

Regular Meeting
Town/Village of Lowville
Zoning Board of Appeals
Wednesday, May 26, 2021
6:30 P.M.

RECEIVED
MAY 27 2021

BY:

The meeting was called to order by the Chair Rachel Hillegas 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 either in person or via Zoom:
Linda Lawton Rachel Hillegas Carla Hellinger
Joseph Zehr (arrived at 6:33) Eric Quina Kyle Logan, Alt.

Others present: Scott Sauter, Applicant; Henry Avallone, T/V Planning Board; Mickey Dietrich, Tug Hill Commission; Jim Nortz, Applicant Representative; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:
April 28, 2021 –A MOTION was made by Linda 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 ZV2021-2**, submitted by **Scott Sauter**, requesting an area variance to install a 14 foot by 30 foot storage building to be no closer than 15 feet to the rear property line which does not comply with Town of Lowville Zoning, Chapter 250, Schedule B, Dimensional Requirements in an R30-B Zone. The property is owned by Scott Sauter, located at 7889 East State Street, Town of Lowville, New York and is tax parcel number 195.00-01-28.210.

The public hearing was opened at 6:32 p.m.
The board reviewed the applicant information. Rachel supplied a draft page 2 of the resolution which was read into the record. The members of the public were asked if they wished to comment on the application. Everyone declined to speak. There was no public comment.
The public hearing was closed at 6:35 p.m.

A MOTION was made by Carla to approve Resolution ZV2021-2 with conditions. The conditions are that the variance applies only to the specified structure in the specified location in the variance application. The motion was seconded by Linda. All members in favor. Motion carried. A copy of the resolution is included with these minutes and the original record.

5. New Business:
 - a. **Application ZV2021-3**, submitted by **Kevin Kent**, requesting an area variance to construct a 18 foot by 28 foot garage to be no closer than 2 feet to the east side property line which does not comply with Village of Lowville Zoning, Chapter 201, Schedule B, Dimensional Requirements in an R30-B Zone. The property is owned by Kevin Kent,

located at 5368 Eugene Street, Village of Lowville, New York and is tax parcel number 195.19-03-04.000.

The application and its contents were reviewed by the board. There was discussion with the applicant representative, Jim Nortz, regarding the size of the structure and the overhang is the portion that will be two feet from the property line. There was discussion if the neighbor on the west side of the property had been made aware of the project to which Mr. Nortz indicated they had.

A MOTION was made by Eric to deem Application ZV2021-3 complete and schedule the public hearing for June 23, 2021. The motion was seconded by Carla. All members in favor. Motion carried.

6. Adjournment

A MOTION was made by Linda to adjourn the meeting. The motion was seconded by Eric. All members in favor. Motion carried. The meeting was adjourned at 6:42 p.m.

Submitted by,



Katharine B. Manning
May 27, 2021

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
ZV2021-2
195.00-01-28.210**

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 28th day of April, 2021. The meeting was called to order by

Rachel Hillegas and upon roll being called, the following were:

PRESENT:

Linda Lawton	Rachel Hillegas	Joseph Zehr	Carla Hellinger
Eric Quina	Kyle Logan, Alt		

ABSENT:

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

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from Scott Sauter for approval of an area **variance** to permit **install a 14 foot by 30 foot storage building to be no closer than 15 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: Both the neighbor and the landowner have agreed that the requested variance would be the preferred location for the shed as it would create less impact to both of their properties. The requested variance would locate the shed towards the back of the property, which would reduce the visual impact to the neighbor's property and would be more in line with the character of the neighboring homes, which are located on the outskirts of the Village.

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: If the new structure were located based on the required setback, it would put the shed directly in line with the neighbor's living room window and would block much of his view. It would also reduce the usability of the property owner's yard as the shed would be located in the middle of his side yard, rather than more out of the way towards the back of the yard. In addition, if the shed were placed anywhere else in the yard, it would likely impact the existing septic tank or roof drain lines.

C. The requested variance (is/is not) substantial in that: Placing the shed 15 feet from the rear property line would be more in character with the neighborhood than following the zoning requirements, since it would locate the shed towards the back of the property rather than in the side yard.

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: As mentioned above, the proposed variance would be more in character with the neighborhood. It may also create less environmental impact because the existing drain lines would not need to be changed.

and

E. The alleged difficulty (was/was not) self-created because Existing conditions (the location of the neighbor's house and the property owner's drainage lines and septic tank) make the requested variance the most reasonable and beneficial location for the shed.

NOW, THEREFORE, BE IT RESOLVED that application ZV2021-2 submitted by Scott Sauter 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 are provided below.

The question of the foregoing resolution was duly put to a vote as follows:

Linda Lawton (Y) N R A

Joe Zehr (Y) N R A

Rachel Hillegas (Y) N R A

Eric Quina (Y) N R A

Carla Hellinger (Y) N R A

Kyle Logan, Alt Y N R A

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

Date: May 26, 2021
Lowville, New York

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

Rachel A Hillegas
Signature

Conditions:

The variance applies only to this specified structure in the
specified location in the variance application.

