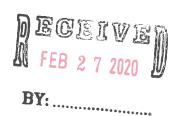
Regular Meeting Town/Village of Lowville Zoning Board of Appeals Wednesday, February 26, 2020

Wednesday, February 26, 2020 6:30 P.M.



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

Kotharine B. 8

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



RESOLUTION <u>ZV2019-6</u> <u>212.12-01-14.000</u>

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							
deth day of February, 2020. The meeting was called to order by Bricus Bush							
and upon roll being called, the following were:							
PRESENT: Brian Bush Carla Hellinger Rachel Hillegas Linda Lawton Joseph Zehr							
ABSENT: CARLA HEUNGER							
The following resolution was offered by Board Member							
application fromJessica 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 undesireable 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 varian
is to allow an as-constructed change of less than 2' from said normal zoning requiremen
which is deemed insignificant enough so as not to cause an undesireable 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 Cou
Code Enforcement office as construction began. It was only after construction had pro-
gressed 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 neighbor
hood 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 distance
requested in the variance are of such small magnitude that there will be no adverse effe
on the physical or environmental conditions of the neighborhood or district. In addition, t
Village of Lowville DPW was consulted regarding a water run-off concern by a neighbor, to whi
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, TH	EREFOR	E, BE I7	RESOLV	ED that application	ZV2019-6	_ subn	nitted by
Jessica an	d David l	Kidder	fe	or approval ofa	ı area var	iance	in the
Town/Village of I	owville i	s hereby	(GRANTE	ED/DENIED/GRANTE	ED WITH	COND	ITIONS)
for the reasons sta	ted above	. Condi	tions place	d will be provided belo	w.		
				-			
The question of th	e foregoir	ng resolu	ıtion was d	uly put to a vote as foll	lows:		
	Yes	No .	Recused		Yes	No	Recused
Brian Bush	(Y)	N	R	Rachel Hillegas	Y	N	R .
Linda Lawton	(Y)	N	R	Joe Zehr	<u> </u>	N	R .
				Carla Hellinger,	Alt Y	N	R.
				ASSI	T		
Date:							
Lowville, I	New York						
				BY ORDER OF			
				OF APPEALS OF LOWVILLE	FTHETO	WN O	F
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				Mill	16hu		
				Signature	0.00		
Conditions:							
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