

Regular Meeting
Town/Village of Lowville
Zoning Board of Appeals
Wednesday, February 26, 2020
6:30 P.M.

RECEIVED
FEB 27 2020

BY:

The meeting was called to order by the Chair Brian Bush at 6:35 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: David Kidder, Applicant; Henry Avallone, T/V Planning Board; Dorothy Wolff, Planning Board Applicant; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:
January 22, 2020 –A MOTION was made by Joe to approve the minutes as written. The motion was seconded by Linda. All members present in favor. Motion carried.
3. Communications and reports.
None
4. Unfinished business:
 - a. The public hearing is for **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.

The Chairman commented that an e-mail dated December 5, 2019 with attached comments were supplied by a neighbor, Tim Yarina. This e-mail and comments will be included in the permanent record. The board had previously reviewed these comments.

The public hearing was opened at 6:37 p.m.

Chairman Bush asked if anyone had any comments regarding this application. No one acknowledged that they did.

There was discussion regarding proposed answers to page 2 of the resolution as supplied by Chairman Bush. All members present agreed that they were accurate and would be utilized for the record.

The public hearing was closed at 6:40 p.m.

There was discussion if any conditions should be placed on the application. There was discussion that the applicant, Mr. Kidder, has agreed to use shingles on the roof rather than tin.

A MOTION was made by Linda to approve Resolution ZV2019-6. The motion was seconded by Joe. All members in favor. Motion carried.

5. New Business

6. Adjournment

A MOTION was made by Joe to adjourn the meeting. The motion was seconded by Rachel. All members present in favor. Motion carried. The meeting was adjourned at 6:44 p.m.

Submitted by,



Katharine B. Manning

February 27, 2020

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

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

COPY

RESOLUTION

ZV2019-6

212.12-01-14.000

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

26th day of February, 2020. The meeting was called to order by Brian 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 JOE ZEH, to wit:

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Jessica and David Kidder for approval of an area variance to permit 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) 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: The structure in question would be allowed if it were located in compliance with normal zoning requirements. This variance is to allow an as-constructed change of less than 2' from said normal zoning requirements, which is deemed insignificant enough so as not to cause an undesirable change in the character of the neighborhood, nor a detriment to nearby properties.

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: Applicant was originally deemed in compliance by the County Code Enforcement office as construction began. It was only after construction had progressed to a relatively extensive point when the potential non-compliance was discovered. Denial of the requested variance would result in a very costly re-location of the structure and or the demolition of such at a significant economic loss to the Applicant.

C. The requested variance (is/is not) substantial in that: The relatively small distances required in the variance will not make a substantial difference of any type in the neighborhood over what would normally be allowed.

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: Once again, the distances requested in the variance are of such small magnitude that there will be no adverse effects on the physical or environmental conditions of the neighborhood or district. In addition, the Village of Lowville DPW was consulted regarding a water run-off concern by a neighbor, to which the response was that there were no concerns with run-off considering the new structure.

and

E. The alleged difficulty (was/was not) self-created because Applicant's project was deemed to be in accordance with zoning requirements and Applicant was proceeding in accordance with issued zoning and building permits for the structure.

NOW, THEREFORE, BE IT RESOLVED that application ZV2019-6 submitted by Jessica and David Kidder 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
				<u>ABSENT</u>			

Date: _____,
Lowville, New York

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



Signature

Conditions:

