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Minutes
Village of Schoharie Zoning Board of Appeals
Meeting and Hearing held May 22, 2018, 7:00 PM
At Village Hall, 300 Main Street
Schoharie

Village
Chair

Roll Call - the following members were present:
Leonard Berdan, Chair
Ben Cooper
Eugene Amedio
Absent and excused was Peter Johnson.

The hearing and meeting was duly given public notice by publication in the Times Journal newspaper.
A quorum was present and the meeting was called to order at 7:00 PM
The members present chose Leonard Berdan to take the minutes.

The minutes of the May 5, 2018, ZBA meeting were discussed and a motion to approve those minutes as presented was made by Gene Amedio and seconded by Ben Cooper and passed with all three board members voting affirmatively.

The public hearing for the Liddle setback variance for the construction of a new garage at 185 Prospect Street was opened by the chair.

The only hearing item was a request by Frances Liddle and Michael Liddle, petitioners, for a side yard variance for a proposed garage situated at 185 Prospect Street, Village of Schoharie, tax map number 72.14-2-14. The property is owned by Frances Liddle and consists of a 0.2 acre lot improved with a single family dwelling. A request for a building permit for a 24' X 32' garage was made to the zoning code enforcement officer and was denied due to insufficient side yard setbacks for the proposed garage. Frances Liddle and Michael Liddle petitioned the Zoning Board of Appeals by letter dated March 26, 2018. The petition was considered at the ZBA meeting of May 5, and a hearing date of May 22 was duly set.

The hearing was to consider a request to build a 24' X 32' garage on a 0.2 acre lot and to allow the garage to be built with side yard setbacks less than the required eight (8) foot set back as per Land Use Code requirements.

Present at the hearing were the three afore mentioned ZBA members, Emon Schrederis, a prospective ZBA member, Francis Liddle and Michael Liddle, petitioners.

Leonard Berdan indicated the County Planning Commission had been duly notified of the variance petition and hearing and the Commission had decided this setback variance application was a matter of local concern.

The chair received return receipts for hearing notices duly sent to property owners within five hundred feet of 185 Prospect Street by the petitioner. Leonard Berdan indicated one such notified resident, Richard Bogardus, had called him on the phone, and had no objections to the variance.

Michael Liddle presented sketches of the proposed garage and a sketch showing the approximate location of the proposed garage in relation to approximate property lines.

There were no comments from the public.

The ZBA determined the following facts:

The property is located in a residential zone

The property is a 0.20 acre lot as per the tax map, or 8,712+/- square feet

The minimum lot size in the residential zone is 10,000 square feet as per table 2-7.1 of the land use law. The property is an existing undersized lot.

Section F of the Village Land Use Law sets the minimum side yard dimensions at eight (8) feet for existing undersized lots.

No survey was available and the tax map and property corner pins found on the property are relied upon for property boundary lines. The property is approximately 50 feet wide as per the tax map.

The proposed garage is 24 feet wide and 32 feet long, situated behind the existing residence, with two overhead doors facing the street. It is to be a pole frame metal structure, one story.

The garage's proposed placement on the lot is at a slight angle to the parallel north and south boundaries. The northeasterly front corner of the proposed garage is to be 16 feet from the north boundary with Janet Snyder while the southeasterly front corner is to be 7 feet from the southerly boundary with Scott and Nancy Elethorp. The northwesterly corner of the garage is to be 4 feet from the northerly boundary with Janet Snyder and the southwest corner is to be 12 feet from the southerly boundary with the Elethorps. This placement is shown on the attached sketch.

The southeast corner 7 foot setback and the northwest corner 4 foot setback do not meet village land use law side yard requirements. This variance request is to permit the placement of the building at these set backs.

The ZBA discussed the petition and the property and found that no undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties. Many properties have detached garages situated behind their residences in the neighborhood. The board found that the land at the Little property has some size, shape and topography issues that do not permit the placement of the proposed garage within the proscribed setback requirements. The board found that the requested area variance is not substantial and will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The board found that the undersized lot and the topography and shape of the lot resulting in the building placement difficulty were not self created. The board finds that the granting of this variance is the minimum variance that is necessary and adequate.

A motion was made by Eugene Amedio to approve the requested variance and the motion was seconded by Ben Cooper. With no further discussion the three ZBA members voted unanimously to approve the variance petition to allow the construction of the proposed garage with its northwesterly rear corner to be within four feet of the northerly boundary and southeasterly front corner within seven feet of the southerly boundary.

A motion was made and seconded to adjourn the hearing and the hearing was closed.

Leonard Berdan indicated that he would prepare the minutes and findings of the hearing and forward them to the applicants, the village Code Enforcement Officer, the Village Clerk and notify the County Planning Commission of the hearing results.

A motion was made and seconded to adjourn the meeting and the meeting was adjourned at 7:25 PM.

5/31/2010

Jul B. Berdan
Chair

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