

Approved

Town of Jerusalem
Zoning Board of Appeals

September 12, 2013

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, September 12th, 2013 at 7 pm by Chairman Glenn Herbert.

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

Others present included: Lawrence Peckham, Dan Catone, Mike Folts/Town Bd., and John F. Phillips/CEO.

A motion was made by J.Crevelling seconded by G.Herbert to approve the August Zoning Board minutes as written. The motion was carried unanimously. Minutes were approved.

COMMUNICATIONS:

The only communication was a telephone call earlier in the day from an adjacent neighbor to 801 Old Pines Trail giving verbal approval that they had no problem with Application #1021 Area Variance request.

AREA VARIANCE /SPECIAL USE:

Application #1021 for Mr. & Mrs. Lawrence Peckham owning property at 801 Old Pines Trail, Penn Yan, NY requesting an Area Variance to add square footage to an existing deck coming no closer to the side yard lot line than the existing deck and structure already does.

Mr. Lawrence Peckham and his contractor Dan Catone were present to answer questions for board members regarding this application.

There was a question about whether this house and existing deck were pre-existing prior to the adoption of zoning. It was noted that in researching the Town records that it appears that both the house and the existing deck were built prior to the adoption of the zoning ordinance in 1974.

This would account for the closeness of the structure to the north property line due to the fact that this property is part of the old Indian Pines Subdivision tract. A lot of the original homes were built close to the north side yard property line.

Mr. Peckham stated that he had done some measuring from the structure to the side yard property line and had found at least three different measurements due to the fact that there had been at least 2 additions that had been added to the home. The roof lines were different and thus the measurements were different. It was noted that the roof overhang measurement was at least 1 ft. This would make the requested setback for the new deck addition to be 6.4 ft. from the side yard property line rather than the 7.4 ft. since the measurement is taken from the closest point of the structure.

One of the board members pointed out that no pre-existing, non-conforming use shall be enlarged, extended or increased unless such enlargement would tend to reduce the degree of non-conformance.

In this particular case, there is no issue with lot coverage, the proposed deck addition will not exceed the allowable lot coverage for this R3 zone. The closeness to the side yard lot line will be maintained but will not further reduce the closeness to the side yard lot line.

Squaring up the deck would allow Mr. Peckham to have a roof put over the deck and provide some shade during the summer months. He himself has had some health issues which require him to not have much direct sun exposure. He does not want to have the deck enclosed.

The area variance test questions were reviewed as follows:

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: (5-no, 0-yes).
2. Whether the benefit to the applicant can be achieved by some other feasible method than an area variance: (1-no, 4-yes) G.Herbert-yes, E.Seus-yes, E.Makatura-yes, J.Crevelling-yes, D.Simpson-no.
3. Whether the area variance is substantial: (5-no, 0-yes).
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.(5-no, 0-yes).
5. Whether the alleged difficulty is self-created: (0-no, 5-yes).

A motion was made by G.Herbert and seconded by D.Simpson to grant the Area Variance to allow the addition to the existing deck, with the condition that the addition with roof cover to come no closer to the side yard lot line than 6.4 ft. which is in line with the existing structure and will be in line with the existing house roof line.

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

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

In granting this area 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

There was no other business for discussion. A motion was made by E. Seus seconded by G. Herbert to adjourn the meeting. Motion was carried unanimously. Meeting was adjourned at 7:20 pm.

Respectfully submitted,
Elaine Nesbit/Secretary