

Approved

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

March 11, 2010

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, March 11th, 2010 at 7 pm by Vice-Chairman Jim Crevelling.

Roll Call:	Glenn Herbert	Excused
	Jim Crevelling	Present
	Jim Bird	Present
	Mike Steppe	Present
	Ed Seus	Present
Alternate	Dwight Simpson	Present
Alternate	John Hoffer	Present

Others present included: Max Parson/Town Bd., Joe Manning.

A motion was made by M.Steppe and seconded by J.Bird to approve the February Zoning Board minutes as written. Motion carried unanimously (5-yes, 0-no).

COMMUNICATIONS

A letter was received from the Yates County Planning Board stating that due to weather related conditions, their board did not meet for the February monthly board meeting. The Town Zoning Board is free to take action on Area Variance Application #959.

AREA VARIANCE REVIEW

Area Variance Application #959 for Joe and Laura Manning owning property at 316 West Lake Rd., PY to request area variances to add a deck addition to the front of their cottage and to extend an existing deck/walkway on the south side of the cottage to meet the proposed addition on the front side. This proposed addition will require a side yard variance as well as an area variance for lot coverage which will exceed what is allowed in the R1 zone.

Mr. Manning was present to answer questions for the Board Members. It was noted by board members that the lot is pre-existing, non-conforming, and that the cottage is approximately 3.2 ft. from the north side yard property line at its closest point. The cottage was built prior to zoning.

Vice-Chairman J.Crevelling spoke about the property being non-conforming in lot size as well as the location of the cottage being non-conforming, adding, however, that this all took place prior to zoning, and therefore what is there is considered legal.

Board members asked Mr. Manning if he had considered reducing the size of the front deck and it was also asked if this deck would be up in the air over the existing cement patio which is on the ground at the front of the cottage.

Mr. Manning stated that at the present time they have one means of ingress and egress for the cottage. He stated that there is a window on the east side of the cottage facing the lake that he has considered replacing with a sliding glass door which would open onto the proposed deck area.

Board member M.Steppe asked if the cement patio at ground level in the front of the cottage wasn't counted as part of the lot coverage. It was noted that the cement or stone patios do not count as part of the lot coverage which is very similar to landscaping type stairs. If the patio were made out of wood, it would count for the lot coverage.

Mr. Manning stated that they could build out towards the south side of the lot, but they thought it would look better to have it line up with the front of the cottage. In addition, they do have a lawn to the south and east which they would like to keep.

Based on the discussion of what the board would be comfortable with granting, Mr. Manning asked to amend his application reducing the size of the front deck facing east to 14 ft. by 22 ft. and the extended addition on the south side of the cottage to be approximately 6 ft. by 14 ft. with a 6 ft. by 6 ft. connecting area between the side and front deck areas. The deck would not line up even with the north side of the house but would be set in so that the requested side yard variance would be 5ft. with the proposed deck location being a minimum distance of 5 ft. to the north side yard property line from the edge of the deck. The reduced deck size would reduce the requested lot coverage variance from 25% to 23%.

The Area Variance Test Questions were reviewed with the following results:

1) Could granting of the area variances change the neighborhood character: (0=yes, 5=no); other neighborhood properties in this area have similar deck additions and this requested deck will not obstruct the view of neighbors as it is located at the upper level of the cottage.

2) Are there alternatives that would not require an area variance: (0=yes, 5=no), existing lot and cottage structure are pre-existing, non-conforming. By adjusting the location of The proposed deck, applicant can meet some of the zoning requirements but not all of them.

3) Is the request substantial: (3-yes, 2-no) the side yard setback requirement is 10 ft. and the allowed lot coverage is 20%. The applicant has asked to amend his request asking for a minimum 5 ft. side yard setback and the proposed deck is going to be reduced in size.

4) Are there potential adverse impacts on physical or environmental conditions in the neighborhood: (0-yes, 5-no) the deck will be setback a minimum of 5 ft. from the property line which is approximately 1.8 more feet than the existing cottage at its closest point. Due to the position of the cottage on the lot, it actually moves farther away from the north side yard property line as you go towards the lake (east side).

5) Is the alleged difficulty self-created: (1-yes, 4-no) the applicant purchased the property as it is, pre-existing, non-conforming, however, there is only one means of egress from the cottage and by allowing the proposed deck addition, it will give the property owner another way out of the cottage.

The board members were in agreement that this area variance application is a SEQR Type II action.

There being no further discussion, a motion was made by J. Bird and seconded by M. Steppe to grant the amended area variance application allowing the applicant to build a 14 ft. by 22 ft. deck on the front of the cottage (east side) and a 6 ft. by 14 ft. side deck addition to an existing deck on the south side with a small 6 ft. by 6 ft. deck to connect the side deck to the front deck. The total coverage of the lot with the proposed deck addition shall not exceed 23%. The deck on the front side of the cottage is to come no closer to the north side yard property line than 5 ft. The deck is to remain open, no roof, and not to be enclosed.

The motion was carried with a poll of the board as follows: J.Crevelling-grant, E.Seus-grant, D.Simpson-grant, M.Steppe-grant, J.Bird-grant.

In granting this area variance the board finds that the strict application of this chapter would deprive the applicant of reasonable use of the land and is the minimum variance that will accomplish this purpose. This variance will not be injurious to the neighborhood nor alter the essential character of the locality

OTHER BUSINESS

No decision from the Court yet on 638 East Bluff Dr.

Vice-Chairman J.Crevelling talked to the board members about the new subdivision regulations. He stated that he had talked to Tom Close who was willing to come in and give a brief review of the new regulations and how they apply.

It was agreeable to the board members to schedule a time at the April Zoning Board meeting for Mr. Close to address the board members with this review and to give an exercise of a subdivision application that might require an area variance.

There being no further business, a motion was made by J.Bird and seconded by J.Crevelling to adjourn the meeting. The motion was carried unanimously (5-yes, 0-no). The meeting adjourned at 8:15 pm.

Respectfully submitted,

Elaine Nesbit/Secretary