

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application – Doney, Floyd

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday October 12, 2017 at 7:00 pm, in the Municipal Building in the Village Board Room, 240 North Main Street, Minoa, New York.

Present: Chairman Charlie Tocci, ZBA Members Chris Beers, John Turbeville, and Scott Parish, Attorney Courtney Hills and Secretary Barbara Sturick.

Absent:

Also present: Terri Yackel and Joe Doney.

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Minoa, New York, will hold a public hearing on October 12, 2017 at 7:00 p.m., in the Municipal Building, located at 240 North Main Street, Minoa, New York 13116, on the request of Floyd Doney property owner of subject parcel designated as Tax Parcel No. 001.-03-21.0 and located at 200 Dorothy Street, Minoa, NY for an interpretation of the Village of Minoa Zoning Code Section 160-14 which provides an exception to the front yard depth requirements set forth in Section 160-8D(4)(a) for Residential A Districts, and either (1) an area variance of the regulations of Section 160-8D(4)(a) to permit a porch/steps to be located 18.6 feet from the front yard line (a variance of 6.4 feet of the 25 foot requirement), or (2) an area variance of the regulations of Section 160-14B(1) to permit a porch/steps to be located 18.6 feet from the front yard line (a variance of 1.4 feet of the 20 foot requirement).

Chairman Tocci called the Zoning Board Meeting to order at 7:00 p.m.

Attorney Hills read the Public Hearing Legal Notice and read Section 160-14 Exceptions to front yard depth requirements for the Board interpretation of whether the Exceptions apply.

After discussion of the of the Code Board Member Chris Beers made a motion the Exception applied and for Section 160-14B(1) to permit a porch/steps to be located 18.6 feet from the front yard line (a variance of 1.4 feet of the 20 foot requirement) be the Variance request. Seconded by Member John Turbeville. All in favor. Motion carried.

Attorney Hills read the following variance criteria that the Board, in determining whether or not to grant an area variance, is tasked with conducting a balancing test. She advised they must weigh the benefit to the applicant if the relief was granted against the burden to the health, safety and welfare that may be suffered by the community. She further advised in doing so they must consider the

following five factors:

1. Whether an undesirable change will be produced in the character of neighborhood or whether a detriment to nearby properties will be created by granting of area variance;
2. Whether the benefit sought by applicant can be achieved by an alternative method, feasible for applicant to pursue, other than area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have adverse effect on physical and environmental conditions in neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance?

Mr. Doney stated he wanted to remove the current 4 x 4' porch and replace with a new 6 x 16' porch. He did not believe it would create undesirable change of neighborhood or detriment to nearby properties as his neighbors have front porches and showed the Board on his cell phone pictures of his neighbor's houses on either side of his house and opposite corner with porches. He stated any alternative method would not allow him to be able to place a chair on the porch and be able to walk around. He does not believe a 1.4' foot request is substantial nor will the porch have a roof so this will not have an adverse effect on physical and environmental conditions in neighborhood or district.

A motion was made by Member Chris Beer to close the Public Hearing and continue into Regular Session of the Village of Minoa Zoning Board of Appeals at 7:15 p.m. The motion was seconded by Member John Turbeville. All in favor. Motion carried.

A motion was made by Member John Turbeville to ratify prior approval of the Public Hearing Area Variance Application minutes dated August 11, 2016 on the request of Leonard Modelewski, for a variance of the regulations of the Village of Minoa Zoning Ordinance, specifically the requirements of §160-25.1(A) relative to accessory structure side yard setback regulations and §160-25.1(A) (1) one storage shed per property. Seconded by Member Scott Parish. Member Chris Beers was absent therefore Abstained. All in favor. Motion Carried.

The Board first addressed the request of Floyd Doney area variance of the regulations of Section 160-14B(1) to permit a porch/steps to be located 18.6 feet from the front yard line (a variance of 1.4 feet of the 20 foot requirement Zoning Board of Appeals members discussed in its regular session:

1. Whether an undesirable change will be produced in the character of neighborhood or whether a detriment to nearby properties will be created by granting of area variance; Board members agreed that the request is straight forward, not enormous, reasonable and per pictures same as neighborhood so would not change the character.

2. Whether the benefit sought by applicant can be achieved by an alternative method, feasible for applicant to pursue, other than area variance. The Board members agreed that the size is the smallest possible to be able to fit a chair sit and be able to move around. John Turbeville stated he liked how the steps are in the porch.
3. The Board members agreed the requested area variance was not substantial.
4. The Board determined the proposed variance would likely not have any adverse environmental effects.
5. The Board determined the alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance.

Secretary Barbara Sturick stated there is no other correspondence for or against the Variance application.

Attorney Hills stated under New York State Environmental Quality Review Act, the application is comprised of a Type II Action, the applicant filled out form Part 1 Project information stating no adverse effects. A motion was made by Member Scott Parish to assign the Board as Lead Agency and has reviewed the Short Form SEQRA, action was a Type II, and determined based on the information provided will have no adverse effects on the environment. Second by Member Chris Beers. All in favor. Motion carried.

The ZBA, taking into consideration the above five factors, A motion was made by Member Chris Beers to approve an area variance of the regulations of Section 160-14B(1) to permit a porch/steps to be located 18.6 feet from the front yard line (a variance of 1.4 feet of the 20 foot requirement). Seconded by Member Scott Parish. All in favor. Motion carried.

Terri Yackel of 332 Costello Parkway requested to present a preliminary project for review and suggestions from the Board. She would like to expand her pizza parlor and possible have outdoor seating. The project is 60 x 40' addition onto the existing building. The property is odd shaped and the addition would need an area variance as the proposed building would be 8' vs. the 20' from the back yard property line requirement in Commercial District.

Terri Yackel was informed the application would have to go in front of the ZBA for the Area Variance request, the Village Planning Board for site plan review and the property is on a County Road and therefore would have to go in front of Onondaga County Planning for review. The County Planning Board provides a Resolution and an Opinion. Terri was informed by the Board that a Public Hearing Notice would be sent to the neighbors within a 500' foot radius and their

opinion would be taken into consideration. This project would have to consider environmental effects which did not come into effect in the application considered today. Any of the project easement, sewer, parking, and drainage will all have to be figured out. The Zoning obligation is whether or not the area variance would be approved. Character of the neighborhood would be a factor. The board suggested speaking with her neighbors and having community support. The next step would be to fill out one application check boxes for area variance and site plan review. The application has detail specific information of documentation necessary.

A motion was made by Member John Turbeville to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:50 p.m. The motion was seconded by Member Scott Parish, and all were in favor. The motion carried.

Respectfully submitted,

Barbara Sturick, Secretary