

Town/Village of Lowville Zoning Board of Appeals
Regular Meeting
AGENDA

Wednesday, April 24, 2019 ~ 6:30 p.m.

1. Roll call attendance – Board members present and absent
Members: Brian Bush, Thomas Widrick, Linda Lawton, Joseph Zehr, Rachel Hillegas
Alternates: Carla Hellinger, Lori Wallack
When opening the meeting, please state the time the meeting opened for the record.
Alternates should be included in the roll call but will not vote unless a regular member is absent.
Others present – Please be sure they sign in.
2. Reading and Approval of Minutes
March 27, 2019 – Ask if there are questions, additions and/or deletions. Request a motion with second.
3. Communications and reports
I have copies of updates to the Village Code Book. The combined pages weigh several ounces so I will not be mailing them. Please stop by the office to pick them up or I will supply them at the meeting. The ecode360 website will always be the most up-to-date.
4. Unfinished business:
 - a. The public hearing is for **Application ZV2019-1**, submitted by **McDonald’s Corporation**, requesting an area variance to install 5 signs totaling 127 square feet of signage (requesting a variance for 4 signs and 83 square feet of additional signage) on the structure which does not comply with Village of Lowville Zoning Law §201, Article VII, 201-735. The property is owned by Mascoutah McDonald’s LFY, Inc., located at 7397 Utica Boulevard, Village of Lowville, New York and is tax parcel number 212.16-03-03.200.

Please be sure to bring the information, especially the resolution, supplied with the March mailing. You must be able to justify the variance whether you grant it or deny it. Please see the back of the agenda for guidance.

Open the public hearing. Determine 1. Should the variance be negotiated to more closely meet Village Zoning Law; 2. Should the variance be granted as requested or; 3. Should the variance be denied?

Complete the information on the Resolution including any conditions.

Close the public hearing.

Motion with second for Resolution; vote; complete form.

- b. The public hearing is for **Application ZV2019-2**, submitted by **Roberta Houppert**, requesting an area variance to construct a single-family dwelling 75 feet from the right-of-way which does not comply with Village of Lowville Zoning Law §201, Schedule B, Dimensional Requirements in a R Zone. The property is owned by Scott and Roberta Houppert, located at 7788 East State Street, Village of Lowville, New York and is tax parcel number 195.20-01-12.120.

Please be sure to bring the information, especially the resolution, supplied with the March mailing. You must be able to justify the variance whether you grant it or deny it. Please see the back of the agenda for guidance.

Open the public hearing. Determine 1. Should the variance be negotiated to more closely meet Village Zoning Law; 2. Should the variance be granted as requested or; 3. Should the variance be denied?

Complete the information on the Resolution including any conditions.

Close the public hearing.

Motion with second for Resolution; vote; complete form.

5. New Business:
None

6. Adjournment – Motion, second, vote.
When adjourning the meeting, please state the time for the record.

Next Scheduled Meeting – May 22, 2019 ~ 6:30 p.m.

Be sure to consider ALL these items when making a decision.

Can the application can pass the “test” as set by NYS.

An AREA VARIANCE is a use of land in a manner which is not allowed by the dimensional or topographical requirements of the zoning regulations.

Take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

Also consider whether:

1. An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance;
2. The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;
3. The requested variance is substantial;
4. The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; AND
5. If the alleged difficulty was self-created, which consideration that be relevant to the decision, but shall not necessarily preclude granting the variance.

Grant the MINIMUM variance deemed necessary and adequate and at the same time preserve and protect the character of the neighborhood and health, safety and welfare of the community.

This test is put in place by NYS and the reason you, as a board, must be specific about your reasoning behind your decision to grant or to deny is an Article 78 proceeding.

Please keep in mind that the municipalities have a “vision” which is why the zoning laws are imposed.

NOTE: A variance stays with the property forever. Please be specific when granting requests.