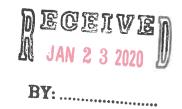
Regular Meeting Town/Village of Lowville Zoning Board of Appeals

Wednesday, January 22, 2020 6:30 P.M.



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

Carla Hellinger

Others present: David Kidder, Applicant; Henry Avallone, T/V Planning Board; Don Cooke, T/V Planning Board; Jeff Sauter, T/V Planning Board; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:

December 19, 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. NYS Tug Hill Commission Local Government Conference In the mailing the board was provided with information regarding the upcoming Local Government Conference scheduled for March 26, 2020 at JCC. It will be necessary for you to return your registration to Aimee Murphy, Town Clerk on or before February 14, 2020 if you are planning to attend.

There was general discussion regarding this training opportunity and supplying the registration to either Kathy or Aimee. Kathy indicated Linda has supplied her form and Kathy will provide it to Aimee.

4. Unfinished business:

None

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.

This application was tabled pending further information from various individuals at the December 19, 2019 meeting.

Kathy introduced Mr. Kidder. There was discussion regarding the information provided by the county code office and which had been provided to the board members. There was discussion how the distance from the property line was measured. There was

discussion with Mr. Kidder who believed he had constructed the garage according to code and that the code officers had performed several inspections during construction never indicated a problem with the location. Mr. Kidder indicated he had spoken to Mr. Tim Yarina and has agreed to put shingles on the roof rather than the steel which appears and would match their house.

Brian used an easel and paper to depict the approximate location of the garage and what would be required by zoning to determine the significance of the variance request. Kathy indicated she believed the county codes office had originally determined the application to indicate a prinicipal structure. A principal structure in this zone is required to be eight (8) feet from the side property line (Church Street) and 30 feet from the rear property line. Since this parcel is non-conforming, 2/3 of the distances must be maintained which would require five (5) feet, four (4) inches from the side yard and 20 feet from the rear yard. The code office somehow allowed Mr. Kidder to construct the garage five (5) feet, four (4) inches from both the rear and side property lines. Kathy indicated the front is determined by the 911 address which is on Shady Avenue. There was discussion regarding most individuals not understanding that zoning is three-dimensional and that and overhangs from the roof would have to be considered when calculating the distances. After discussion with county codes officer, David Brown, together Kathy and Mr. Brown determined the distances to be four (4) foot, eight (8) inches from the rear property line and four (4) foot, three (3) inches from the side property line (sidewalk). There was discussion how the property lines were determined. Mr. Kidder indicated he and Mr. Yarina had located a metal stake believed to be a corner marker. There was discussion that this application should have been indicated as an accessary structure wherein the Village law allows for 10 feet on both the side and rear property lines. Again, with this being a non-conforming parcel, the Kidders' would be allowed to construct the garage six (6) feet, six (6) inches from both the side and rear property lines.

There was discussion if the board members felt the application contents were complete and if the board had enough information to make an educated decision and schedule the public hearing. All members indicated they felt they now have sufficient information.

A MOTION was made by Joe to deem Application ZV2019-6 complete and schedule the public hearing for February 26, 2020. The motion was seconded by Linda. All members in favor. Motion carried.

There was discussion regarding the board mandating current surveys for all area variances of this type. Brian requested the possibility of mandating surverys appear on the next agenda for further discussion.

6. Adjournment

A MOTION was made by Linda to adjourn the meeting. The motion was seconded by Rachel. All members present in favor. Motion carried. The meeting was adjourned at 6:49 p.m.

Submitted by,

Katharine B. Manning

January 23, 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.