

Regular Meeting
Town/Village of Lowville
Zoning Board of Appeals
Wednesday, September 28, 2022
6:30 P.M.

RECEIVED
SEP 29 2022

BY:

The meeting was called to order by 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:
Carla Hellinger Linda Lawton Rachel Hillegas
Absent: Joseph Zehr, Kyle Logan

Others present: Timothy Hillegas, Applicant; Lois Hillegas, Applicant; Henry Avallone, Joint T/V Planning Board Member; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:
August 24, 2022 – A MOTION was made by Carla 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 ZV2022-4**, submitted by **Timothy & Lois Hillegas**, requesting an area variance to construct a garage seven feet from the northern side property line which does not comply with Town of Lowville Zoning, Chapter 2250, Schedule B, Dimensional Requirements of 15 feet in an R-30A Zone. The property is owned by Timothy & Lois Hillegas, located at 7432 East Road, Town of Lowville, New York and is tax parcel number 195.00-01-34.400.

Rachel disclosed for the record that the application to be reviewed is for her parents. The best practice would be for her to recuse herself from voting on this application. Rachel does not have a financial interest and due to only having three (3) members present, in the interest of moving the application forward, she will vote on this project as a necessity.

The public hearing was opened at 6:31 p.m.
Members of the public present at the meeting were asked if they had any comments. No one indicated they wished to speak on this application.
The proposed justifications on page 2 of the resolution were reviewed and completed by the board.
The public hearing was closed at 6:33 p.m.

A MOTION was made by Carla to approve Resolution ZV2022-4 with conditions. The condition for this variance is; This variance applies only to this structure. Any subsequent structures including an addition to or replacement of this structure will require additional approval. The motion was seconded by Linda. All members present in favor. Motion carried. A copy of the resolution is included with these minutes and included with the original record.

5. New Business
None

6. Adjournment

A MOTION was made by Rachel to adjourn the meeting. The motion was seconded by Linda. All members present in favor. Motion carried. The meeting was adjourned at 6:34 p.m.

Submitted by,



Katharine B. Manning
September 29, 2022

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
ZV2022-34
195.00-01-34.400**

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 September, 2022. The meeting was called to order by

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

PRESENT:

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

ABSENT:

Joseph Zehr
Kyle Logan

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 Timothy & Lois Hillegas for approval of an area variance to permit construction of a garage with breezeway seven (7) feet from the side 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: Due to vegetation and the location of the house, the new structure will not be very noticeable to anyone other than the adjacent landowner, who is aware of the project and doesn't have any objections to the plans.

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: Building the new garage 15 feet from the property line would make it very difficult to turn vehicles into the garage. The garage could be built at the end of the driveway but that would make it unreasonable to have an attached garage (which is one of the main reasons for the project), it would limit access to the back yard, and it would block the view of the valley.

C. The requested variance (is/is not) substantial in that: The new structure will have a similar footprint to the existing structure. In addition, although the new structure is extending the non-conformity along the property line, it is not increasing the existing non-conformity.

D. The proposed variance (will/will not) have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because: The new structure will have similar siding and will be built in a similar style as the existing house and will not be out of character with the neighborhood.

and

E. The alleged difficulty (was partially/was not) self-created because: it would be possible to build a smaller breezeway to the existing garage, so that the breezeway would be the required distance from the property line. However, this would not fix the non-conformity of the existing garage, which was there when the current owners purchased the property. And building a new garage the required distance from the property line would make it difficult to use the garage. The requested variance allows the desired use of the property while creating the least impact and change to the neighborhood.

NOW, THEREFORE, BE IT RESOLVED that application ZV2022-4 submitted by Timothy & Lois Hillegas for approval of an area variance allowing construction of a garage with breezeway seven feet from the northern side property line 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>Linda Lawton</u>	<u>(Y)</u>	<u>N</u>	<u>R</u>	<u>A</u>	<u>Joe Zehr</u>	<u>Y</u>	<u>N</u>	<u>R</u>	<u>(A)</u>
<u>Rachel Hillegas</u>	<u>(Y)</u>	<u>N</u>	<u>R</u>	<u>A</u>	<u>Kyle Logan, Alt</u>	<u>Y</u>	<u>N</u>	<u>R</u>	<u>(A)</u>
<u>Carla Hellinger</u>	<u>(Y)</u>	<u>N</u>	<u>R</u>	<u>A</u>					

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

Date: September 28, 2022
Lowville, New York

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

Rachel A. Hillegas
Signature

Conditions:

1. This variance applies only to this structure. Any subsequent structures including an addition to or replacement of this structure will require additional approval.
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