

Organization River Area Council of Governments

Board Cooperative ZBA

Date and Time Wednesday, November 4 2009 at 7:30 PM

Place Town of Champion Offices Board Room (rear of building) 10 N Broad St, West Carthage NY

Contact [Chris Vargulick](#) Town Clerk Phone (315) 493-3240 Fax(315) 493-2900

Minutes

RACOG
Cooperative Zoning Board of Appeals

TO: Members of the Co-op ZBA, T/Champion Board, T/Wilna Board, V/Carthage Board, Town/Village Clerks, Zoning Enforcement Officers, Timothy Farley, T/Champion Attorney, Mark Gebo, T/Wilna & V/Carthage Attorney and Planning Board Chairmen

FROM: Christina Vargulick, Cooperative ZBA Secretary

DATE: November 5, 2009

RE: Minutes from November 4, 2009

PRESENT: D. Austin (7:48), J. Barnes, L. Haverstock, T. Kight, and B. Shampine

Chairman Kight called the meeting to order at 7:30pm. The roll was called.

Motion by B. Shampine, seconded by L. Haverstock to dispense with the reading of the October 7, 2009 minutes and to approve the minutes as presented. Ayes-4, Nays-0. Motion carried.

Proof of notice having been furnished, the public hearing on an application (Log #2009-2) for an area variance for parcel no. 86.41-3-8.22 owned by Charles Kelley and located at 226 S James Street, Carthage was called to order at 7:31 pm by Chairperson Kight.

Mr. Kelley stated that he is requesting a variance to the left side yard setback for the purpose of constructing a 18' x 14' home addition. The property is located in an R-3 zone. The application indicates a left sideyard setback of 3'4". The required sideyard setback is 10'. Therefore, the applicant is requesting a 6' 8" variance to the left side yard setback. Members discussed the feasibility of alternative locations for the proposed structure.

The Board reviewed and responded to the environmental impact assessment regarding the action proposed by Mr. Kelley. Motion by B. Shampine, seconded by J. Barnes to make a declaration of negative environmental impact as a result of the action. Ayes-4, Nays-0. Motion carried.

All persons desiring to be heard, having been heard, the hearing was closed at 7:40pm.

The following resolution was offered by J. Barnes, who moved its adoption, and seconded by L. Haverstock, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from Charles Kelley for a variance to Schedule II of the Zoning Law of the V/Carthage to permit a variance of the left sideyard setback for the purpose of constructing a residential addition, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and environmental assessment form, held a public hearing and received comments thereat; and

WHEREAS, after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The Board concluded that the proposed construction would produce no undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concluded that the benefit sought by the applicant could be achieved by a feasible alternative by either decreasing the size of the addition or relocating it to the rear.

- C. The Board concluded that the requested variance of 6' 8" to the left side yard setback is not substantial relative to the required setback.
- D. The Board concluded that the variance would not have an adverse impact on the physical conditions of the neighborhood since no portion of the structure would be closer to the left sideyard boundary than it presently is.
- E. The Board concluded that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application from Charles Kelley for a variance of Schedule II of the V/Carthage Zoning Law for parcel number 86.41-3-8.22 is hereby approved with the following conditions:

- 1. The left sideyard setback shall not be less than 3'4" from the property boundary.

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

- D. Austin.....absent
- J. Barnes.....aye
- L. Haverstock.....aye
- T. Kight.....aye
- B. Shampine.....aye

Motion by J. Barnes, seconded by L. Haverstock to adjourn. The meeting adjourned at 7:49pm.

Christina Vargulick
 Christina Vargulick, Secretary
 RACOG Cooperative ZBA