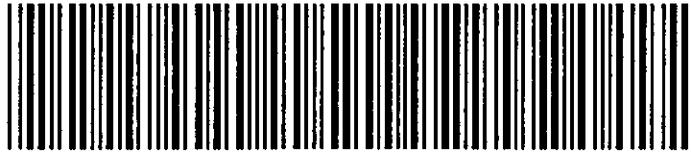


Zoning Board



2004



TOWN OF URBANA ZONING BOARD OF APPEALS

July 28, 2004

Present: Scott Burg, Chairman
Jerauld Holcombe
Robert Domras
Norman Hann
Richard Frey
Peggy Soles, Recording Secretary

Others Present: Irena White, Grant Carlson, Neighbors: Frank Zamiara, Diane McNary, and Bob McNary

Absent: James Pitt

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on July 28, 2004 at 7:00 P.M. in the Town Hall.

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:10 p.m. for Application #2004-039, Lawrence White, 40 Haver Farm Rd., Clinton NJ 08809 has applied for a Variance pursuant to Code Section 105-15 -C-(3)-(a) which says the building height shall be a maximum of two and one half stories for property at 10090 West Lake Road, Hammondsport, New York 14840. Mr. White is requesting the building to be three stories.

This variance is recognized as a Type II SEQR.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Mr. Burg declared quorum is present.

No letter was received from the Town of Urbana Planning Board .

No negative opinion from the County or any other government agency was received and read into record.

No letters from neighbors were received.

Building elevations were reviewed.

The applicant and Board members discussed the application purpose. Mrs. White and family friend Mr. Carlson explained the proposed project for the variance to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions.

The Public Hearing closed at 7:26 p.m.

Applicant: White (7/28/04)

Old Business:

None

New Business:

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:30 p.m.

Board member Mr. Holcombe made a motion to approve the minutes of the meeting of June 16, 2004 as submitted. Seconded by Mr. Domras.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerrauld Holcombe	Aye
	Norman Hann	Aye
	Richard Frey	Abstained

Motion carried by unanimous vote.

The application (2004-039), Mr. White was discussed.

A motion was made by Mr. Hann and seconded by Mr. Domras to accept the findings.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerrauld Holcombe	Aye
	Norman Hann	Aye
	Richard Frey	Aye

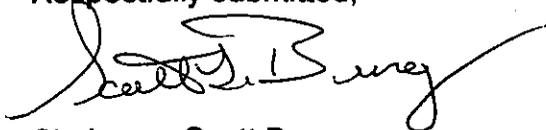
Mr. Domras made a motion to approve the variance.

Motion seconded by Mr. Holcombe.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerrauld Holcombe	Aye
	Norman Hann	Aye
	Richard Frey	Aye

Motion to adjourn at 8:00 p.m. made by Mr. Frey and seconded by Mr. Burg and carried by a unanimous voice vote.

Respectfully submitted,



Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals

Fee: _____ Application #: _____ Tax Parcel: _____

Town of Urbana

41 Lake Street
P.O. Box 186
Hammondsport, NY 14840

VR2

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

Variance Findings & Decision

Property Location: **10090 West Lake Road, Hammondsport, NY 14840 (White)**

Requirement for which Variance is Requested: **Build a three story structure, not a two and a half story as zoning permits.**

Application Section of Town Zoning Code: **105-15-C-3-A**

FACTORS CONSIDERED:

1. Whether **undesirable change** would be produced in character of neighborhood or a detriment to nearby properties: Yes No

Reasons: **Steep rear bank, narrow lot and septic system limit use of building space. Existing surrounding structures are similar in character.**

2. Whether benefit sought by applicant can be achieved by a **feasible alternative** to the variance: Yes No

Reasons: **The geological nature of the lot, limits use. Third floor egress/ingress allows applicant reasonable use of the property – without the expense of mechanical means to ascend/descend.**

3. Whether the requested variance is **substantial**: Yes No

Reasons: **Raising from two and half stories to three stories (half story) and still remaining under the maximum allowable of 35 feet is the minimum variance needed to allow reasonable use of the property. .**

4. Would the variance have an **adverse impact** on the physical or environmental conditions in the neighborhood: Yes No

Reasons: **In character with surrounding neighborhood, typical of West Lake road lots.**

5. Whether the alleged **difficulty was self-created**: Yes No

Lot is geologically challenged. Steep bank – narrow width (lake to road) is minimum variance required to allow reasonable use.

Variance Findings & Decision----page 2
Applicant White (7/28/04)

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- the Benefit to the Applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

Reasons: **half story variance and the fact that the total building height does not exceed 35' is the minimum needed for reasonable use of the property.**

The ZBA further finds that a variance of **half story** from section **105-15-C-3-A** of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: **None**

Adverse impact to be minimized:

Condition No. 2:

Adverse impact to be minimized:


Chairman, Zoning Board of Appeals

8/19/04
Date

RECORD OF VOTE

MEMBER NAME	AYE	NAY
Chair: Scott Burg	_____	_____
Member: Robert Domras	_____	_____
Member: Norman Hann	_____	_____
Member: Jerrauld Holcombe	_____	_____
Member: Richard Frey	_____	_____

TOWN OF URBANA ZONING BOARD OF APPEALS

June 16, 2004

Present: Scott Burg, Chairman
Jerauld Holcombe
Robert Domras
Norman Hann
Peggy Soles, Recording Secretary

Others Present: Lawrence White, Irena White, Dennis Coots (Contractor)

Absent: James Pitt, Richard Frey,

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on June 16, 2004 at 7:00 P.M. in the Town Hall.

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:10 p.m. for Application #2004-009, Lawrence White, 40 Haver Farm Rd., Clinton NJ 08809 has applied for a Variance pursuant to section 105-16 R-C-1-b, 3 foot variance on Gully side and 105-16 R C-1-D-1, 6.5 Foot variance on Lake side, for property at 10090 West Lake Road, Hammondsport, New York 14840.

This variance is recognized as a Type II SEQR.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Mr. Burg declared quorum is present.

No letter was received from the Town of Urbana Planning Board .

No negative opinion from the County or any other government agency was received and read into record.

No letters from neighbors were received.

Plan View and tax map of the project was reviewed.

Site and building elevations were reviewed.

Tax map and Survey map were reviewed.

The applicant and Board members discussed the application purpose. Mr. White explained the proposed project for the variance to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions.

The Public Hearing closed at 7:25 p.m.

Old Business:

None

New Business:

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:26 p.m.

Board member Mr. Holcombe made a motion to approve the minutes of the meeting of May 19, 2004 as submitted. Seconded by Mr. Hann.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerrauld Holcombe	Aye
	Norman Hann	Aye

Motion carried by unanimous vote.

The application (2004-009), Mr. White was discussed.

A motion was made by Mr. Domras and seconded by Mr. Holcombe to accept the findings.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerrauld Holcombe	Aye
	Norman Hann	Aye

Mr. Hann made a motion to approve the variance.

Motion seconded by Mr. Hann.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerrauld Holcombe	Aye
	Norman Hann	Aye

Motion to adjourn at 7:55 p.m. made by Mr. Frey and seconded by Mr. Hann and carried by a unanimous voice vote.

Respectfully submitted,

Scott Burg (SB)

Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals

Application #: 2004-009 Tax Parcel: 091.17-01-001.000

Town of Urbana
41 Lake Street
P.O. Box 186
Hammondsport, NY 14840

VR3

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

Zoning Board of Appeals---Notice of Action

Applicant

Property Owner

Name **Lawrence F. White**
Address **40 Haver Farm Road**
Clinton, NJ 08809

Name **Lawrence F. White**
Address **40 Haver Farm Road**
Clinton, NJ 08809

At a meeting of the Zoning Board of Appeals on **June 16, 2004**, the following matter was considered and the action indicated below was taken on your:

 Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:
_____ (attach copy of resolution) _____

Request for an area variance. By resolution of the board, it was determined that:

 the Benefit to the Applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance is **denied**.

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of **3 foot variance Gully side** from section **105-16 R C-1-b** and **6.5 foot variance Lake side** from section **105-16 R C-1-D-1** of the zoning ordinance/law is minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community. **NO** conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

BY Peggy Sales (DP)
Secretary, Zoning Board of Appeals

6-28-04
Date

Town of Urbana

Fee: _____ Application #: 2004-009 Tax Parcel: 091-17-01-001.000

Town of Urbana

41 Lake Street
P.O. Box 186
Hammondsport, NY 14840

VR2

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

Variance Findings & Decision

Property Location: **10090 West Lake Road, Hammondsport, NY 14840**

Requirement for which Variance is Requested: **3 foot variance on Gully side (105-16 R C-1-b) and 6.5 foot variance on Lake side (105-16 R C-1-D-1)**

Application Section of Town Zoning Code: **Gully side 105-16 R C-1-b and Lake side (105-16 R C-1-D-1)**

FACTORS CONSIDERED:

1. Whether **undesirable change** would be produced in character of neighborhood or a detriment to nearby properties: Yes No

Reasons: **Lot is narrow in width with steep bank on rear side, only reasonable area to expand on is Lake side.**

2. Whether benefit sought by applicant can be achieved by a **feasible alternative** to the variance: Yes No

Reasons: **For applicant to have reasonable use of property, these minimal variances allow applicant use of property. Applicant has kept a majority of the new construction on original Footprint. Lot does not allow for road side encroachment.**

3. Whether the requested variance is **substantial**: Yes No

Reasons: **Minimal required to accomplish new construction.**

4. Would the variance have an **adverse impact** on the physical or environmental conditions in the neighborhood: Yes No

Reasons: **New construction is in character with surrounding neighborhood.**

5. Whether the alleged **difficulty was self-created**: Yes No

Steep rear bank and narrow width between lake and rear bank does not allow for setting new structure further back from lake.

Variance Findings & Decision---page 2

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- the Benefit to the Applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.
- the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

Reasons: **Minimal variance required for reasonable use of property.
New structure will be in character of surrounding neighborhood.**

The ZBA further finds that a variance of **3 foot variance Gully side** from section **105-16 R C-1-b** and **6.5 foot variance Lake side** from section **105-16 R C-1-D-1** of the Zoning Code are the minimum variances that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

Site factors such as steep bank, narrow width, and septic system dictate that the only feasible location is on existing footprint with minimal variance granted to allow new construction.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

NO CONDITIONS


Chairman, Zoning Board of Appeals

6/29/04
Date

RECORD OF VOTE

MEMBER NAME	AYE	NAY
Chair - Scott Burg	<u>X</u>	___
Member - Robert Domras	<u>X</u>	___
Member - Jerrauld Holcombe	<u>X</u>	___
Member - Norman Hann	<u>X</u>	___
Member - Richard Frey	Absent	
Member - James Pitt	Absent	

TOWN OF URBANA ZONING BOARD OF APPEALS

May 19, 2004

Present: Scott Burg, Chairman
Jerauld Holcombe
Robert Domras
Norman Hann
Peggy Soles, Recording Secretary

Others Present: Lawrence Tuzzolino, Tim Akers (contractor)

Absent: James Pitt, Richard Frey

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on May 19, 2004 at 7:00 P.M. in the Town Hall.

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:05 p.m. for Application #2004-008, 10374 W. Lake Rd., Hammondsport, NY 14840 has applied for a Variance pursuant to section 105-16,R-C-1-b, which requires a 10 foot setback. Applicant is requesting a variance to allow a 8'3" setback for side yard and a 9'0" setback for side yard.

This variance is recognized as a Type II SEQR.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Mr. Burg declared quorum is present.

Letter from the Town of Urbana Planning Board of no opinion was received and is on file.

No opinion from the County or any other government agency was received.

No letters from neighbors were received.

Plan View of the project was reviewed.

Tax map and Survey map was read into record & on file.

The applicant and Board members discussed the application purpose. Mr. Akers and Mr. Tuzzolino explained the proposed project for the variance to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions.

The Public Hearing closed at 7:23 p.m.

Old Business:

None

New Business:

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:25 p.m.

Board member Mr. Domras made a motion to approve the minutes of the meeting of April 21, 2004 as submitted. Seconded by Mr. Hann.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerrauld Holcombe	Abstained
	Norman Hann	Aye

Motion carried by unanimous vote.

The application (2004-008), Mr. Tuzzolino was discussed.

A motion was made by Mr. Holcombe and seconded by Mr. Domras to accept the findings.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerrauld Holcombe	Aye
	Norman Hann	Aye

Mr. Domras made a motion to approve the variance as stated in the application with the condition of the overhang not to exceed existing overhang on the pre-existing structure.

Motion seconded by Mr. Hann.

ROLL CALL VOTE:	Scott Burg	Aye
	Robert Domras	Aye
	Jerrauld Holcombe	Aye
	Norman Hann	Aye

Motion to adjourn at 7:50 p.m. made by Mr. Frey and seconded by Mr. Hann and carried by a unanimous voice vote.

Respectfully submitted,

Scott Burg (DP)

Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals

Application #: 2004-008 Tax Parcel: 091-13-01-010.000

Town of Urbana
41 Lake Street
P.O. Box 186
Hammondsport, NY 14840

VR3

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

Zoning Board of Appeals--Notice of Action

Applicant

Property Owner

Name: **Tim Akers**

Name: **Lawrence J. Tuzzolino**

Address: **10740 Cross Street
Hammondsport, NY 14840**

Address: **10374 W. Lake Road
Hammondsport, NY 14840**

At a meeting of the Zoning Board of Appeals on **May 19, 2004**, the following matter was considered and the action indicated below was taken on your:

Request for an interpretation of the zoning law/ordinance: The Board adopted the following resolution which states its interpretation of the zoning law/ordinance as requested in your appeal:
_____ (attach copy of resolution) _____

Request for an area variance. By resolution of the board, it was determined that:

the Benefit to the Applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community.

the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community and a variance of **1 foot, 9 inches to 1 foot, 0 inches Side Yard setback**.

105-16,R-C-1-b from Section **105-16,R** of the zoning ordinance/law is minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community. The following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community:

attach copy of conditions

BY *Reggy Solis*
Secretary, Zoning Board of Appeals

5/28/04
Date

Fee: 75.00 Application #: 2004-008 Tax Parcel: 091-13-01-010,000

Town of Urbana

41 Lake Street
P.O. Box 186
Hammondsport, NY 14840

VR2

AREA

Town Clerk (607) 569-3743

Code Department (607) 569-3707

Variance Findings & Decision

Property Location: **10374 West Lake Road, Hammondsport, NY 14840 (Tuzzolino)**

Requirement for which Variance is Requested: **Side Yard setback of 1 foot, 9 inches on the road end and 1 foot, 0 inches on the lake end of the porch.**

Application Section of Town Zoning Code: **105-16, R -C-1-b**

FACTORS CONSIDERED:

1. Whether **undesirable change** would be produced in character of neighborhood or a detriment to nearby properties: Yes No

Reasons: **Requested variance is minimal. The surrounding neighborhood is non-conforming, pre-existing.**

2. Whether benefit sought by applicant can be achieved by a **feasible alternative** to the variance: Yes No

Reasons: **To have reasonable use of porch, requested width is minimal needed to make space useable.**

3. Whether the requested variance is **substantial**: Yes No

Reasons: **Minimal variance to accomplish reasonable use of porch.**

4. Would the variance have an **adverse impact** on the physical or environmental conditions in the neighborhood: Yes No

Reasons: **Minimal impact, in character with surrounding neighborhood.**

5. Whether the alleged **difficulty was self-created**: Yes No

Applicant could build porch without variance, however this would limit reasonable use of porch due to interior space confinements (ie. Chimney).

Variance Findings & Decision---page 2

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

___ the Benefit to the Applicant **DOES NOT** outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

X the Benefit to the Applicant **DOES** outweigh the Detriment to the Neighborhood or Community.

Reasons: **Requested variance is minimal required to give reasonable use of porch space. Requested variance is in character of surrounding neighborhood.**

The ZBA further finds that a variance of **1 foot 9 inches** from section **105-16,R-C-1-b** of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

Requested variance is minimal required to give reasonable use of porch space. Requested variance is in character of surrounding neighborhood.

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: **Overhang not to exceed existing overhang on the pre-existing structure.**

Adverse impact to be minimized: **Side Yard setback.**

Condition No. 2:

Adverse impact to be minimized:

Scott Burg (SP) 6/9/04
Chairman, Zoning Board of Appeals Date

RECORD OF VOTE

MEMBER NAME		AYE	NAY
Chair: Scott Burg	___	<u>X</u>	
Member: Robert Domras		<u>X</u>	___
Member: Norman Hann		<u>X</u>	___
Member: Jerrauld Holcombe		<u>X</u>	___
Member: Richard Frey		ABSENT	

Town of Urbana

TOWN OF URBANA ZONING BOARD OF APPEALS
April 21, 2004 and (reconvened April 28, 2004)

Present: Scott Burg, Chairman
Robert Domras
Richard Frey
Norman Hann
Peggy Soles, Recording Secretary

Others Present: **On April 21, 2004** - Mark Cavallero, Andy Sprague (architect), Tony Cavallero, and neighbors Domonic Romeo, Joshua Navone, Frank Navone, Mary Navone
On April 28, 2004 - Others present: same as above with one additional person, Merlyn Cavallero

Absent: James Pitt, Jerauld Holcombe

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on April 21, 2004 at 7:00 P.M. in the Town Hall.

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:07 p.m. for Application #2004-005, Mark Cavallero, 7 Hunt Club Court, Pheonix Maryland, 21131 has applied for a Variance for his home at 395 East Lake Road, Hammondsport, NY 14840 pursuant to section 105-16-R-C-1B-side yard setback and 105-16R-C-2-lot density. The side yard setback is 10 feet, the existing is 2 feet to the south and to the north. The proposed new construction would need side variance also, the allowed lot density is 25%. The proposed new lot density is 32%. This will require a variance. **This variance is recognized as a Type II SEQR.**

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Mr. Burg declared quorum is present.

Letter from the Town of Urbana Planning Board of no opinion was received, read into record and is on file (line of site questionable).

No opinion from the County or any other government agency was received.

Letters from neighbors, not in favor of the variance were read into record and are file.

Plan View of the project was reviewed.

Tax map and Survey map was read into record & on file.

The applicant and Board members discussed the application purpose. Mr. Cavallero explained the proposed project for the variance to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions.

The Public Hearing closed at 7:47p.m.

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:57 p.m.

Board member Mr. Frey made a motion to approve the minutes of the meeting of March 17, 2004 as submitted. Seconded by Mr. Hann.

ROLL CALL VOTE:	Richard Frey	Aye
	Robert Domras	Obstained
	Scott Burg	Aye
	Norman Hann	Aye

Motion carried by unanimous vote.

Old Business:

None

New Business:

The application of Mr. Cavallero (#2004-005) was discussed in great length. The plot map which was reviewed, was incomplete and determination on this application could not be made at this time. Also, no side elevation plans on new construction on record.

A motion was made by Mr. Domras to recess this meeting and seconded by Mr. Frey.

ROLL CALL VOTE:	Richard Frey	Aye
	Robert Domras	Aye
	Scott Burg	Aye
	Norman Hann	Aye

Mr. Burg called a recess of this meeting at 8:15 p.m. with this meeting to be reconvened 7:00 p.m. on 7/28/04 at the Town of Urbana Town Hall, with Mr. Andy Sprague (architect for Mr. Cavallero) to bring with him a more current survey map to be reviewed at this said meeting.

Mr. Burg reconvened the Regular Business meeting of the Zoning Board of Appeals for the above application of Mark Cavallero (2004-005) to order on 7/28/04 at 7:14 p.m.

The application of Mr. Cavallero (#2004-005) was again discussed in great length. With a more current survey map and elevation drawings reviewed.

A motion was made by Mr. Domras and seconded by Mr. Frey to accept the findings.

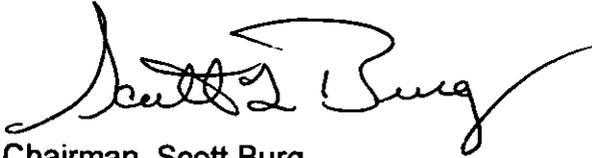
ROLL CALL VOTE:	Richard Frey	Aye
	Robert Domras	Aye
	Scott Burg	Aye
	Norman Hann	Aye

Mr. Domras made a motion to deny the variance as stated in the application.
Motion seconded by Mr. Frey.

ROLL CALL VOTE:	Richard Frey	Aye
	Robert Domras	Aye
	Scott Burg	Aye
	Norman Hann	Aye

Motion to adjourn at 7:50 p.m. made by Mr. Frey and seconded by Mr. Hann. Carried by a unanimous voice vote.

Respectfully submitted,



Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals

SB:ps

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

**Applicant: Mark Cavallero
7 Hunt Club Court
Pheonix, Maryland 21131**

**Variance No: 2004-004
Zoning District:
Published Notice on: April 7, 2004
Notice to County Sent on: _____
Hearing Held on: April 21, 2004**

**Property Location: 395 East Lake Rd., Hammondsport, NY 14840
Requirement for which Variance is requested: 105-16R-C-1B-Side Yard Setback.
Applicable Section of Town Zoning Code: 105-16 R C2-lot density**

Findings:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: **Yes X No ___**

Reasons: 7% increase over allowable lot density of 25% for lake district.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: **Yes X No ___**

Reasons: More living space can be achieved by constructing upward on existing building dimensions with no increase in density or variance required.

3. Whether the requested variance is substantial: **Yes X No ___**

Reasons: 7% increase over allowable. Lot is pre-existing - non-conforming. Existing building only allows 18 inch on side yard setback.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: **Yes X No**

Reasons: Increase of lot density. Lot density is already 1% over allowable.

5. Whether the alleged difficulty was self-created: **Yes ___ No X**

Reasons: Pre-existing - non conforming prior to zoning laws.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.
- The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: Increase in lot density not acceptable. 7% increase over allowable with an existing density already 1% over allowable.

DECISION ----- (N/A)

The ZBA further finds that a variance of _____ from Section _____ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

CONDITION 1:


Chairman, Zoning Board of Appeals

5/19/04
Date

RECORD OF VOTE

	Member Name	<u>Findings</u>		<u>Decisions and Conditions</u>	
		AYE	NAY	AYE	NAY
Chair	Scott Burg	X	—		N/A
Member	Robert Domras	X	—		N/A
Member	Jerauld Holcombe		Absent		
Member	James Pitt		Absent		
Member	Richard Frey	X	—		N/A
Member	Norman Hann	X	—		N/A

TOWN OF URBANA ZONING BOARD OF APPEALS

March 17, 2004

Present: Scott Burg, Chairman
James Pitt
Richard Frey
Jerauld Holcombe
Norman Hann
Peggy Soles, Recording Secretary

Others Present: Marcia Coon (Architect for Gary and Maureen Vogt), Georgia Dickson, Justin Dickson

Absent: Robert Domras

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on March 17, 2004 at 7:00 P.M. in the Town Hall.

Mr. Burg explained the purpose of this meeting and invited all present to stay for the regular business meeting at the close of this public hearing.

Chairman Mr. Burg called the **Public Hearing** to order at 7:05 p.m. for Application #2004-004, Philip M. Dickson, 4831 County Rte. 25, Cameron Mills, NY 14820 has applied for a Variance pursuant to section 105-20 Specific Bulk Regulations front yard setback. Minimum is 40 foot. A variance is requested to allow 30 foot setback for a new building and porch on his property at 11076 (474) East Lake Road, Hammondsport, New York. **This variance is recognized as a Type II SEQR.**

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Mr. Burg declared quorum is present.

Letter from the Town of Urbana Planning Board of no negative opinion was received, read into record and is on file.

No negative opinion from the County or any other government agency was received.

Letter from neighbor, not in favor of the variance was read into record.

Plan View of the project was reviewed.

Tax map and Survey map was read into record & on file.

The applicant and Board members discussed the application purpose. Mr. Dickson explained the proposed project for the variance to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions.

The Public Hearing closed at 7:23 p.m.

Chairman Mr. Burg called the **Public Hearing** to order at 7:24 p.m. for Application #2004-003, Marcia M. Coon, PO Box 46, Hammondsport, NY. Owners, Gary and Maureen Vogt, 137 Davis St., Painted Post, NY have applied for a Variance pursuant to Section 150-20 Specific Bulk Regulations rear yard setback. Rear yard minimum is 20 feet. A variance is requested to allow a 16 foot and 18 foot setback to allow the construction of a new garage on their property at 302 (9887) East Lake Road, Hammondsport, New York. **This variance is recognized as a Type II SEQR.**

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

No negative opinion from the County or any other government agency was received.

Letter from Town of Urbana Planning Board of no negative opinion was received.

No comments or letters from neighbors were received.

Plan view was reviewed.

The applicant and Board members discussed the application purpose. Ms. Coon explained for the Vogt's the proposed project for the variance to the Board members and responded to the board members questions. Mr. Burg asked Board members and others present if there were additional comments or questions.

The Public Hearing closed at 7:36 p.m.

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:36 p.m.

Board member Mr. Holcombe made a motion to approve the minutes of the meeting of February 18, 2004 as submitted. Seconded by Mr. Frey.

ROLL CALL VOTE:	Jerauld Holcombe	Aye
	Richard Frey	Aye
	James Pitt	Aye
	Scott Burg	Aye
	Norman Hann	Aye

Motion carried by unanimous vote.

Old Business:

None

New Business:

The application of Mr. Dickson (#2004-004) was discussed.

A condition for Mr. Dickson to get approval from the Town of Urbana Superintendent for a passage tunnel was discussed.

Mr. Holcombe made a motion to approve the variance with the condition.
Motion seconded by Mr. Pitt.

ROLL CALL VOTE:	Jerauld Holcombe	Aye
	Richard Frey	Aye
	James Pitt	Aye
	Scott Burg	Aye
	Norman Hann	Aye

A motion was made by Mr. Frey and seconded by Mr. Holcombe to accept the findings.

ROLL CALL VOTE:	Jerauld Holcombe	Aye
	Richard Frey	Aye
	James Pitt	Aye
	Scott Burg	Aye
	Norman Hann	Aye

The application of the Vogt's (#2004-003) was discussed.

Mr. Pitt made a motion to approve the variance.
Motion seconded by Mr. Holcombe.

ROLL CALL VOTE:	Jerauld Holcombe	Aye
	Richard Frey	Aye
	James Pitt	Aye
	Scott Burg	Aye
	Norman Hann	Aye

A motion was made by Mr. Frey and seconded by Mr. Pitt to accept the findings.

ROLL CALL VOTE:	Jerauld Holcombe	Aye
	Richard Frey	Aye
	James Pitt	Aye
	Scott Burg	Aye
	Norman Hann	Aye

Motion to adjourn at 8:07 p.m. made by Mr. Pitt and seconded by Mr. Holcombe. Carried by a unanimous voice vote.

Respectfully submitted,


Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

**Applicant: Philip Dickson
4831 County Rte. 25
Cameron Mills, NY 14820**

**Variance No: 2004-004
Zoning District:
Published Notice on: March 6, 2004
Notice to County Sent on: _____
Hearing Held on: March 17, 2004**

**Property Location: 11076 (474) East Lake Rd., Hammondsport, NY 14840
Requirement for which Variance is requested: Front Yard Setback.
Applicable Section of Town Zoning Code: 105-16 C1 (A)**

Findings:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: Surrounding neighbors structures are pre-existing. Non-conforming. New building will be in character with the surrounding neighborhood.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: Excessive back slope would require substantial excessive excavation and a retaining wall would need to be constructed. This could impact the septic system.

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: Minimum required to accomplish new construction.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: Construction of new structure will enhance the surrounding neighborhood.

5. Whether the alleged difficulty was self-created: Yes__ No **X**

Reasons: Very steep back slope would require excessive slope protection and excavation.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.
- The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

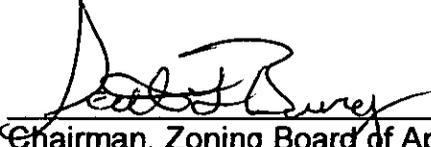
Reasons: The construction of new building, will enhance the neighborhood and will be in character of existing structures. This variance is the minimum required to accomplish this.

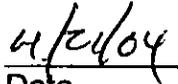
DECISION

The ZBA further finds that a variance of 10 feet from Section 105-16 C1 (A) of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **SEE ABOVE**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

CONDITION 1: Proposed passage tunnel is approved by the Town of Urbana Highway Superintendent.


Chairman, Zoning Board of Appeals


Date

		RECORD OF VOTE		Decisions and	
		<u>Findings</u>		<u>Conditions</u>	
	Member Name	AYE	NAY	AYE	NAY
Chair	Scott Burg	X	—	X	—
Member	Robert Domras		Absent		—
Member	Jerauld Holcombe	X	—	X	—
Member	James Pitt	X	—	X	—
Member	Richard Frey	X	—	X	—
Member	Norman Hann	X	—	X	—

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

**Applicant: Gary and Maureen Vogt
137 Davis Street
Painted Post, NY**

**Variance No: 2004- 003
Zoning District:
Published Notice on: March 6, 2004
Notice to County Sent on: _____
Hearing Held on: March 17, 2004**

**Property Location: 302 (9887) East Lake Rd., Hammondsport, NY 14840
Requirement for which Variance is requested: Rear Yard Setback.
Applicable Section of Town Zoning Code: 105-16 C1 D2**

Findings:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: New construction is in conformance with surrounding structures that exist along Lower East Lake Road.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: Reasonable use of lot. Lot is narrow in depth. To meet setback, new construction would affect front yard and seaway.

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: Minimum required to accomplish new construction.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: New construction will only impact applicant, no impact on neighbors.

5. Whether the alleged difficulty was self-created: Yes **X** No __

Reasons: Garage could be constructed without a variance however, the turning area and Lake Front would be affected. Granting variance allows best use of property.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.
 The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: **The construction of the new garage will be in character with the existing structures along Lower East Lake Road. This variance is the minimum required to accomplish this.**

DECISION

The ZBA further finds that a variance of 4 feet from Section 105-16 C1 D2 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **SEE ABOVE**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following: **no conditions.**


Chairman, Zoning Board of Appeals

4/21/04
Date

		RECORD OF VOTE		Decisions and	
		<u>Findings</u>		<u>Conditions</u>	
	Member Name	AYE	NAY	AYE	NAY
Chair	Scott Burg	X	—	X	—
Member	Robert Domras		Absent		
Member	Jerauld Holcombe	X	—	X	—
Member	James Pitt	X	—	X	—
Member	Richard Frey	X	—	X	—
Member	Norman Hann	X	—	X	—

TOWN OF URBANA ZONING BOARD OF APPEALS

February 18, 2004

Present: Scott Burg, Chairman
James Pitt
Richard Frey
Jerauld Holcombe
Peggy Soles, Recording Secretary

Others Present: Patricia Meyers, Guy Meyers, Ray Kolo (Contractor for Meyers), Joyce Hill, Brent Hill, David Pierce (Architect for Hills), David Iocco (Professional Engineer representing Bob Wenderlich), Fred White

Absent: Bob Wenderlich, Norman Hann, Robert Domras

The Zoning Board of Appeals of the Town of Urbana held a Public Hearing on February 18, 2004 at 7:00 P.M. in the Town Hall.

Chairman Mr. Burg called the **Public Hearing** to order at 7:00 p.m. for Application #2003-083, Bob Wenderlich, 10001 Vixen Lane. Huntersville, NC, 28078 has applied for a Variance pursuant to Section 150-20 Specific Bulk Regulations setback to allow for a 10 foot deep deck to be placed on the front of a new home which is a 30 foot setback instead of 40 foot required on his property at, 11091 E. Lake, Hammondsport, New York. This variance is recognized as a Type II SEQR.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Mr. Burg declared quorum is present.

Letter from the Town of Urbana Planning Board of no negative opinion was received, read into record and is on file.

No negative opinion from the County or any other government agency was received.

Letter from neighbor, not in favor of the variance was read into record.

Plan View of the project was reviewed (structures labeled as #2 will to be removed).

The applicant and Board members discussed the application purpose. Mr. Iocco (representing Mr. Wenderlich) explained the proposed project (26 X 32 structure) for the variance to the Board members and responded to their questions. Mr. Burg asked Board members and others present if there were additional questions.

The Public Hearing closed at 7:15 p.m.

Chairman Mr. Burg called the **Public Hearing** to order at 7:16 p.m. for Application #2004-001, Patricia Meyers, 9913 County Route 94, Hammondsport, New York has applied for a Variance pursuant to Section 150-20 Specific Bulk Regulations setback requiring a 15 foot front yard, a 10 foot side yard, and a 20 foot rear yard. A variance is needed for the rear yard setback of 10'4" and 11'9" respectively to place a new mobile home at 402 Lower East Lake Road, Hammondsport, New York. This variance is recognized as a Type II SEQR.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

No negative opinion from the County or any other government agency was received.

A divided opinion from the Town of Urbana Planning Board was received, read into record, and is on file.

No comments or letters from neighbors were received.

The applicant and Board members discussed the application purpose. The Meyers explained the proposed project for the variance to the Board members and responded to the board members questions. Mr. Burg asked Board members and others present if there were additional comments or questions.

The Public Hearing closed at 7:30 p.m.

Chairman Mr. Burg called the **Public Hearing** to order at 7:32 p.m. for Application #2003-081, Joyce Hill, 3618 Woodholme Drive, Jarrettsville, MD 21084 who has applied for a Variance pursuant to Section 105-20 Specific Bulk Regulations setback of Town Code to construct a new one family residence at, 281 West Lake Road, Hammondsport, New York that will require a variance for a deck and covered porch closer to Keuka Lake shoreline than the 15 feet setback. This variance is recognized as a Type II SEQR.

Notice of the Public Hearing and proof of publication is on file in the Town Clerk's office.

Letter from the Town of Urbana Planning Board of no negative opinion was received.

No negative opinion from the County or any other government agency was received.

Site Plans and House Views were reviewed.

No comments or letters from neighbors were received.

The applicant and Board members discussed the application purpose. The Hills explained the proposed project for the variance to the Board members and responded to the board members questions. Mr. Burg asked Board members and others present if there were additional comments or questions.

Mr. Burg explained the Board would be opening the regular business meeting at the close of this public hearing and all present are welcome to stay if they wish.

The Public Hearing closed at 7:45 p.m.

Mr. Burg opened the **Regular Business Meeting** of the Zoning Board of Appeals at 7:45 p.m.

Board member Mr. Holcombe made a motion to approve the minutes of the meeting of July 30, 2003 as submitted. Seconded by Mr. Frey.

ROLL CALL VOTE:	Jerauld Holcombe	Aye
	Richard Frey	Aye
	James Pitt	Aye
	Scott Burg	Aye

Motion carried by unanimous vote.

Old Business:

None

New Business:

The application of Mr. Wenderlich (#2003-083) was discussed.

Mr. Frey made a motion to approve the variance.

Motion seconded by Mr. Holcombe.

ROLL CALL VOTE:	Jerauld Holcombe	Aye
	Richard Frey	Aye
	James Pitt	Aye
	Scott Burg	Aye

A motion was made by Mr. Holcombe and seconded by Mr. Pitt to accept the findings.

ROLL CALL VOTE:	Jerauld Holcombe	Aye
	Richard Frey	Aye
	James Pitt	Aye
	Scott Burg	Aye

The application of Mrs. Meyers (#2004-001) was discussed.

Mr. Holcombe made a motion to approve the variance.

Motion seconded by Mr. Pitt.

ROLL CALL VOTE:	Jerauld Holcombe	Aye
	Richard Frey	Aye
	James Pitt	Aye
	Scott Burg	Aye

A motion was made by Mr. Frey and seconded by Mr. Pitt to accept the findings.

ROLL CALL VOTE: Jerauld Holcombe Aye
 Richard Frey Aye
 James Pitt Aye
 Scott Burg Aye

The application of Mrs. Hill (#2003-081) was discussed.

Mr. Holcombe made a motion to approve the variance.
Motion seconded by Mr. Frey.

ROLL CALL VOTE: Jerauld Holcombe Aye
 Richard Frey Aye
 James Pitt Aye
 Scott Burg Aye

Motion to adjourn at 9:17 p.m. made by Mr. Pitt and seconded by Mr. Holcombe. Carried by a unanimous voice vote.

Respectfully submitted,

Chairman, Scott Burg
Town of Urbana
Zoning Board of Appeals
SB:ps

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

**Applicant: Joyce Hill
3618 Woodholme Drive
Jarrettsville, MD 21084**

**Variance No: 2003-081
Zoning District:
Published Notice on: February 2, 2004
Notice to County Sent on: _____
Hearing Held on: February 18, 2004**

**Property Location: 10056 (281) West Lake Rd., Hammondsport, NY 14840
Requirement for which Variance is requested: Front Yard Setback.
Applicable Section of Town Zoning Code: 105-16-C-1- D-1**

Findings:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: Lot size and steepness of rear slope limits use of the property. Keuka Lake Shore Line has narrow lots and steep slopes in this area and new construction would be in conformance with the surrounding structures.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: It is the minimum variance required to construct a new structure. Lot size narrow and steep rear slopes.

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: Minimum required to construct new home.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: Is in character with the surrounding neighbors.

5. Whether the alleged difficulty was self-created: Yes__ No **X**

Reasons: Lot size precludes any other alternatives.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

 The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.

 X The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: New home improves the site by removing existing mobile home and the variance is the minimum required to accomplish new construction. New structure will be in character of surrounding properties.

DECISION

The ZBA further finds that a variance of **8 feet** from Section **105-16-C-1-D-1** of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **SEE ABOVE**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following: **No conditions**



Chairman, Zoning Board of Appeals

3/4/04
Date

RECORD OF VOTE

	Member Name	<u>Findings</u>		<u>Decisions and Conditions</u>	
		<u>AYE</u>	<u>NAY</u>	<u>AYE</u>	<u>NAY</u>
Chair	Scott Burg	X	—	X	—
Member	Robert Domras		Absent		
Member	Jerauld Holcombe	X	—	X	—
Member	James Pitt	X	—	X	—
Member	Richard Frey	X	—	X	—
Member	Norman Hann		Absent		

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

**Applicant: Patricia Meyers
9913 County Route 94
Hammondsport, NY 14840**

**Variance No: 2004-001
Zoning District:
Published Notice on: February 2, 2004
Notice to County Sent on: _____
Hearing Held on: February 18, 2004**

**Property Location: 10577 (402) East Lake Rd., Hammondsport, NY 14840
Requirement for which Variance is requested: Rear Yard Setback.
Applicable Section of Town Zoning Code: 105-16(C)-1-D-2**

Findings:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: Replacing the existing mobile home with a new 14' wide mobile home on existing footprint, does not impact the surroundings. It is a substantial improvement over the existing structure.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: Lot is narrow in depth. New structure to be placed on existing footprint.

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: Same set back as original structure.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: New structure will enhance the neighborhood. It is a substantial improvement over the existing structure.

5. Whether the alleged difficulty was self-created: Yes__ No **X**

Reasons: Lot does not allow any other positioning of the new structure.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.
- The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: Placement of new mobile home is on the existing footprint and improves the character of the neighborhood. Total square foot of the new mobile home is no greater than existing. The Zoning Board of Appeals feels that this structure should be "grand fathered".

DECISION

The ZBA further finds that a variance of 11 feet from Section 105-16(C)-1-D-2 of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **It is a substantial improvement.**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: **New structure shall not encroach any closer to the Lower East Lake Road than the existing structure.**

Adverse impact to be minimized:



Chairman, Zoning Board of Appeals

3/4/04
Date

		RECORD OF VOTE		Decisions and Conditions	
		Findings		Conditions	
	Member Name	AYE	NAY	AYE	NAY
Chair	Scott Burg	X	—	X	—
Member	Robert Domras		Absent		—
Member	James Pitt	X	—	X	—
Member	Richard Frey	X	—	X	—
Member	Norman Hann		Absent		—
Member	Jerauld Holcombe	X	—	X	—

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

Applicant: **Bob Wenderlich**
10001 Vixen Lane
Huntersville, NC 28078

Variance No: **2003-083**
Zoning District:
Published Notice on: **February 2, 2004**
Notice to County Sent on: _____
Hearing Held on: **February 18, 2004**

Property Location: **11091 East Lake Rd., Hammondsport, NY 14840**
Requirement for which Variance is requested: **Front Yard Setback.**
Applicable Section of Town Zoning Code: **105-16 C1 (A)**

Findings:

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes__ No **X**

Reasons: **Surrounding neighbors structures are pre-existing. Non-conforming new building will be in character with the surrounding neighborhood.**

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes__ No **X**

Reasons: **Excessive back slope would require substantial excessive excavation and a retaining wall to be constructed. This could impact the septic system.**

3. Whether the requested variance is substantial: Yes__ No **X**

Reasons: **Minimum required to accomplish new construction.**

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes__ No **X**

Reasons: **Construction of new structure will enhance the surrounding neighborhood.**

5. Whether the alleged difficulty was self-created: Yes__ No **X**

Reasons: **Very steep back slope would require excessive slope protection and excavation.**

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the Variance request is denied.
- The Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons: The construction of new building, will enhance the neighborhood and will be in character of existing structures. This variance is the minimum required to accomplish this.

DECISION

The ZBA further finds that a variance of **10 feet** from Section **105-16 C1 (A)** of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because: **SEE ABOVE**

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following: **No conditions**



Chairman, Zoning Board of Appeals

3/4/04

Date

		RECORD OF VOTE		Decisions and	
		<u>Findings</u>		<u>Conditions</u>	
	Member Name	AYE	NAY	AYE	NAY
Chair	Scott Burg	X	—	X	—
Member	Robert Domras		Absent		
Member	Jerauld Holcombe	X	—	X	—
Member	James Pitt	X	—	X	—
Member	Richard Frey	X	—	X	—
Member	Norman Hann		Absent		