

Approved

Town of Jerusalem
Zoning Board of Appeals

January 12th, 2017

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, January 12th, 2017 at 7 pm by Vice-Chairman Rodgers Williams.

Vice-Chairman Rodgers Williams asked all present to stand for the pledge to the Flag.

Roll Call:	Glenn Herbert	Excused
	Rodgers Williams	Present
	Ed Seus	Present
	Earl Makatura	Present
	Joe Chiaverini	Present
Alternate	Kerry Hanley	Present
Alternate	Ken Smith	Present

Others present included: Gary Dinehart/Town Board, John Henry Weaver and Eli Sensenig.

A motion was made by E.Makatura seconded by E.Seus to approve the December Zoning Board minutes as written. The motion was carried unanimously.

COMMUNICATIONS:

There was the notice of determination from the Yates County Planning Board for their review of Application #1083. The Yates County Planning Board determined no significant county-wide or inter-municipal impact.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1083 for John Henry Weaver owning property at 3511 County House Rd., PY requesting an Area Variance to build a 24 ft. by 40 ft. pole barn with a 12 ft. by 16 ft. attached roof with a 20 ft. setback from the west side yard property line and a 30 ft. setback from the south rear yard property line. An accessory structure in the Agricultural-Residential Zone requires a 40 ft. side yard and 45 ft. rear yard setback. This lot is a small residential lot of approximately 1.034 acres.

Mr. Weaver was present to describe his proposal. He stated for the board members that he owns the land on three sides of this lot and that the other property is his farm. He stated that he is presently having a modular home put on this property. The mobile home has been removed. He stated that he would be using part of the garage/barn for storage and for a place to keep his horse. He also noted that if he put the building at the required distance, it would be right in the middle of the driveway.

The area variance test questions were reviewed with the following results:

1)Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance: (5-no, 0-yes).

2)Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (3-no, 2-yes) R.Williams-no, E.Seus-no, E.Makatura-no, J.Chiaverini-yes, K.Hanley-yes.

3)Whether the requested area variance is substantial: (5-no, 0-yes).

4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (5-no, 0-yes).

5)Whether the alleged difficulty was self-created: (5-yes, 0-no).

A motion was made by K.Hanley seconded by E.Seus to approve the area variance application as requested to allow a 20 ft. variance on the west side and a 15 ft. variance on the south side with the building to come no closer to the west side yard property line than 20ft. and no closer to the south rear yard property line than 30 ft. as measured from the closest part of the building including the roof overhang.

The board was in unanimous agreement that this is a SEQR Type II action.

The motion was carried with a poll of the board as follows: J.Chiaverini-grant, R.Williams-grant, E.Makatura-grant, E.Seus-grant, K.Hanley-grant.

Application #1084 for Eli Sensenig owning property at 2059 Yatesville Rd., PY requesting an Area Variance for a 32 ft. by 20 ft. barn already built that does not meet the north side yard setback for an accessory building located in the Agricultural Residential Zone.

Mr. Sensenig was present to answer questions for board members. Mr. Sensenig stated that he was aware of the setback requirement but when he went to build it, he wanted to have the driveway in front of the barn. When he got the barn built, the barn did not have the required setback that it was supposed to have. Board members noted that had Mr. Sensenig requested the area variance to begin with, it most likely would have been granted. It would be better to apply for the area variance before building the barn rather than come to the board after the fact. Mr. Sensenig apologized to the board and stated that in the future he would apply first for an area variance rather than after the fact.

One board member noted that the adjacent property to the north seemed to be open land with no close neighbors.

Neighbors were notified by certified mail of the area variance application and there were no letters' of concern received.

The area variance test questions were read and reviewed with the following results:

1)Whether an undesirable change will be produced in the character of the neighborhood of a detriment to nearby properties will be created by the granting of the area variance: (5-no, 0-yes).

2)Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (3-no, 2-yes). R.Williams-yes, E.Makatura-no, E.Seus-yes, J.Chiaverini-no, K.Hanley-no.

3)Whether the requested area variance is substantial: (5-no, 0-yes).

4)Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (5-no, 0-yes).

5)Whether the alleged difficulty was self-created: (5-yes, 0-no).

A motion was made by R.Williams and seconded by K.Hanley to grant the 9.6 ft. area variance with the barn being 30.4 ft. from the north side yard lot line in accordance with the survey.

The motion was carried with a poll of the board as follows: E.Makatura-grant, J.Chiaverini-grant, E.Seus-grant, K.Hanley-grant, R.Williams-grant.

Board members were in unanimous agreement that this is a SEQR Type II action.

OTHER BUSINESS:

There is already an application that will be on the agenda for the February zoning board meeting on February 9th, 2017.

There being no further business, a motion was made by K.Hanley seconded by E.Seus to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned.

Respectfully submitted,
Elaine Nesbit/Secretary