

RECEIVED  
NOV 19 2020

**Regular Meeting**  
**Town/Village of Lowville**  
**Zoning Board of Appeals**  
Wednesday, November 18, 2020  
6:30 P.M.

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                      Carla Hellinger  
Brian Bush                              Kyle Logan (arrived at 6:33 pm)

Absent: Joseph Zehr

**Others present:** Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:  
October 28, 2020 –A MOTION was made by Linda to approve the minutes as written. The motion was seconded by Rachel. All members present in favor. Motion carried.
3. Communications and reports.
  - a. Proposed 2021 Meeting Dates  
There was discussion regarding a preference for the December 2021 meeting being provide with three (3) options. The board members with a preference determined that December 15, 2021 would be the best option for them.
4. Unfinished business:
  - a. The public hearing is for **Application ZV2020-4**, submitted by **Mark O'Connor on behalf of Donna O'Connor**, requesting an area variance to construct an agricultural structure to be no closer than 5 feet to the front property line which does not comply with Town of Lowville Zoning, Chapter 250, Dimensional Requirements in an OC Zone. The property is owned by Donna O'Connor, located at 7826 East State Street, Town of Lowville, New York and is tax parcel number 195.00-01-25.211.

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

There was discussion regarding the proposed project and the potential to apply conditions to the variance if approved. There was discussion regarding the five (5) part test as prepared by Brian. All members present determined the information supplied by Brian is accurate and acceptable. It was determined the board would apply the condition that the variance is for this structure only.

A MOTION was made by Rachel to approved Resultion ZV2020-4 with conditions. The condition is the variance applies only to this specific structure on the property. The motion was seconded by Linda. All members present in favor. Motion carried. A copy of the Resolution is included with these minutes and the original record.

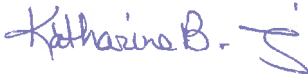
5. New Business  
Brian indicated he has asked the municipalities to not renew his term which expires December 31, 2020.

Everyone thanked Brian for his services and wished him well.

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 6:45 p.m.

Submitted by,



Katharine B. Manning  
November 19, 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**

**ZV2020-4**

**195.00-01-25.211**

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 18<sup>th</sup> day of November 2020. The meeting was called to order by

CHM. BRIAN BUSH and upon roll being called, the following were:

PRESENT:

Brian Bush

Carla Hellinger

Rachel Hillegas

Kyle Logan, Alt

Linda Lawton

Joseph Zehr

ABSENT

ABSENT:

JOE ZEHRE

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

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Mark O'Connor on behalf of Donna O'Connor for approval of an area variance to permit construct a 30' x 40' agricultural building no closer than 5' to the front 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 new structure should hardly be noticeable as it will sit more than 400 ft. from the street. The new structure will also be at least partially blocked from view by an existing similar structure, therefore it will not change the character of the neighborhood, nor be a detriment to nearby properties.

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: The new structure is being sited partially upon an existing driveway to avoid any discrepancy with the neighboring properties. Land topography will also not allow the structure to be practically sited in any other location on the owner's property.

C. The requested variance (is/is not) substantial in that: There will be no substantial change in the character of the neighborhood. The proposed structure is similar to other structures in the neighborhood, coupled with the fact that the structure will sit far off of street and be blocked from sight for the most part.

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, the proposed structure is very similar to existing structures and uses in the neighborhood, therefore there will be no adverse affect upon the physical or environmental characteristics of the neighborhood.

and

E. The alleged difficulty (was/was not) self-created because Existing structures on the property are desirable as they are, but are not suitable for the owner's proposed use. In addition, the topography of the land, neighbor considerations, and existing boundaries make it very impractical, if not impossible, to construct the structure in any other location on the property.


NOW, THEREFORE, BE IT RESOLVED that application ZV2020-4 submitted by Mark O'Connor on behalf of Donna O'Connor 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:

Brian Bush	<u>Y</u>	N	R	A	Rachel Hillegas	<u>Y</u>	N	R	A
Linda Lawton	<u>Y</u>	N	R	A	Joe Zehr	Y	N	R	<u>A</u>
Carla Hellinger	<u>Y</u>	N	R	A	Kyle Logan, Alt	<u>Y</u>	N	R	A

Y – Yes; N – No; R – Recusal; A - Absent

Date: Nov. 18, 2020  
Lowville, New York

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

Conditions:

\* VARIANCE APPLIES ONLY TO THIS SPECIFIC  
STRUCTURE ON THE PROPERTY.

