says one foot from property line. So, it's actually asking for four feet. Pretty much right on the line.

Lilly: Back in April

Conti: You see what I am saying.

Machelor: Yep, yeah, it's a substantial alright. I think we have to decide whether it's worth moving. How long it been there?

Conti: In the fall.

Machelor: Last year.

Branchini: Yeah, put in last late fall, probably September of last year.

Conti: Right. Because he just got the permit last year.

Lilly: On the order it has September 11.

Talking

Lilly: So, that wooden fence is your neighbor's fence.

Branchini: I guess you would say it's ours. That fence was ten feet on my property when they sold the house, and then somehow, they got a quote to sell the house with the fence ten feet on my property.

Machelor: So, they took ten feet of your property

Branchini: After it was sold the new buyers moved the fence back to the right place.

Lilly: So, is it on their property now?

Branchini: I think it's exactly on the line.

Talking

Machelor: The fence has to be a foot off the property line.

Talking

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Conti: So, then we don't know really. So, is it the neighbor's fence or your fence.

Branchini: He paid for it. But he was forced to pay for it because it was in violation.

Talking

Machelor: We're splitting hairs on sizes, you know the wooden fences, you know the way it is laid out is, the neighbor looks at the inside of the fence, and you look at the outside of the fence. Assume that it's his fence.

Branchini: He paid for it because he was forced to pay for it.

Lilly: So, it's on his property.

Machelor: Well, it might be an inadvertent mistake because of people that placed it there because of the slope of the ground. So, that's kind of a mitigating thing here.

Conti: A foot's close.

Machelor: Well, you know, we think it's two feet. We think this is two feet.

Conti: Maybe you're where I'm guessing off of the picture. Chris measured it a foot, so I got to go by who went there.

Talking

Machelor: Well...

Lilly: He's saying lot line we're trying to determine where that lot line might be.

Conti: I am assuming that Chris would know when he went out.

Machelor: Well, what he's saying is that the lot line would be a foot beyond the fence.

Lilly: Right. But is it?

Machelor: You can't use the fence as the lot line.

Lilly: If the fence is his then it would...

Conti: But the fence isn't his.

Heuck: The fence the neighbors. He always puts one foot inside.

Machelor: Yeah, so that's why he's Only 1 foot away from the lot line. I agree.

Conti: Anyone else want to talk about it.

Machelor: Lou any questions?

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Fontana: So how do you determine exactly what the variance is going to be? For what dimension without, without the surveyor, surveying it. And leaving the fence out because the fences are all over the place from my experience. If you really don't know.

Machelor: We going to give them a three-foot variance or four-foot variance.

Conti: Well, But the thing is that we got to go by what our inspector went out there and said it was a foot

Machelor: Right.

Conti: According, according to the one sheet here they wrote. It's only it failed inspection. It was a foot from the property line, so it's only we can go by.

Heuck: Most likely he found the nail, what they call a property nail, which is set in the ground. It's usually a metal rod. Okay, usually it's covered over by now by dirt and grass, but he can just locate it. There's a detector that you use and that'll tell you where your lot line is at by doing with these trust lines streamlines

Conti: So, the only thing we can go by here. Is by what Chris said. It would be a four- foot variance.

Lilly: So, if approved and then three- foot variance would be approved.

Conti: But I don't think a three- foot variance is going to do it for him.

Lilly: Right. That's what I'm saying, right? But it would be covered if we were going for a 4-foot variance.

Machelor: Does anybody feel strongly about this?

Heuck: I think if he just reoriented and moved it a little bit he'd be in close compliance.

Lilly: It's how big it's ten by twelve.

Conti: Yeah.

Lilly: So, if he turned it, he'd be ten feet from the grade change, or let's say, 12 feet because the fence is there.

Heuck: Its 4 feet wide.

Lilly: So, if he turns it the other way, then he'll be right up against it and he'll have five feet behind him and 5 feet.

Conti: And he won't have to redo the ground.

Heuck: Right.

Lilly: Does that make sense.

Branchini: Say that again.

Lily: If you change the orientation of it so the door is facing what would that be west. I'm sorry, east. The way the door's facing south now, correct?

Branchini: I am not sure

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Lilly: Towards your street.

Branchini: Yeah

Lilly: Which is the south. So, the door, the way, it's facing now if it was turned the other way, and you wouldn't have...

Conti: Yeah. What he's saying is. Take it this the way it is now having this on the side here. So, you take it and you make it and you put this way, and then the grade

Branchini: How far would it have to be?

Conti: 5 feet, which would be okay, because you are saying there is two, he's saying its one. If you get to four, I mean we would be fine.

Branchini: So, this would be turned a little bit

Conti: So, this door here would be over here facing this way, facing that way. Yeah, you'd have the blue side, like the size of the blue here would be facing. I am assuming your house is here, right? So, you you'd see the side of the shed. And then this here would be facing.

Branchini: How far would it have to be turned? I mean, the door could be facing completely this way or could it be diagonal.

Conti: As long as it as long as is 5 foot away from the lot line that doesn't matter. You can turn on and go on an angle if you want too.

Branchini: Yeah, I know.

Conti: You know what I mean

Branchini: It's an option. I just don't see how this helps anybody.

Conti: That's my opinion.

Branchini: That's your opinion.

Heuck: That's okay. You could take his.

Machelor: Well, you know, now we're on the record. So, we have to be careful about what we say to you versus some other person that comes in next week.

Conti: And God forbid something happened where there was a fire, and they're going to say, well, you just gave approval for a one-foot variance or four, four-foot variance, to be 1 foot off the lot line and because of that, that shed might or my fence and my shed.

Branchini: I understand what you're saying. I was just hoping we could get in a way with it. That wouldn't hurt anybody the way it is. I know the point you're making is a good one.

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Machelor: Could you investigate whether the people that put in can move it for you? Could, you tell them, could you tell them that you didn't put in the right place? Originally, you guys because of the Town that brought me in.

Branchini: I could, but quite frankly, I was hoping that you'd see my point of view.

Machelor: Well, we do see your point of view, but you know we got the rules too.

Heuck: The codes were set up for specific reasons. And unfortunately, sometimes, especially in your case, it's a little bit more than what. We could actually maybe give you a variance for it.

Conti: If it was four foot and you're looking for a one-foot variance, we would have done that by now. You'd have been already out of here. You know what I mean? Even two foot or three-foot variance where you're within question, we might have talked more about your foot off the lot line. It's just.

Branchini: How do we know for sure where the lot line is? That's something we'd have to deal with.

Machelor: It's probably more expensive to find out where the lot line is than to move the shed.

Fontana: You'd have to have a surveyor come out.

Branchini: It's not just moving the shed; it's moving the fence, taking other fence down, bringing a piece of equipment in, removing the soil.

Conti: Well, you wouldn't need to if you did what Aaron was saying and taken it and shifted it the other way.

Branchini: Actually, I thought about that and thought about it and decided we didn't want it that way.

Lilly: For no particular reason or just aesthetics.

Branchini: We just felt Aesthetics.

Lilly: I mean, you could explore other ways to move a thing getting in that taking the fence down. There's smaller piece of equipment that can fit through a 4-foot gate and probably has capabilities to, you know, a smaller fork machine. Fork it up enough to move it with a few bodies and just simply rotate it in place. You're not taking it very far.

Branchini: Do you know anyone that would do that?

Lilly: Possibly. But I also, I don't see a weight on here. So that was the one thing I was wondering is how heavy is this thing empty? You know

Machelor: Pretty heavy.

Lilly: The fence behind you there's no other option...The fence behind you is in your neighbor's backyard, right? The other one.

Branchini: That by my fence.

Lilly: The chain link behind it right? And there's no other access through there that would be less intrusive or easier to get through. If that came down or something

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Machelor: And you can't come from your neighbor's house. You couldn't come from your neighbor's yard toward there. There is no opening; it's all fenced

Branchini: Pretty much, yeah.

Machelor: Well, pretty much is pretty much is there a ten- foot opening?

Talking

Machelor: I was talking about the piece of equipment that has to get in there in order to lift that building on it. That's all right. Just the same as they put it when they put it in, I mean, if they did.

Branchini: No, when they put it in, I had to take the fence down.

Lilly: Because it's 10 feet wide right? You had to take the fence down because the shed's ten feet wide. So, you got to be at least eleven feet to get it in there comfortably. So, but I am saying now there might be a machine that can get into that fence gate without taken down the fence.

Machelor: Yeah, since it's already in there.

Lilly: Yeah

Machelor: Since it's already there the machine wouldn't have to come in.

Fontana: The mules they use

Machelor: Yeah

Fontana: It's a special machine that moves sheds. You can't just take a forklift or forks get in there. You'll destroy the bottom of the shed.

Machelor: Well of course the people that put it in can do it.

Fontana: Yeah, they have, they have uh it's called the mule, it's only about four foot wide.

Machelor: We're here, we're in a spot here because your, your person that did put in the wrong place. Left you a problem, and you paid for it to be right, and they didn't do it. So now you are on the hook. And my first suggestion is, go back to them and say, "Hey, you guys didn't you read the instructions that we handed you?" I've dealt with them many times; they're not hard to deal with. You can ask them. Then come back. Ask them if they can do it, and then come back. You wouldn't have to come back if they moved it 5 feet you know.

Branchini: I am sure they're going to charge me to come back.

Lilly: The whole shed cost you four grand.

Branchini: Yeah.

Lilly: So, I don't think they would charge you four grand to move it in place, you know. \$500 maybe a thousand bucks, right? I mean, just it'd be very unreasonable if they were charging four grand to rotate a shed that's already arrived there.

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Branchini: I actually thought I would never have to deal with them moving it. I really thought after this meeting you would say your ok.

Machelor: Okay. All right. Well, thank you. And I'll repeat that again: Is there anyone else here who wants to speak to this issue? Okay, hearing that, I'd like to I'm looking for a motion. Anybody prepared to make a motion?

Conti: You got to close the meeting first.

Machelor: Yeah, close. I'm going to close the public meeting. No one's here. Now I'm looking for a motion.

Talking

Heuck: I'd like to make a motion to table.

Lilly: Second.

Machelor: Got a motion to table, second.

Conti: So, you can go back...

Heuck: Go back to your go back to the installer. He knows what code has to be applied.

Conti: And they put it in the wrong spot. Even if you said put it on top of the lot line, they gotta say we can't do that.

Heuck: See, that's his responsibility. He's actually I don't know on that.

Fontana: I would say the company they purchased it from I. Mean, this is a state requirement, too and the building code. That five foot is the minimum put out rating construction. So, I am sure they it's not the only shed they ever put up. I don't know, you know what I mean? So, it'd be hard for me to believe that they didn't know that the code today calls for any detached structure to be a minimum five foot off the lot lines. And it's for insurance purposes; that's one of the big things.

Branchini: No, I understand.

Machelor: So, anyway, we have a motion that's been made and seconded. Any further discussion on the motion? Otherwise, I'll call the question. All those in favor say "aye."

Members: Aye.

Machelor: Opposed? Lisa, would you poll us please?

Wisnieski: Joseph Conti: Aye. Lou Fantana: Aye. Gary Heuck: Aye. Aaron Lilly: Aye. Norman Mackler: Aye.

Branchini: What's the time frame?

Machelor: Well, we meet once a month, but the point is from your standpoint.

Conti: Next month is next. We'll be back in the second week, second Thursday of next month. So that'll be you'll be on the docket for that.

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Branchini: I was supposed to be here for the court proceeding because I left the other meeting early.

Machelor: No, none of that.

Conti: Well, no, no, no, don't say we. I don't know. We can't make comments on that.

Fontana: Oh, for the violation.

Machelor: Yeah.

Branchini: They told me that depending on how this meeting went to have one of these gentlemen, let the court side of the Town know. That I don't have to appear because.

Machelor: Because you came here.

Lilly: Because there's not a resolution today.

Conti: And our attorney is absent tonight

Fontana: So maybe Tim can have that done Tim Masters might be able to send them a message.

Wisnieski: I can talk to the court lady tomorrow to let her know, you guys didn't make a decision tonight. He's coming back September 10th.

Conti: September 10th

Fontana: So, they would change the date for his court appearance.

Conti: Okay, so this is September 10th. Call that up and go from there.

Lilly: So, you got to try and move it or get it closer, farther away from the fence, and then if you're still can't get it five feet, then then you're four feet being maybe more, you know, maybe more likely incline to approve it being further off the line.

Branchini: I think what I'm going to do is I'm going to have the building inspector come out.

Fontana: That's what I would say. Have them there.

Branchini: I don't want to come back here.

Fontana: You can have the contractor meet there with him, so you can get a good agreement on exactly where you can place five foot, what's the scenario? It's four foot is acceptable.

Conti: Well, it's five foot. It's five foot and let's go from there now.

Branchini: Five feet.

Machelor: Thank you very much. All right, thanks for coming in.

Branchini: You're welcome.

ZBA- 08- 2026 (B)

Machelor: Okay. Okay, open the public hearing. Public hearing being held as zoning board of appeals. Glenn Deverell, 516 Morgan Drive SBL 87.19-1-38, requesting an area variance for the placement of a six-foot vinyl fence and an in-ground pool construction. Is there anyone here to speak to that?

Deverell: Yes.

Machelor: Is that you Okay.

Deverell: All right, my name is Glenn Deverell. I reside at 516 Morgan Drive. I am looking to put in a six-foot vinyl fence that's going to enclose a 16x30 inground pool. The hardship that that I am enduring here is my lot is a corner lot, so by definition. I am address 516 Morgan Drive. If you're looking at my house from that perspective, that's actually the side of the house. So, you're looking at my garage door from a visual appearance and all reality, front of my house is Greenfield. Um, you know, so this leaves me, it's a very unique lot just due to again corner lot. So, if I wanted to follow the code it would have to go behind. That would be South side of my house, which is about 25 feet of usable space. Which is if you include a setback of 15, we don't have anything to work with. So, where I am proposing to put it would be on the east side. Technically, it's encroaching into my front yard. But Reality is it's not the front yard.

Fontana: So, is there a reason why you can't move the pool farther to the south.

Deverell: So, when you factor in that 15 setback, that takes it down to next to no usable space. And with this particular yard, there is extensive landscaping; it's got concrete curbing professional concrete curbing. It's not usable as far as that space. So, the actual installation. Well. We're speaking of the, fence itself. It'll start from, the other garage. It'll start prior to the garage and then it extends out. So, the lot lines at an angle. So, it's going to be between 30-38 feet past that garage

Conti: Because there is actually two, variances you are looking for.

Deverell: The fence, And the fence would extend out the furthest, and within that fence would be the pool.
Correct

Conti: So that's what would be 100 feet back if it was the front. Well, because that's how it's listed as being in the front.

Deverell: That's really where the hardship comes into play. I mean, I don't know if you guys view the property; I do that That would actually be the best-case scenario because you could see what I am kind of dealing with here. r It's just not the function. The way it's addressed, my guess is the lot lines, the dimensions of the lot lines. I talked to Tim; he was just as confused as I am with this lot. But the way he explained it to me is, one side is just a little bit longer than the other side, and that's why it's addressed that way.

Conti: It's like five feet difference.

Deverell: Yeah, so but I mean if you're if you're looking at it, you know, I'll get a package from UPS or something like that. They put it at my back patio door because they think that's my front door.

Conti: How far from the street is pool?

Deverell: So, From the streets we are going to be. So, keep in mind, we have an angle as far as the property line, but it's roughly about 37 feet. So, from like the visual perspective, really the neighbor on the east side, you know, I put fences in and I know you are supposed to drop them down to 4 foot and you have the slats in it's a visual thing. You know, when they're backing out of the driveway, my truck parked in the driveway is taking up more of a visual

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blockage than this 6-foot fence. There's still 40 foot of open space, so it's not like it's going to raise the street or anything.

Conti: Are you looking for the fence to be 6 foot all the way around?

Deverell: 6 foot all the way around.

Machelor: So, how much variance do we have to give him.

Conti: 2-foot variance for the fence front part. And that on the pool, that's so on the pool.

Deverell: On the pool, we're going so it's t30 to a 35-foot length pool. It's gonna be, you know, probably do about 30 foot then extends past that drop shore.

Fontana: You only got about 42 feet of lot line approximately.

Deverell: 42 feet to the lot line on the east side.

Fontana: Yeah

Deverell: Yes. So, from the pool, A setback is fine from that the neighbors or the property line along that east side. I will be about 25 feet away from that.

Conti: The pool?

Deverell: Yeah, yeah. So, I know about a setback of at least 15 feet.

Conti: And then the fence will be how far? Right on the lot line or a foot the lot line or.

Deverell: The fence, so same thing. That lot line comes in at angle, so I am not going to install a fence at angle from the street. It's just going to look it's not going to look normal. So, I am going to be a considerable, probably in the middle of the yard. It'll probably be it'll probably be 6-7 feet away from the property line.

Conti: Okay

Deverell: Um cause I have keep that straight. Actually, if I ride that property line, it's just not going to look right. Now, as far as that fence. I'm able to go right up to the property line.

Conti: Usually, they stay a foot away.

Deverell: Oh, yeah.

Conti: I'm not sure what the actual code is.

Wisnieski: A fence can go on the property line

Conti: It can go on the property line?

Deverell: Okay, Which I won't be. But

Conti: But I was just wondering that in case

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Fontana: If you ever go to sell someday you want to make sure everything is on your property.

Deverell: Absolutely.

Machelor: I am looking at it and I am saying to myself, "if it really was the backyard would it go through?" This part would be not right. This piece.

Deverell: If that truly was my backyard the shed wouldn't be allowed.

Fontana: Yeah, true.

Talking

Fontana: So, your side yard. You got a greenfield address; that's a side yard.

Deverell: So, and it's funny. I guess technically I could put this in what would be my front yard. All visual, you know, looking at my house. You're looking at my front door, my porch lights on top of the bay window. That's considered the side of my house.

Machelor: Okay, so this is a public hearing, and I don't see anyone else here. So, we'll close the public hearing. Councilman or you know are a Diamond dozen.

Conti: Wow. He said that not me.

Heuck: I didn't say nothing.

Machelor: Okay, so close the public hearing. What do you think guys anybody want to make a motion?

Lilly: Motion to approve.

Machelor: You could.

Lilly: Motion to approve the variance as requested.

Machelor: We got a motion to make approve as requested

Fontana: I'll second

Machelor: Yeah, Lou will seconded. Okay, any discussion? Any further discussion? Okay, other than that, I'll call the question. All those in favor say "aye."

Members: Aye.

Machelor: Opposed? Lisa.

Wisnieski: Joseph Conti: Aye. Lou Fantana, Gary Heuck, Aaron Lilly, Norman Machelor:

Machelor: Your approved.

Deverell: That first one I had a little nervous.

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Conti: Everyone is different I really different. You can't it's tough to sit and listen to the one before or whatever, because everything changes.

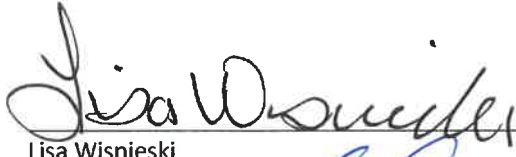
Talking

Machelor: Alright Motion to adjourn.

Conti: Motion to adjourn.

Lilly/ Fontana: Second

Members: AYE.

A handwritten signature in black ink, appearing to read "Lisa Wisniewski", written over a horizontal line.

Lisa Wisniewski
Building Dept Clerk

A handwritten signature in blue ink, appearing to read "Norman Machelor", written over a horizontal line.

Norman Machelor
Chairman