

Approved

Town of Jerusalem  
Zoning Board of Appeals

December 11, 2014

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, December 11<sup>th</sup>, 2014 at 7 p.m. by Chairman, Glenn Herbert.

Roll Call:	Glenn Herbert	Present
	Jim Crevelling	Present
	Ed Seus	Present
	Dwight Simpson	Present
	Earl Makatura	Present
Alternate	Rodgers Williams	Present
Alternate	Joe Chiaverini	Present

Others present included: Cam Sutherland, Don Schnapp, and Shawn Blauvelt.

There were no Zoning Board meetings in October or November.

A motion was made by E. Seus and seconded by G. Herbert to approve the September 2014 Zoning Board minutes as written. The motion was carried 4-yes, 0-no with J. Crevelling abstaining because he was not present at the September meeting.

COMMUNICATIONS:

The Yates County Planning Board reviewed application #1038 for Area Variance and returned their decision recommending approval for this application.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #1038 for Serenity Sutherland as proposed buyer of property owned by David Blauvelt at 2231 West Lake Rd., Penn Yan, NY requesting an Area Variance to build a modular home with a full basement on a pre-existing, non-conforming lot located in the Lake-Residential (R1) zone.

Cam Sutherland, father of Serenity Sutherland, was present to answer questions for the board regarding the proposed home to be built.

Mr. Sutherland stated that all of the current buildings were going to be removed. The new home would be placed in such a way as to meet the lot coverage and setbacks, understanding that lot coverage includes, roof overhangs, and any stairs that are needed for access. He was also aware of the height restriction at this location.

It was noted that this property has the availability of public water and sewer hookup. When asked if he would be terracing into the bank, he stated that there would be a minimal amount into the bank. He stated that he was aware of the slope issues and would be applying for a Steep Slopes Permit.

The area variance test questions were reviewed with the following results:

1)Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby property owners will be created by the granting of the area variance: (4-no, 1-yes) G.Herbert-no, J.Crevelling-no, E.Makatura-no, E.Seus-yes, D.Simpson-no.

2)Whether the benefit to the applicant could be achieved by some other feasible method than an area variance: (3-yes, 2-no) G.Herbert-no, J.Crevelling-yes, E.Makatura-yes, E.Seus-yes, D.Simpson-no.

3)Whether the area variance is substantial: (2-yes, 3-no) G.Herbert-no, J.Crevelling-yes, E.Makatura-no, E.Seus-yes, the requested area variance is huge, D.Simpson-no.

4)Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district: (2-yes, 3-no) G.Herbert-no, J.Crevelling-no, E.Makatura-yes, because of the Steep Slope, E.Seus-yes, D.Simpson-no

5)Whether the alleged difficulty was self-created: (3-yes, 2-no) G.Herbert-no, J.Crevelling-yes, E.Makatura-yes, E.Seus-yes, D.Simpson-no.

A question had been raised about whether or not this lot could be built on, by a neighbor. It was noted that no one can answer this question with-out first reviewing the zoning code and how it applies to this zone. The second step is to apply for a building permit and have it either accepted or denied by the Code Enforcement Officer, as was done in the case of Application #1038, and the denial of the building permit starts the Area Variance process to be scheduled to go before the Zoning Board of Appeals to appeal the decision of the Code Enforcement Officer on his denial of the building permit request. The appeal is then heard by the Zoning Board and a decision is made upon hearing and reviewing all of the facts involved.

Chairman G.Herbert cited from the Zoning Code and Article VI, Section 160-30, A (1) (a) a local law No. 2-1993 (added 3-10-1993) amending and clarifying Pre-existing lot, allows for a person or persons owning a lot of less than 20,000 sq. ft. to apply for a permit to add or to construct a new structure if the total proposed dwelling and structures do not cover over 20% of the lot, can meet all the setbacks mandated and meet all the wastewater regulations.

Board members were in unanimous agreement that this is a SEQR Type II Action.

This lot per the survey map submitted is a .136 acre lot or 5, 923 sq. ft. and per zoning minus the road right of way leaves 4,478 sq. ft. lot to build on. The allowed 20% lot coverage is 895.6 sq. ft.

A motion was made by G.Herbert and seconded by J.Crevelling to approve this application as applied for with the condition that the new home with its roof overhangs and any stairs as needed would all stay within the 20% allowed lot coverage for this lot and would meet all of the required setbacks and height restrictions for this R1 zoned lot.

The motion was carried with a poll of the board as follows: D.Simpson-grant, E.Makatura-grant, E.Seusdeny, J.Crevelling-grant, G.Herbert-grant.

In granting this variance, the board finds that the strict application of this chapter would deprive the applicant of reasonable use of the land and is the minimum variance that will accomplish this purpose. This variance will not be injurious to the neighborhood nor alter the essential character of this locality.

**OTHER BUSINESS:**

G. Herbert was nominated to continue as Chairman of the Zoning Board for the year 2015 and Jim Crevelling was nominated to continue as Vice-Chairman of the Zoning Board for the year 2015. A motion was made and seconded to accept these nominations with a unanimous vote of approval from all members and alternates (7-yes, 0-no).

Board members were given an application for review for the January 8<sup>th</sup>, 2015 Zoning Board meeting.

There being no further business for discussion, a motion was made by E.Makatura seconded by D.Simpson to adjourn the meeting. Motion carried. Meeting adjourned 8:20 p.m.

Respectfully submitted,  
Elaine Nesbit/Secretary