

**Regular Meeting
Town/Village of Lowville
Zoning Board of Appeals**

Wednesday, July 26, 2023
6:30 P.M.

RECEIVED
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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 Rachel Hillegas Selina Olmstead
Absent: Linda Lawton

Others present: George Russell, Applicant; Henry Avallone, Joint T/V Planning Board Member; Kathy Manning, Administrative Assistant

2. Reading and Approval of Minutes:
June 28, 2023 – A MOTION was made by Carla to approve the minutes as written. The motion was seconded by Selina. All members present in favor. Motion carried.
3. Communications and reports.
Kathy commented that she had supplied an updated zoning map for the village which reflects a change in the VC Zone.
4. Unfinished business:
 - a. The public hearing is for **Application ZV2023-2**, submitted by **George Russell** requesting an area variance to allow construction of a garage/carport 2 feet from the rear property line and 14 inches from the east property line on a non-conforming lot per 201-1220 which does not comply with Village of Lowville Zoning Law, Chapter 201, side and rear yard setbacks of 63". The parcel is owned by George Russell, located at 5371 Waters Terrace, Village of Lowville, New York, tax parcel 212.07-08-13.000.

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

The board discussed the items on page two of the resolution justifying the variance request as well as potential conditions.

There was no public comment during the public hearing.

The public hearing was closed at 6:36 p.m.

A MOTION was made by Carla to approve Resolution ZV2023-2 with conditions. The motion was seconded by Selina. All members present in favor. Motion carried. The conditions are stipulated in the Resolution included in the file and attached to these minutes.

5. New Business:
None

6. Adjournment

A MOTION was made by Rachel to adjourn the meeting. The motion was seconded by Carla. All members present in favor. Motion carried. The meeting was adjourned at 6:38 p.m.

Submitted by,



Katharine B. Manning

July 27, 2023

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

COPY

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

RESOLUTION

ZV2023-2

212.07-08-13.000

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

26th day of July, 2023. The meeting was called to order by

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

PRESENT:

~~Linda Lawton~~ Rachel Hillegas Carla Hellinger Selina Olmstead, Alt

ABSENT:

Linda

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

WHEREAS, the Zoning Board of Appeals of the Town of Lowville has received an application from George Russell for approval of an area **variance** to permit **construction of a carport 2 feet from the rear (northern) property line and 14 inches from the side (western) 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 structure will not be out of character with other structures in the neighborhood. In fact, it may benefit the neighbor to the west since it may provide more privacy for their backyard if the side of the carport is sided.

B. The benefits sought by the applicant (can/cannot) be achieved by any other feasible method because: Due to the proximity of the house to the side boundary line, if the carport were built further from the boundary line there would not be enough room to fit a car into it, thus defeating the primary purpose of building the carport.

C. The requested variance (is/is not) substantial in that: The requested variance of 14 inches from the side boundary line is very close to the property line and is a fraction of the required setback, even for a nonconforming lot. However, due to the location of the house, the requested variance is the minimum necessary to allow vehicle use of the carport.

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 proximity of the structure to the property line will not be out of character with the rest of the neighborhood and the carport should not significantly change drainage since it will be built over an area that is already paved.

and

E. The alleged difficulty (was/was not) self-created because nearly all such difficulties requiring variance requests are self-created – it is not necessary to build the carport. However, the carport will improve the use of the property for the owner and may improve the neighbor's use of their property as well.

NOW, THEREFORE, BE IT RESOLVED that application ZV2023-02 submitted by George Russell 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:

<u>Linda Lawton</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>Carla Hellinger</u>	<u>(Y)</u>	<u>N</u>	<u>R</u>	<u>A</u>	<u>Selina Olmstead, Alt</u>	<u>(Y)</u>	<u>N</u>	<u>R</u>	<u>A</u>

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

Date: July 26th, 2023
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/project. Any subsequent structures/projects including an addition to or replacement of this structure/project will require additional approval.

2. This variance is strictly for a carport, where the back and front of the structure will remain open. The side of the carport facing the western edge of the property (the side yard) may be sided with an appropriate siding material for a finished structure. If the structure is ever enclosed, an additional variance will be required.

