

Organization Town of Champion

Board ZBA

Date and Time Wednesday, October 3 2001 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

TOWN OF CHAMPION
ZONING BOARD OF APPEALS
MINUTES FOR OCTOBER 3, 2001

PRESENT:

Ronald Doremus, Vice Chairman

Lawrence Leddy

William Nier

Leonard Peck

Christina Vargulick, Secretary

Brian Phelps, ZOE

The meeting was called to order at 7:30PM by Vice Chairman Doremus.

The Board resumed discussions from 9/5/01 concerning the application for an area variance submitted by Robin Steele, representing William Steele, for parcel 76.06-1-37. Mr. Doremus, Mr. Nier, and Mr. Peck all visited the site. The Board reviewed the area variance criteria as defined in Town Law Section 267-b and determined that there would be no negative impact as a result of the action.

Mr. William Steele informed the Board that no deed, in his name, has ever been filed for the property. Motion by Mr. Peck, seconded by Mr. Nier to defer any action on the application until the November meeting of the Board pending proof of ownership by Mr. Steele. Ayes-4, Nays-0. Motion carried. By mutual consent, the Board and Mr. Steele extended the time within which the Board must render a decision on the area variance application.

Proof of Notice having been furnished, the Public Hearing on the application by Erika Uhlinger for a use variance on a parcel subdivided from parcel 76.00-2-38.4 located on the Cole Road was called to order at 8:03PM by Vice Chairman Doremus. No one from the public spoke for or against the application. All persons desiring to be heard, having been heard, the Hearing was closed at 8:04PM on a motion by Mr. Leddy, seconded by Mr. Peck. Ayes-4, Nays-0.

The Board reviewed the criteria as stated in Town Law Section 267-b and the applicants responses to the requirements for granting/denying the application.

Mr. Nier stated that the applicant had not satisfied the evidential requirements to support the supposition that she could not realize a reasonable return.

Mr. Doremus stated that the character of the neighborhood is commercial.

Zoning Officer Phelps stated that, by definition, the applicant had failed to demonstrate that the hardship was not self-created.

The Board requested that Mr. Phelps provide them with a copy of the letter of denial.

Motion by Mr. Doremus to approve the application for a use variance on the condition that the Town Planning Board approve a site plan. Mr. Doremus cited the following criteria for approval:

- That the applicant cannot realize a reasonable return
- That the alleged hardship relating to the property in question is unique to this property
- There will be no change in the essential character of the neighborhood
- The alleged hardship has not been self-created

The motion received no second.

Motion by Mr. Nier, seconded by Mr. Peck to deny the application based on the applicants failure to demonstrate:

- That the applicant cannot realize a reasonable return
- That the alleged hardship relating to the property in question is unique to this property
- That the requested variance, if granted, will not alter the essential character of the neighborhood
- That the alleged hardship has not been self-created

Roll call vote: Mr. Leddy-aye, Mr. Nier-aye, Mr. Doremus-nay, and Mr. Peck-aye. Motion carried. The application for a use variance was denied.

Motion by Mr. Leddy, seconded by Mr. Peck to recommend to the Town Board that the zoning on Cole Road be re-examined to enlarge the business district. Ayes-4, Nays-0. Motion carried.

Motion by Mr. Doremus, seconded by Mr. Nier to approve the minutes for September 5, 2001 as presented. Ayes-4, Nays-0. Motion carried.

Motion by Mr. Nier, seconded by Mr. Peck to adjourn the meeting. The meeting adjourned at 9:25PM.

Christina Vargulick

ZBA Secretary