

Regular Meeting
Town/Village of Lowville
Zoning Board of Appeals
Wednesday, December 18, 2019
6:30 P.M.

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BY:

The meeting was called to order by the Chair Brian Bush at 6:30 p.m.

1. The Town/Village of Lowville Zoning Board of Appeals met on this date and a roll call showed the following members present:
Linda Lawton Rachel Hillegas
Joseph Zehr Brian Bush

Absent: Carla Hellinger

Others present: Roger Vary, Applicant; Tracey Yarina, Affected Landowner; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:
November 20, 2019 –A MOTION was made by Linda to approve the minutes as written. The motion was seconded by Joe. All members present in favor. Motion carried.
3. Communications and reports.
 - a. “Rules of Conduct” . This item was tabled for a from previous dates. The board determined this item would be postponed until after the public hearing and new business.
4. Unfinished business:
 - a. The public hearing is for **Application ZV2019-5**, submitted by **Roger L. Vary**, requesting an area variance to allow construction of an addition 3 feet from the northern side yard line which does not comply with Village of Lowville Zoning Law §201, Schedule B, Dimensional Requirements in a R Zone. The property is owned by Roger L. Vary, located at 7608 East State Street, Village of Lowville, New York and is tax parcel number 212.08-04-27.000.

The public hearing was opened at 6:35 p.m.
The Chair asked if anyone had any comment. Mr. Vary spoke briefly regarding the distance of his proposed structure from neighboring structures.
There was general discussion regarding the application. The board reviewed the five items for the resolution in support to allow the variance.
The public hearing was closed at 6:40 p.m.

A MOTION was made by Linda to approve Resolution ZV2019-5. The motion was seconded by Rachel. All members present in favor. Motion carried. A copy of the resolution is included with these minutes and included in the original record.

5. New Business:
 - a. **Application ZV2019-6**, submitted by Jessica and David Kidder, requesting an area variance to allow continued construction of a garage 4 foot, 8 inches from the rear property line and 4 foot, 3 inches from the Church Street property line (sidewalk) which does not comply with Village of Lowville Zoning Law, §201, Schedule B, Dimensional

Requirements in a NC Zone. The property is owned by Jessica Kidder, located at 5538 Shady Avenue, Village of Lowville, New York and is tax parcel number 212.12-01-14.000.

There was general discussion regarding the application and its contents. There was considerable discussion regarding how the structure ended up being partially constructed and not meeting zoning. There was discussion regarding the boards' options. There was discussion that a letter had been received from a neighbor regarding this project. It was indicated that the letter would be entered into the record at the public hearing portion of the application process.

After much discussion, the board determined they would like a copy of the the zoning permit, building permit application as well as input from the Village attorney. Kathy will contact the county codes office for copies of the zoning permit and building permit including Brian in the e-mail request. Kathy will contact the Village mayor, Joe Beagle via e-mail, including Brian in the e-mail, to request that the Village attorney supply a written opinion regarding a recommended course of action as well as an opinion on the possible denial of the application.

A MOTION was made by Brian to table Application ZV2019-6 until the items above have been received. The motion was seconded by Joe. All members present in favor. Motion carried.

b. Rules of Conduct previously postponed.

There was general discussion regarding the Rules of Conduct, how the would be enforced, how the public would be made aware of them, etc.

A MOTION was made by Linda to adopt the Rules of Conduct. The motion was seconded by Joe. All members present in favor. Motion carried.

6. Adjournment

A MOTION was made by Joe to adjourn the meeting. The motion was seconded by Linda. All members present in favor. Motion carried. The meeting was adjourned at 7:18 p.m.

Submitted by,



Katharine B. Manning
December 19, 2019

Note: These minutes have been transcribed from a recording. The minutes are not a verbatim, quoted version they are rather a documentation of the meeting with motions and resolutions included.

Town and Village of Lowville
Zoning Board of Appeals

COPY

5533 Bostwick Street
Lowville, New York 13367
(315) 376-8070 ext. 6

RESOLUTION
ZV2019-5
212.08-04-27.000

At a regular meeting of the Town/Village Zoning Board of Appeals of the Town/Village of Lowville, Lewis County, New York, held at the Town Offices, in said Town, on the 20 day of November, 2019. The meeting was called to order by B. Bush and upon roll being called, the following were:

PRESENT:

- Brian Bush
- Carla Hellinger
- Rachel Hillegas
- Linda Lawton
- Joseph Zehr

ABSENT:

CARLA HELLINGER

The following resolution was offered by Board Member LINDA LAWTON, who moved its adoption, seconded by Board Member RACHEL HILLEGAS to wit:

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Roger L. Vary for approval of an area variance to permit construction of an addition to an existing home no more than 3' (three feet) to the northern side property line

and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application (and Environmental Assessment Form, if required), held a public hearing and received comments thereat, and

WHEREAS, after review the Zoning Board of Appeals has weighed the affects the requested application on health, safety and welfare of the neighborhood and community, and made the following findings:

A. The requested variance (will/will not) create an undesirable change in the character of the neighborhood or detriment to nearby properties in that: ALTHOUGH LARGER, IT IS MERELY THE REPLACEMENT OF ONE ADDITION WITH ANOTHER, ALBETH CLOSER TO THE NEIGHBORING PROPERTY, A GOOD SIZED BUFFER WILL REMAIN.

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: OF THE 3 SIDES AFFECTED, TWO ARE PHYSICALLY CONSTRAINED BY THE EXISTING DRIVEWAY. DRIVEWAY COULD BE RE-CONFIGURED BUT AT A SIGNIFICANT EXPENSE AS WELL AS REDUCING THE USEABLE AREA OF THE DRIVEWAY.

C. The requested variance (is/is not) substantial in that: OTHER THAN BEING CLOSER TO THE PROPERTY LINE, IT REALLY DOES NOT CHANGE ANY ASPECT OF THE NEIGHBORHOOD OR CHARACTERISTIC.

D. The proposed variance (will/will not) have an adverse effect of impact on the physical and environmental conditions of the neighborhood or district because: AGAIN, ALTHOUGH CLOSER TO THE PROPERTY LINE, WILL REALLY NOT AFFECT OR CHANGE ANY ASPECT OF CHARACTERISTIC OF THE NEIGHBORHOOD.

and


E. The alleged difficulty (was/was not) self-created because THE APPLICANT PURCHASED THE PROPERTY IN ITS CURRENT CONFIGURATION; PROPERTY OWNER IS MERELY ATTEMPTING TO IMPROVE THE FUNCTIONALITY OF THE PROPERTY WITHOUT ANY NEGATIVE NEIGHBORHOOD IMPACTS.

NOW, THEREFORE, BE IT RESOLVED that application ZV2019-5 submitted by Roger L. Vary for approval of an area variance in the Town/Village of Lowville is hereby (GRANTED/DENIED/GRANTED WITH CONDITIONS) for the reasons stated above. Conditions placed will be provided below.

The question of the foregoing resolution was duly put to a vote as follows:

	<u>Yes</u>	<u>No</u>	<u>Recused</u>		<u>Yes</u>	<u>No</u>	<u>Recused</u>
<u>Brian Bush</u>	<u>Y</u>	N	R	<u>Rachel Hillegas</u>	<u>Y</u>	N	R
<u>Linda Lawton</u>	<u>Y</u>	N	R	<u>Joe Zehr</u>	<u>Y</u>	N	R
				<u>Carla Hellinger, Alt</u>	Y	N	R

Date: 12/18/19,
Lowville, New York

BY ORDER OF THE ZONING BOARD
OF APPEALS OF THE TOWN OF
LOWVILLE

Signature

Conditions:

