

Village of Hammondsport
Zoning Board of Appeals
Sept. 18, 2013

The Village of Hammondsport Zoning Board of Appeals held a Public Hearing on Wed. Sept. 18, 2013 at 7:00 p.m., 18 Water Street, Hammondsport, NY.

PRESENT Robert Matthewson, Chairman
 Board Members: Tim Atwood
 Bob Deseyn
 Linda Carl
 Bea Keck

PUBLIC PRESENT: Joseph Stremel, Odette Stremel, Ian Wydra and Lela Martuscello

Chairman Matthewson opened the Public Hearing at 7:00 and declared a quorum.

Chairman Matthewson stated that the Public Hearing in front of the ZBA is Area Variance Application 2013-32 Edith Pavlovich, represented by Joseph and Odette Stremel, 42 Lake St. Applicant is seeking to add a front porch with a 12' set back and a back deck.

The file has the following: Application completed, SEQR, Notice of Publication, Neighbor Letter and Discussion: Area Variance Application 2013-32 was reviewed and each answer to the application questions was discussed.

Linda Carl asked if the proposed porch will be out further than the neighbors, Bob Hunn's and it is not. A side variance would be needed and Ian Wydra is seeking a 7 1/2' relief from the side. Robert Mathewson wanted to know if the house and porch equaled 30% of the lot coverage and Ian Wydra said it only equals 26%.

The second Area Variance is for 6' setback for deck in the rear yard. Two levels of deck with a top deck that will completely cover the bottom deck and the footers will stay on the property line and will not change the grade of the ground.

Linda Carl wanted it documented why they were given 12'. It is because the lot tapers and the placement of the house.

Public comment from neighbor Bob Hunn is that he is excited and all for it.

Environmental Assessment Short Form was reviewed for application 2013-32
SEQR Findings: This project was classified as an Unlisted Action with no negative environmental impact.
Bob Deseyn made motion to accept SEQR Findings and Linda Carl second.

ROLL CALL VOTE: Matthewson-Aye
 Deseyn-Aye
 Atwood-Aye
 Carl-Aye
 Keck-Aye

Motion Carried

Note: the M239 from Steuben County Planning Dept. was received on Sept. 19 and the County Review stated it has not revealed any significant inter-community or county-wide considerations.

Public Hearing closed at 7:40 and the Board opened their regular meeting.

Discussion: Area Variance Application 2013-32 was reviewed and each answer to the application questions was discussed.

- A. An overview of the project : Build covered front porch with stairs on road side. Build two levels of deck on back of home, following angle of home with stairs and landings from top deck to driveway side.
- B. The net impact of this transition would be property improvement in value and appearance and have a more functional use of area.
- C. No undesirable change for the community will come about from this transition. Proposed conforms to character of neighborhood. No adverse affect will result. Proposed is similar to existing porch of immediate neighbor.
- D. Due to the size of the lot and proximity of setbacks to the home, the project could not be done without a Variance.
- E. The Area Variance is not substantial due to proposed following character of neighborhood . A request for any addition to property would not be able to follow existing code law.
- F. No adverse effect will be created by this project.
- G. Hardship is self created. Front porch dimensions and layout are needed for a potential wheelchair lift. Proposed back decks will make better use of outdoor space for both levels of home.

As a result of the above discussion, the Zoning Board of Appeals has concluded with the following Findings:

1. The construction of a covered front porch and a two level deck on the back side of the home will not result in an undesirable change to the character of the neighborhood or detriment to nearby properties. The decks and porch will improve the overall property and make a more functional use of the area as well as conform to the character of the neighborhood; the neighboring front porch is similar to the proposed porch.

2. The benefit sought by the property owner cannot be achieved by any other method due to the placement of the house on the property and proximity to neighboring property to the west. The house is set at an angle on the property close to the property line.
3. The Area Variances requested are substantial. Code requires a front yard and rear yard setback of 25 feet and a side yard setback of 12.5 feet. The relief granted is 12 feet of relief front yard, 6 feet of relief back yard and 12 feet relief side yard. The variance is substantial because of the uniqueness of the building placement on the lot. The building including decks and porch does not cover more than 30% of lot.
4. The proposed variance will not have any adverse effect or impact on the physical or environmental condition of the neighborhood. The decks and porch will improve the property and the septic and driveway will remain in place.
5. The alleged difficulty was self created. The size of the variance requested is needed for front porch dimensions and layout needed for a potential wheel chair lift and back deck layout will make better use of outdoor space for property owners.

Based on the answers to the application questions, Motion was made by Bob Deseyn to accept the Findings, seconded by Bob Matthewson.

ROLL CALL VOTE: Matthewson-Aye
Deseyn- Aye
Atwood-Aye
Carl-Aye
Keck-Aye

Motion Carried

Decision:

Robert Matthewson made a motion seconded by Bob Deseyn to approve, based on the aforementioned Findings, the Area Variance 2013-32 submitted by Edith Pavlovich to have a front porch put on with 12' set back and a back deck with a 6' set back.

ROLL CALL VOTE: Matthewson-Aye
Deseyn-Aye
Atwood-Aye
Carl-Aye
Keck-Aye

Motion Carried

Motion was made by Bob Deseyn to close the meeting and seconded by Tim Atwood. Meeting was adjourned at 8:40 p.m.

Respectfully submitted,
Kelly Harris

