

VILLAGE OF MINOA
PUBLIC HEARING ZONING BOARD MINUTES

Application – Ms. Joan Mitchell

Upon due notice, a Public Hearing of the Village of Minoa Zoning Board of Appeals was held on Thursday, April 18, 2013 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 Bernard Beck Jr. and Chris Beers, Attorney Steve Primo and Secretary Barbara Sturick.

Absent: Scott Parish and John Turbeville

Also present: Lynn Jerman, Joan Mitchell, Eric Christensen and Marlene Christensen.

The purpose of the meeting was to review the Variance Application request of Joan Mitchell, for an area variance of the regulations of the Village of Minoa Zoning Ordinance, specifically the requirements of §160-25.1(A), accessory uses and structures shall be located no closer to the rear lot line than a distance of not less than 10% of the lot width, nor any closer to the side lot line than the nearest point of the principal building or use for premises located in Residential A-1 Districts. Applicant proposes an above ground pool to be located closer to the (west) side lot line than the nearest point of the principal building. The parcel is located within a Residential A-1 Zoning District. The subject parcel is designated as Tax Parcel No. 006.-17-31.0 and located at 63 Windebank Lane, Minoa, NY.

Chairman Tocci called the Public Hearing to order at 7:05 p.m.

A motion was made by Chris Beers to wave the right of the reading of the Legal Notice. Seconded by Bernie Beck. All in favor. Motion carried

Attorney Primo stated that a 10' from the west side of the center of 21' above ground pool is the request of the variance. He stated when considering an Area Variance application the following factors are to be taken into consideration by the Zoning Board:

1. Undesirable change will be produced in character of neighborhood or detriment to nearby properties will be created by granting of area variance;
2. Benefit sought by applicant can be achieved by some method, feasible for applicant to pursue, other than area variance;
3. Requested area variance is substantial;
4. Proposed variance will have adverse effect on physical and environmental conditions in neighborhood or district; and
5. Alleged difficulty was self-created, which consideration shall be relevant but not dispositive to issuance of area variance.

Attorney Primo asked if the pool needs to be that far over rather than centered behind the house as per code. Joan Mitchell stated that the survey does not give an accurate visual of the distance; if she were to put the pool directly behind the house it would be a 2' distance between the corner of the shed and the pool. Joan Mitchell presented her survey in which she described the location of the pool here attached as schedule "A".

Discussion pursued as to the location of the pool and the reason, which levels of the decks are existing and the location of the stairs and the factors being consider with the Area Variance.

Resident Eric Christensen of 61 Windebank Lane stated that he is on the East side of Mitchell's property which is a corner lot therefore he has two side yards and needed a variance for his pool. He stated that his pool is also on the side and that Joan Mitchell's pool would be more in compliance then his pool. He stated that he was present on behalf of Joan Mitchell and in favor of her being granted the variance. Chris Beers stated that the pool off to the side matches the character of the neighborhood.

Resident Marlene Christensen of 61 Windebank Lane stated that she did not have a concern with the pool being slightly off to either side of the house. The majority of the houses in their neighborhood are 32' wide and the pools are 21' and does not see it as a big deal nor understand the reason for the law.

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

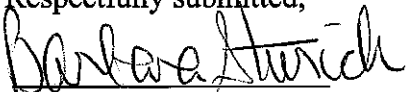
Attorney Primo signed the SEQRA as a Type II Action no review necessary. Bernie Beck made a motion to close the Public Hearing of the Village of Minoa Zoning Board of Appeals at 7:24 p.m., seconded by Chris Beer. All in favor. Motion carried.

The Village of Minoa Zoning Board of Appeals continued with the Regular meeting. A motion was made by Chris Beers to approve the Variance application of 10' from the West Building line as shown in the drawing submitted as schedule "A", seconded by Bernie Beck. All in favor. Motion carried.

A motion was made by Chris Beers to accept the Variance Application minutes of James Powell dated October 18th 2012. Seconded by Bernie Beck. All in favor. Motion Carried.

Chris Beers made a motion to close the Regular meeting of the Village of Minoa Zoning Board of Appeals at 7:40 p.m., seconded by Bernie Beck. All in favor. Motion carried.

Respectfully submitted,



Barbara Sturick, Secretary