

Village of Hammondsport
Zoning Board of Appeals
April 18,2012

The Village of Hammondsport Zoning Board of Appeals held a Public Hearing on Wed.18, 2012 at 7:00 p.m., 18 Water Street, Hammondsport, NY.

PRESENT Robert Matthewson, Chairman
 Board Members: Tim Atwood
 Bob Deseyn
 Linda Carl
 Pat French

PUBLIC PRESENT: Ann Green and Laura Hepburn

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 2012-7 submitted by Laura Hepburn for property 12 Orchard St. The applicant is seeking an Area Variance to put in an efficiency apartment for one person in her house.
The file has the following: Application completed, SEQR, Notice of Publication, Neighbor Letter and Discussion: Area Variance Application 2012-7 was reviewed and each answer to the application questions was discussed.

The board discussed square footage needed by law for efficiency apartment, parking situation and any neighbor complaints. Parking is available out behind the house and would not be an issue for on street parking and there was only one neighbor who was not for the Area Variance. Laura Hepburn's house is the only one on the street that is not a multifamily home.

Environmental Assessment Short Form was reviewed for application 2012-7.
SEQR Findings: This project was classified as an Unlisted Action with no negative environmental impact.
Bob Desyn made motion to accept SEQR Findings and Tim Atwood second.

ROLL CALL VOTE: Matthewson-Aye
 Deseyn-Aye
 Atwood-Aye
 Carl-Nay
 French-Aye

Motion Carried

The Board reviewed the M239 which was received from Steuben County Planning Department stating that the County Planning Department has reviewed the application and has not revealed any significant Inter-community or county-wide considerations.

Public Hearing closed at 7:45 and the Board opened their regular meeting.

Discussion: Area Variance Application 2012-7 was reviewed and each answer to the application questions was discussed.

- A. An overview of the project : install a three room, single person efficiency apartment within the existing structure of the house. It would involve transforming the existing laundry room into a bathroom, installing a small kitchenette in the great room and sealing off the door between the great room and the remainder of the house. No changes to utilities, the apartment will be on the same as the entire house. There is ample additional parking on the lot.
- B. The net impact of this transition would be to have a structure which now houses only two people, whereas historically it has always housed at least three. There will be no external change to the house. The presence of an additional adult to help with outdoor maintenance will be a positive factor for the neighborhood.
- C. No undesirable change for the community will come about from this transition. When considering the adjacent properties to 12 Orchard Street, it should be noted that these consist of four structures holding two to four dwelling units. Further, when considering the ratio of lot square footage associated with each unit, 12 Orchard would have the greatest square footage per dwelling unit.
- D. The benefit sought could not be attained by any other method. The house is too much for a single person to heat. If heat is turned off in the unused portions of the house, it will cause pipes to freeze, paint to peel, etc. An additional resident is needed to help with the physical maintenance of the property and help defray utility costs. The only alternative would be to sell the property and move.
- E. The Code requires that she have 10,000 sq.feet for two units. An agreement at the County between herself and the neighbors on the south side boundary of her property which gives the owner of 12 Orchard permanent right of use of a piece of their property which adjoins 12 Orchard's. This piece of property is approximately $120' \times 5' = 600$ square feet. Without including this piece of land, She is only 675 sq.feet shy of the 10,000. If it is included, she would be only about 75 sq.feet shy. If the project is completed, she would have the greatest amount of lot per unit among the adjoining multi-unit properties, demonstrates that she will have substantially met the intent of the code, if her project is permitted.
- F. No adverse effect will be created by this project. Parking space is ample, no change in the building shape or size will be made and the number of residents in this structure will be less than it has ever been historically.
- G. Not permitting this project would create a hardship. Upon considering the pre-existing status of this property, it is noted that it is one of the largest lots on the block, and very close to the required size. The house is clearly large enough for more than one unit within the footprint of the current one inhabitant home. She feels therefore that without this variance it would create a hardship because without the variance she cannot enjoy a reasonable use of her home.

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

1. The installation of a small efficiency apartment will not result in an undesirable change to the character of the neighborhood or detriment to nearby properties. There will be no change to the existing footprint of current structure. Parking is available on the current lot.
2. The benefit sought by maintaining the home cannot be achieved by any other method. Without the variance, the property owner states that she cannot enjoy a reasonable use of her home.
3. The Area Variance requested is substantial. Code requires 10,000 square feet of property for two units. An agreement filed with neighbors on south boundary gives rights to 650 additional square feet. The variance of 75 additional square feet required is minimal.
4. The proposed variance will not have any adverse effect or impact on the physical or environmental condition of the neighborhood. Parking is available. Adjacent properties hold two to four dwelling units. The footprint of existing structure remain the same.
5. The alleged hardship has not been self-created.

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

ROLL CALL VOTE: Matthewson-Aye
Desyn- Aye
Atwood-Aye
Carl-Nay
French-Aye

Motion Carried

Decision:

Bob Desyn made a motion seconded by Tim Atwood to approve, based on the aforementioned Findings, the Area Variance 2012-7 submitted by Laura Hepburn for property 12 Orchard St. install a small one person efficiency apartment.

ROLL CALL VOTE: Matthewson-Aye
Desyn-Aye
Atwood-Aye
Carl-Nay
French-Aye

Motion Carried

There was a discussion by the Board for Application 2011-39 Maggie Kostka for property 56 Main St. regarding a new sign. The Board reviewed the letter sent by Bob Magee stating the "copy change" sign is in violation and the decision will have to be based on the actual conforming sign dimensions. The Board has concern about putting a Variance on a Variance and it was going to be researched if there already was one. The Board would like Bob Magee to see if there has already been a Variance for the sign in the records. Also at the last meeting, the applicant was to be looking into the State for safety of the size of the proposed sign and check with Main St. Grant if the location is in the Historic District and needed to be included as part of the Main St. Grant. It was proposed that a letter be written to Maggie

Kostka regarding it was the Boards understanding that she was to talk to the State and Main St. Grant and was to be getting back to us in a month. It has been one month since the last meeting and the Board has not heard anything and if we don't hear back by June 01, the application will be denied.

Linda Carl made a motion seconded by Bob Desyn to adjourn the meeting at 8:20

Respectfully Submitted, Kelly Harris, Clerk