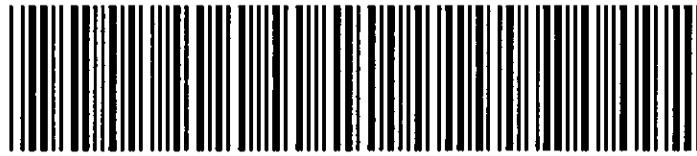


# Zoning Board



1991



TOWN OF URBANA ZONING BOARD OF APPEALS MEETING  
September 26, 1991

PRESENT: Joseph C. Littleton, Chairman  
Robert M. Domras, Member  
William E. Doherty, Member  
Robert H. Cornell, Member  
James Bailey, Member  
Brian C. Flynn, Attorney to Zoning Board of Appeals  
Roberta L. Sparling, Secretary to Zoning Board of Appeals  
David Oliver, Code Enforcement Officer

OTHERS PRESENT: William Venema  
David Bauer  
Margaret Doherty  
Mr and Mrs. Ken Honeyman

Chairman Littleton opened the Public Hearing regarding the Variance Application of David Bowes at 7:00 P.M.E.D.T.

Chairman Littleton advised the Board that there had been due notice published in the Leader on September 13, 1991 regarding this Public Hearing and that the adjoining property owners had been advised of said Public Hearing.

David Bauer was in attendance to represent David Bowes in this Variance Application. Attorney Flynn advised Mr. Bauer that it would be prudent for him to get something in writing that David Bowes had given him permission to represent him in this matter.

William Venema asked Mr. Bauer if he had approval on the septic system. Mr. Bauer stated that he had met with Watershed Inspector Bill Mahrt and that he would be meeting with Town Highway Superintendent, Doug Bailey regarding the retaining wall in the Town's right-of-way.

After a lengthy discussion, Chairman Littleton suggested that they recess this Public Hearing so that Mr. Bauer would have an opportunity to get further information regarding permission to build in the Town's right-of-way; exact size of lot; proof of ownership of land.

A letter was received from the Town of Urbana Planning Board that they were in opposition to this Variance.

The Chairman asked CEO David Oliver to personally visit the lot, take measurements and submit a written statement of the measurements at the next meeting.

Chairman Littleton advised the Board that he had received word from the neighbors who felt strongly that they would like to see the property upgraded; that they had no objection to the 6' clearance to the property line; that they were concerned about the septic system and about the house being extended further towards the lake which might cut-off their view. These were verbal comments. Jane and Ken Honeyman were present. They had no objection to the variance, and they would like to see the

property upgraded and were concerned about the septic system..

David Bauer stated that he would take into consideration all the comments and suggestions.

This Public Hearing was recessed by Chairman Littleton on a day-to-day basis until Mr. Bauer contacts him that he has all paperwork in order and until a mutually convenient date could be established herein.

TOWN OF URBANA ZONING BOARD OF APPEALS  
NOVEMBER 7, 1991

PRESENT: Joseph C. Littleton, Chairman  
Robert Domras, Member  
William Doherty, Member  
Robert Cornell, Member  
James Bailey, Member  
Brian C. Flynn, Esq., Attorney to Zoning Board of Appeals  
Roberta L. Sparling, Secretary to Zoning Board of Appeals

OTHERS PRESENT: David Bauer

The Public Hearing regarding the David Bowes Variance Application was reconvened by Chairman Littleton at 7:00 P.M.E.S.T.

Chairman Littleton stated that the Board was in receipt of a letter of authority from Mr. Bowes authorizing David Bauer to act on his behalf and this letter became a part of the file.

Mr. Bauer presented to the Board the information that had been requested at the prior meeting. The Board members reviewed the information submitted by Mr. Bauer.

Counsel clearly advised the Board and David Bauer that any construction in the area of the Town's statutory three rod right-of-way might possibly, in the future, be challenged by the Town of Urbana. After a lengthy discussion, the Board felt that they did not have any jurisdiction on this issue.

This Public Hearing was closed at 7:31 P.M.E.S.T.

Chairman Littleton opened the Regular Meeting at 7:32 P.M.E.S.T. A motion was made by Robert Domras to accept the minutes of the last meeting. This Motion was seconded by Robert Cornell. All members voted "AYE".

A lengthy discussion was held regarding the Bowes Variance Application and as a result thereof the Board made the following Findings:

1. Any building on this lot, like many other lots in the vicinity, is restricted by the steep terrain.

2. The proposed structure more nearly conforms to the Zoning Law than the existing structures.

3. It would be possible to meet the letter of the law by a change in building plans. However, the proposed structure more nearly meets the spirit of the law than one which would meet the strict letter of the law. Adjacent property owners have stated that they prefer the proposed building to one of the same area but which, in order to maintain a 10' side yard set back, would project further towards the lake.

4. The proposed structure will occupy 26% of the lot area and will require a Variance from the 25% requirement.

5. The proposed retaining wall and a portion of the septic system will project into the Old East Lake Road's right-of-way. The Town Highway Superintendent of the Town of Urbana issued a Permit for the proposed retaining wall. Counsel has clearly advised this Board, as well as the Applicant/Owner's Representative, David Bauer, that there was a possibility that any construction in the area of the Town's statutory three rod right-of-way, pursuant to Section 189 of the Highway Law, might, in the future, be challenged by the Town of Urbana. However, the Zoning Board of Appeals does not now believe it has any jurisdiction on this legal issue.

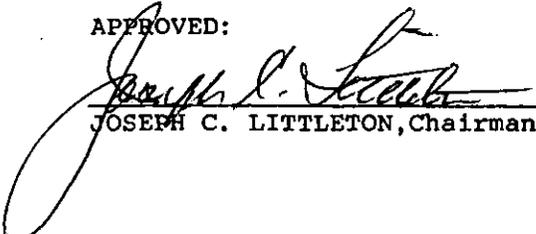
A Motion was made by Robert Domras to approve the Variance. This Motion was seconded by James Bailey. A Roll Call Vote was taken:

Joseph Littleton - Aye  
Robert Domras - Aye  
James Bailey - Aye  
William Doherty - Aye  
Robert Cornell - Aye

The Secretary was instructed by Chairman Littleton to type-up the Decision and Findings and to notify David Bauer.

A Motion was made by Robert Cornell to adjourn this meeting at 8:04P.M.E.S.T. This Motion was seconded by Robert Domras. All voted "AYE."

APPROVED:

  
JOSEPH C. LITTLETON, Chairman

TOWN OF URBANA ZONING BOARD OF APPEALS MEETING  
JANUARY 23, 1991

PRESENT: Joseph Littleton, Chairman  
Robert Domras, Member  
Robert Cornell, Member  
James Bailey, Member  
William Doherty, Member  
Brian C. Flynn, Esq., Attorney  
Roberta L. Sparling, Recording Secretary

OTHERS PRESENT: William Venema, Chairman Town of Urbana Planning Board  
Robert Magee, Member Planning Board  
Margaret Doherty, Member Planning Board  
Donald Green

The Public Hearing for Guy Devaux, Variance Application was opened at 7:00 P.M.E.S.T. It was noted that this hearing was duly advertized in the local newspaper and that there was a quorum present.

Donald Green stated that he was there to represent Mr. Devaux and that he had plotted and staked out the property where Mr. Devaux would like to construct the house.

There were several questions asked by the Zoning Board of Appeals and by members of the Planning Board. Chairman Littleton submitted a letter he had received from the Planning Board and this letter was made a part of the file. This letter was sent in opposition to the requested Variance.

After much discussion the Public Hearing was closed at 7:35 P.M.E.S.T.

Chairman Littleton opened the regular meeting at 7:36 P.M.E.S.T. and a motion was made by James Bailey and seconded by Robert Cornell to accept the minutes of the last meeting. A vote was called for and each member voted AYE.

A very lengthy discussion was held on the Variance application of Guy Devaux and after much deliberation, a Motion was made by William Doherty to adopt the Findings made by the Board and this motion was seconded by James Bailey.

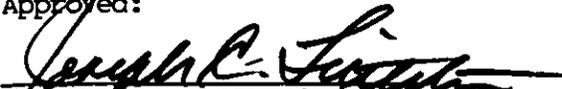
Roll Call Vote Taken: Joseph Littleton - Aye  
Robert Domras - Aye  
James Bailey - Aye  
Robert Cornell - Aye  
William Doherty - Aye

A Motion was made by James Bailey and Seconded by Robert Domras to Deny the Application for a Variance submitted by Guy Devaux.

Roll Call Vote Taken: Joseph Littleton - Aye  
Robert Domras - Aye  
Robert Cornell - Aye  
James Bailey - Aye  
William Doherty - Aye

William Doherty made motion to adjourn the meeting at 8:00 P.M. E.S.T and this was seconded by Robert Cornell. All Voted AYE.

Approved:

  
JOSEPH LITTLETON, Chairman

FINDINGS REGARDING GUY DEVAUX VARIANCE January 23, 1991

1. Mr. Devaux has owned the property for approximately fifteen (15) years with full use. The granting of the Variance is not required for reasonable continued use.
2. Mr. Devaux owns ample land upon which to construct a dwelling which would meet the requirements of the Zoning Law without the granting of this Variance.
3. The building site selected is unusually shallow. The relief sought by the applicant is clearly inconsistent with both the letter and the spirit of the Zoning Law.