

Approved

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

May 11, 2006

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, May 11<sup>th</sup>, 2006 at 7pm by Chairman Jim Jameson.

Roll Call:	Jim Jameson	Present
	Bob Worden	Present
	Ron Rubin	Present
	Glen Herbert	Present
	Bob Fox	Present

Others present included: William Crain, Joyce Pearson, John F. Phillips/CEO, Mike Folts/Town Bd., Jim Bird/ZBA Alternate, and interested citizens.

A motion was made by B.Worden and seconded by R.Rubin to approve the April zoning minutes as written. The motion was carried unanimously.

#### COMMUNICATIONS

Chairman J.Jameson stated that a letter had come to the Planning Board Chairman from Mr. John Mosser for Application #862 formally withdrawing his request for a Special Use permit to operate a Bed & Breakfast facility at 306R WLR, Penn Yan.

Chairman J.Jameson stated that they would just remove this application from the agenda, since no formal review by the Zoning Board had been started on this request.

#### NEW BUSINESS

Application #863 for William C.Crain owning property at 451 West Bluff Dr. to request an Area Variance to build an open sided beach shelter down by the lake with less front and rear yard setbacks than zoning requires.

Mr. Crain was present to answer questions for board members and stated that he lacked two feet from the rear property line and 4 ½ feet from the highwater mark. Mr. Crain stated that the structure would be located near two locust trees on the beach which provide a natural screen barrier from boaters on the lake.

The structure base would be 8 ft. x 10 ft. with a roof having a one foot overhang on each side. The height will be under 15 ft. as per submitted drawing. Mr. Crain stated that the sides would be left open except for possibly some type of screening that could be rolled down to cover the sides and then rolled back up when not in use.

Two letters from adjacent neighbors were received (copies on file with application) and they had no objections to this area variance request.

The are variance test questions were read with a majority answer of no to questions 1,2,3, & 4 and the majority answer of yes to question 5.

This application is a Seqr Type II action.

A motion was made by G.Herbert and seconded by B.Fox to grant this two part area variance request as applied for. The motion was carried with a poll of the board as follows: R.Rubin-grant, R.Worden-grant, J.Jameson-grant, B.Fox-grant, G.Herbert-grant.

In granting these area variances the board finds that the strict application of this chapter would deprive the applicant of reasonable use of the land and are the minimum variances that will accomplish this purpose. These variances will not be injurious to the neighborhood nor alter the essential character of this locality.

Application #864 for Joyce Pearson owning property at 383 West Bluff Dr. to request an area variance to build a deck to an existing structure with less side yard setback than zoning requires.

Mrs. Pearson was present to answer questions for board members. The existing deck is not real large and Mrs. Pearson stated that by adding on to it they would be able to have a place to have an outdoor grill without having to go down a set of stairs to ground location to barbecue, etc.

The existing house is 10.2 feet from the property line at the southeast corner but only 8.1 ft. from the side yard property line at the southwest corner. If the six foot wide deck extension were added, it would be only 2.1 ft. from the property line at the one end and 4.2 ft. at the southeast end.

Board members were concerned about the encroachment on the south side yard property line. There didn't appear to have been an area variance given for this house when it got built (approximately 1992) and while the southeast corner of the house is the only part that encroaches on the property line, it still does not meet the required setback. Mrs. Pearson stated that this is the way it was when they bought it. She stated that the neighbor to the south has their home on the lake side of the road and that next to them on the upper side of the road is a wooded area.

Board members asked if a small deck could go on the north side of the house, but Mrs. Pearson stated that the setup of the home wouldn't work out since at the present time, the kitchen opens out to the existing deck, and for barbecuing, a deck addition on this south side would really work out better.

The area variance test questions were read with a majority answer of yes to questions 1, 3, 4 & 5 and the majority answer of no to question 2.

The Zoning Office had not received any communications from any of the neighbors.

A motion was made J. Jameson and seconded by B. Worden to deny this application as requested because having the structure only two feet from the property line is excessive and not in the best interests of the Town. The motion was carried with a poll of the board as follows: G. Herbert-deny, B. Fox-deny, R. Rubin-grant, B. Worden-deny, J. Jameson-deny.

Mrs. Pearson asked board members if there were some other way she could approach this issue and it was suggested that she might check with the neighbor to the south to see if they could purchase a small portion of land to meet the setback requirements. The only caution was that if the owner to the south could maybe sell a little bit of land without making his property non-conforming.

There being no further new business, a motion was made by J. Jameson and seconded by B. Fox to adjourn the meeting. The motion was carried unanimously and the meeting was adjourned at 7:40 pm.

Respectfully submitted,

Elaine Nesbit/Secretary