

Regular Meeting
Town/Village of Lowville
Zoning Board of Appeals
Wednesday, July 22, 2020
6:30 P.M.

RECEIVED
JUL 24 2020

BY:

The meeting was called to order by the Vice Chair Linda Lawton 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
Carla Hellinger	Kyle Logan	

Absent: Brian Bush; Kyle Logan

Others present: Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:
June 24, 2020 –A MOTION was made by Joe to approve the minutes as written. The motion was seconded by Carla. All members present in favor. Motion carried.
3. Communications and reports.
None
4. Unfinished business:
a. The public hearing is for **Application ZV2020-1**, submitted by **Daniel and Melinda Blair**, requesting an area variance to install a pool and deck, the deck to be no closer than 3' to the side property line and correct an error in allowing the construction of a barn 20' to the rear property line which does not comply with Town of Lowville Zoning, Chapter 250, Dimensional Requirements in a R-40 Zone. The property is owned by Daniel and Melinda Blair, located at 4866 Gardner Road, Town of Lowville, New York and is tax parcel number 212.00-01-48.000.

The public hearing was opened at 6:32 p.m.

There were no members of the public present.

The board reviewed the five part test to justify granting the variance request. The justification is included on the resolution. There was discussion that this variance should be granted only for the current pool and deck as issued with permit number SWIM2020-1 and for the barn with permit number ZP2008-5.

The public hearing was closed at 6:35 p.m.

A MOTION was made by Rachel to approve Resolution ZV2020-1 with conditions to include the side yard variance is only for permit SWIM2020-1 the deck of which is to be no closer than three (3) feet to the property line and the barn which was issued with permit number ZP2008-5 allowing continued use of it 20 feet to the rear property line. The motion was seconded by Joe. All members present in favor. Motion carried. A copy of the resolution is attached to these minutes and included in the original record.

5. New Business
None

6. Adjournment

A MOTION was made by Joe to adjourn the meeting. The motion was seconded by Carla. All members present in favor. Motion carried. The meeting was adjourned at 6:37 p.m.

Submitted by,

A handwritten signature in blue ink that reads "Katharine B. Manning". The signature is stylized, with the first letters of the first and last names being prominent.

Katharine B. Manning

July 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.

Town and Village of Lowville
Zoning Board of Appeals

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

COPY

RESOLUTION
ZV2020-1
212.00-01-48.000

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 24th day of July, 2020. The meeting was called to order by Linda and upon roll being called, the following were:

PRESENT:

~~Brian Bush~~ Rachel Hillegas Linda Lawton Joseph Zehr
Carla Hellinger Kyle Logan

ABSENT:

Brian
Kyle Logan

The following resolution was offered by Board Member Rachel, who moved its adoption, seconded by Board Member Joe, to wit:

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Daniel and Melinda Blair for approval of an area variance to permit installation of a pool with a deck a minimum of three (3) feet to the side property line and to correct the rear setback for a barn which was previously constructed 20 feet to the rear 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: the property is surrounded by farmland; the pool will be obscured from view from the closest neighbor due to existing trees and other vegetation on the neighboring property

B. The benefits sought by the applicant (~~can~~ cannot) be achieved by any other feasible method because: the property has no other open area large enough behind the house to accommodate the deck and pool. The barn is existing.

C. The requested variance (~~is~~ is not) substantial in that: the applicant agreed to reduce the requested side yard setback to 3' from the 20' required (non-conforming lot); the applicant was given approval to install the pool prior to review for zoning. The requested for the barn is not substantial

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: the neighborhood is rural; surrounded by farmland

and

E. The alleged difficulty (~~was~~ was not) self-created because the applicant could have purchased a smaller pool and/or installed a smaller deck but is reasonable because there is not a better area on the lot to accommodate the pool & deck. The difficulty for the barn was not self-created as the previous owner was provided approval for the location.

NOW, THEREFORE, BE IT RESOLVED that application ZV2020-1 submitted by Daniel and Melinda Blair 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>
Brian Bush	<u>Absent</u>		<u>R</u>	Rachel Hillegas	<u>(Y)</u>	<u>N</u>	<u>R</u>
Linda Lawton	<u>(Y)</u>	<u>N</u>	<u>R</u>	Joe Zehr	<u>(Y)</u>	<u>N</u>	<u>R</u>
Carla Hellinger, Alt	<u>(Y)</u>	<u>N</u>	<u>R</u>	Kyle Logan, Alt	<u>Absent</u>		<u>R</u>

Date: 22 July, 2020
Lowville, New York

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

Linda M. Lawton
Signature

Conditions:

This variance is granted for the existing barn (ZP2008-5)
and installation/construction of the pool and deck (SWIM2020-1)
