

TOWN OF JERUSALEM
ZONING BOARD OF APPEALS

August 11, 2022

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, August 11, at 7:00 pm by Chairman Rodgers Williams.

The meeting opened with everyone standing for the pledge to the flag.

Roll Call:	Rodgers Williams	Present
	Earl Makatura	Present
	Randy Rhoads	Present
	Steve Schmidt	Excused
	Lynn Overgaard	Excused

Others present included:

Daryl Jones	Jim Bird	Brian Mayeu	Don Wright
Bill Gerhardt	Bill Grove	Dana Mayeu	Michael Monahan

A motion was made by board member **E. Makatura** to approve July minutes, seconded by **R. Rhoads**. Minutes amended attaching Tree Top Cidery power point presentation.

COMMUNICATIONS:

No new communications

AREA VARIANCE REVIEW:

Application #14-2022 Request of Brian Mayeu pursuant to the regulations of Article XV, to permit (6) variances on a parcel of land designated as tax map no. 109.83-1-7 located at 6500 W. Bluff Drive.

The applicants have Requested the following variances:

Cottage – 40.1’ rear (road side) setback proposed for cottage where 44.75’ is required.

Garage- 35.0’ front (road side) setback proposed for garage where 64.75’ is required.

Retaining walls-(2) 14.1’ & 18.8’ front (road side) setbacks proposed for wall where 44.75’ is required.

Retaining walls- (2) 1.2’ & 6.1’ side setbacks for wall where 10’ is required.

Engineer Bill Grove along with applicants Brian and Dana Mayeu presented to the board. Board members **R. Rhoads**, **R. Williams** and **E. Makatura** visited the site.

The first variance was for the cottage, being 40 feet from center line. **Bill Grove** states the north walls are currently leaning over, they will shore that up with road rock material, using as a wall product. The height wall needs 18.8 ft on north wall, 1.2 ft setbacks.

Board member **R. Rhoads** asked if the walls will impact the property on the north side? **Bill Grove** confirmed it will not.

Chair **R. Williams** asked about the height of the walls – Bill Grove stated that the top of the wall is level at 12.5 ft and 5 ft lower than the road, there should be no problem for town vehicles, meaning a snow plow would not hit the retaining walls.

The proposed driveway needs to be closer to hill to put the house on the footprint. The bank being shored up will benefit the town.

The garage has a large proposed parking area, the steep bank behind it will minimize too much digging.

Chair **R. Williams** moved to approve the cottage variance; **R. Rhoads** seconded.

The board answered the 5 area variances regarding the cottage:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance?

R. Rhoads- no, it is an improvement to the property.

R. Williams- no, it is a 40.1 ft is not a big variance.

E. Makatura-no, same as Rogers.

2. Can the benefit sought by the applicant by some method, feasible for the applicant to pursue, other than an area variance?

R. Rhoads-yes, the house is being made smaller.

R. Williams-yes, it is not an irregular front.

E. Makatura-yes, same as R. Rhoads and R. Williams

3. Is the requested Area Variance substantial?

R. Rhoads-no, it is consistent with other properties in the neighborhood.

R. Williams-no, it has minimal impact.

E. Makatura-no, same as R. Rhoads and R. Williams

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

R. Rhoads-no, it will improve the neighborhood.

R. Williams-no, same as R. Rhoads.

E. Makatura-no, same as R. Rhoads and R. Williams.

5. In the alleged difficulty self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the Area Variance?

R. Rhoads-yes, it is self-created.

R. Williams-yes, they want to build on that parcel.

E. Makatura-yes, same as R. Williams.

R. Williams motioned to approve; **E. Makatura** seconded.

The motion was carried with a poll of the board as follows: **R.Rhoads**-grant, **R.Williams**-grant,**E.Makatura**-grant.

The board answered the 5 area variances regarding the retaining walls:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting of the Area Variance?

R. Rhoads-no, it will improvement and safer.

R. Williams-no, it improves sections of the road.

E. Makatura-no, it is better to have walls.

2. Can the benefit sought by the applicant by some method, feasible for the applicant to pursue, other than an area variance?

R. Rhoads-no, it is steep and needs to be stabilized.

R. Williams-no, same as R.Rhoads.

E. Makatura-no, it will help the bank out.

3. Is the requested Area Variance Substantial?

R. Rhoads-yes, it is close to the road and needs to be stabilized.

R. Williams-yes, it is not feasible to be less than that.

E. Makatura-yes, it is a good idea for retaining walls.

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

R. Rhoads-no, improvement of less run off, safer steep slope.

R. Williams-no, same as R.Rhoads.

E. Makatura-no, same as R.Rhoads and R.Williams.

5. In the alleged difficulty self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the Area Variance?

R. Rhoads-no, it is not self-created. It has been happening for a long time.

R. Williams-yes, the owners are choosing to do it.

E. Makatura-yes, there is already retaining walls.

R. Williams motions to approve, **R.Rhoads** seconded.

The motion was carried with a poll of the board as follows: **R.Rhoads**-grant, **R.Williams**-grant,**E.Makatura**-grant.

The board answered the 5 area variances regarding the garage:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the Area Variance?

R. Rhoads-no, it is consistent with other properties.

R. Williams-no, lines are good.

E. Makatura-no, same as R.Rhoads and R.Williams.

2. Can the benefit sought by the applicant by some method, feasible for the applicant to pursue, other than an Area Variance?

R. Rhoads-no, 64.75 set backs would be cutting it too close.

R. Williams-no, same as R.Rhoads.

E. Makatura-yes, they don't need to have a garage there.

3. Is the requested Area Variance substantial?

R. Rhoads-no, it is consistent with other variances.

R. Williams-yes, it is substantial.

E. Makatura-no, not bad for the area.

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

R. Rhoads-no, it will clean up the area.

R. Williams-no, the site lines are good.

E. Makatura-no, it needs to be cleaned up.

5. In the alleged difficulty self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the Area Variance?

R. Rhoads-yes, they do not have to build a garage there.

R. Williams-yes, they do not need not a garage.

E. Makatura-yes, same reasons as R. Rhoads & R. Williams.

R. Williams motions to approve, **R.Rhoads** seconded.

The motion was carried with a poll of the board as follows: **R.Rhoads**-grant, **R.Williams**-grant,**E.Makatura**-grant.

Other business:

Two vacancies on zoning board. Received 3 applicants. Don Wright, David English, and Michael Monohan. Alternate Randy Rhoads has been moved to full time zoning board member. Vice chair will be appointed at town board meeting.

Board member E. Makatura asked that applicants be required to mark and or flag the property, adding this to the application.

A motion was made to by **R. Williams**, seconded by **R.Rhoads** to adjourn the meeting. The motion was carried unanimously, and meeting was adjourned.

Zoning Board Secretary,
Laura Tabatcher

