

Organization River Area Council of Governments

Board Cooperative ZBA

Date and Time Wednesday, July 5 2017 at 7:00 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, V/West Carthage, V/Deferiet, Town/Village Clerks, Zoning Enforcement Officers, Timothy Farley, T/Champion Attorney, Mark Gebo, T/Wilna & V/Carthage Attorney L. Hasseler and Planning Board Chairmen

FROM: Christina Vargulick, Cooperative ZBA Secretary

DATE: July 6, 2017

RE: Minutes from July 5, 2017

PRESENT: D. Austin, R. Blank, B. Fetterly, M. Gump and T. Kight

Chairperson Kight called the meeting to order at 7:00pm. The roll was called.

Motion by D. Austin, seconded by B. Fetterly to dispense with the reading of the June 7, 2017 minutes and to approve the minutes as presented. Ayes-5, Nays-0. Motion carried.

Proof of notice having been furnished the public hearing on an area variance application for parcel no. 86.48-1-79 from Gary Workman and located at 16 Madison Street, West Carthage, to install a fence was called to order at 7:01. The West Carthage Zoning Law, Chapter 91; Section 91-16, requires that "fences shall meet the following requirements:

1. A building permit is required for the erection of any fence or wall.
2. Application for a permit shall include a plan or sketch showing the proposed location, materials to be used and height.
3. No fence or wall shall be more than six feet in height in rear or side yards nor more than 42 inches in front yards.

The building permit was denied because the application did not meet the requirement of C.3 therefore requiring an application for an area variance.

Michele Dumouchel, 17 High Street spoke in opposition to the variance testifying that the side yard fence would obstruct the view from the kitchen window and safe egress from the driveway. Ms. Dumouchel added that the justification cited by Mr. Workman, a September 2016 dog attack that seriously injured his child, was moot since the dogs no longer reside on the property.

Mr. Workman provided sufficient information to the Board to determine the variances requested. Mr. Workman withdrew his variance request for the High Street side of the property, agreeing to move the fence back 11" to meet the building line requirement. Scott Burto, acting ZEO, agreed that the concession would nullify the need for a variance on High Street. Since the property is located on a corner lot (High and Madison Streets), a variance was still required for Madison Street as "front yard".

Board members noted that the view obstruction cited by Ms. Dumouchel was not an issue for the Board since the side yard fence complied with all regulations and that the width of the sidewalk and median provided sufficient view for driveway egress.

R. Blank asked if the dogs would be returned to the property. Ms. Dumouchel responded that she has no plans at this time.

M. Gump remarked that since the entrance to the house fronts on High Street that the fence along Madison Street would appear as an ordinary sideyard. D. Austin suggested a conditional approval that would require that the fence be brought into compliance if the Workman's sold the property. M. Gump noted that the fence could be constructed to comply but that the applicant did not want to lose use of a portion of his yard.

All persons desiring to be heard, having been heard, the public hearing was closed at 7:34pm.

Board members reviewed the area variance criteria.

D. Austin offered a resolution to approve the area variance with the condition that the fence be brought into compliance if the Workman’s sold the property. The resolution received no second.

The following resolution was offered by M. Gump, who moved its approval, and seconded by D. Austin, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from Gary Workman for parcel number 86.48-1-79 for a variance of the V/West Carthage Zoning Law, Chapter 91; Section 91-16, 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 reached no concurrence regarding whether the proposed construction would produce an 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 some method, feasible for the applicant to pursue, other than a variance.
- C. The Board concluded that the variance is substantial.
- D. The Board concluded that the variance would not have an adverse visual impact on the physical conditions of the neighborhood.
- E. The Board concluded that the alleged difficulty is self created.

NOW, THEREFORE BE IT RESOLVED that the application from Gary Workman, parcel number 86.48-1-79, for a variance of Chapter 91; Section 91-16 of the V/West Carthage Zoning Law is hereby granted without conditions:

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

- D. Austin.....aye
- R. Blank.....nay
- B. Fetterly.....aye
- M. Gump.....aye
- T. Kight.....nay

Resolution adopted.

Mr. Workman thanked the Board for their time and deliberations.

Motion by R. Blank, seconded by D. Austin to adjourn. The meeting adjourned at 7:54pm.

Christina Vargulick
RACOG Cooperative ZBA, Secretary