

Village of Hammondsport
Zoning Board of Appeals
July 18,2012

The Village of Hammondsport Zoning Board of Appeals held a Public Hearing on Wed. July 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: Peter Weis, George Powell and John Jensen

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 2012-22 submitted by Peter Weis, 12 Myrtle Ave. The applicant is seeking an Area Variance to rent the existing "mother-in-law" apartment.

The file has the following: Application completed, SEQR, Notice of Publication, Neighbor Letter and Discussion: Area Variance Application 2012-22 was reviewed and each answer to the application questions was discussed.

The board had Peter explain his application. Peter wants to utilize the Mother-In-Law apartment in the house, which was there when he purchased it and was told by Pam Knapp and Bob Magee it was a two family dwelling. After he rented space, he was told he had to have it zoned for two families and Peter did not realize it. Peter wants to have financial help by renting the apartment. Peter was denied in 2010 for zoning. Peter's lawyer said he could have a roommate and after he had a few different roommates, Peter received complaints from a neighbor. Peter did not have to do anything structurally to the house for the apartment, it was already in the house when it was purchased. The house is in an area that is zoned for two family dwellings. Parking is available on both sides of the house and would not be an issue. Randy Hoad is cutting in a curb for the second driveway. There is parking for 4 cars.

Linda Carl mentioned that the last time he applied for zoning, 13 people petitioned against. Peter replied that since then he has talked to neighbors and no one has petitioned against this time and he has letters from 3 houses that are for him to utilize the apartment. Linda Carl thought she read he was adding a privacy fence but Peter responded no, not at this time. Bob Matthewson said he has to own the land for the amount of square footage needed and he is short. Peter responded that Laura Hepburn was approved and she also was short and she is making changes to her house. Bob Desyn wanted to make sure Peter was going to put the additional driveway in and go through Zoning for it. Bob Desyn also asked if Peter talked to the Kings about a privacy fence and Peter did not because he said it was more of a Zoning issue than a privacy issue.

Public Comment- John Jensen, obviously lots in the village was put in 100 years before code and this is why we have variances. John Jensen hopes the board will look at the intent and be in support as he is.

George Powell never had any complaints as a neighbor and said others were approved in the area for the same thing and he in support for Peter Weis.

Environmental Assessment Short Form was reviewed for application 2012-22.

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-Aye
French-Aye

Motion Carried

The Board did not receive an M239 back from Steuben County Planning Department at the time of the meeting .

Note: the M239 from Steuben County Planning Dept. was received on July 20 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 2012-22 was reviewed and each answer to the application questions was discussed.

- A. An overview of the project : To be able to use the "Mother-In-Law" apartment that was existing in the house when purchased for financial help.
- B. The net impact of this transition would be closing one door with drywall and adding a second driveway. No change to the exterior of the house. Additional adults would help with outdoor maintenance and be a positive factor for the neighborhood.
- C. No undesirable change for the community will come about from this transition. As stated in part B, the presence of additional adults would help with outdoor maintenance and would be a positive factor for the neighborhood.
- D. The benefit sought could not be attained by any other method. Neighbors on the South and East cannot sell Peter any land. The project cannot be modified in a way to avoid the need for relief.
- E. The Code requires that he have 10,000 sq.feet for two units. There has been a filed boundary line agreement between Maryann Geiz and Mary T. Bagley that gives Peter permanent use of approximately and additional 130 square feet. Without including this additional piece of land, he is about 460 square feet shy. The latter would mean that he is within inches of meeting the 10,000 square feet. Peter feels that this is in keeping with the spirit and intent of the law in this part of the village.

- 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. All he is asking is to give him the ability to use the home in the way it was purchased and the only way he can afford it. Without this variance he cannot enjoy a reasonable use of his home. This hardship was in no way self-created.

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

1. The use of the in-law suite 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 or exterior of the house. There is a Bed & Breakfast behind the property, a business with an apartment on Myrtle Ave. and a multi unit dwelling on the adjoining street.
2. The benefit sought by property owner cannot be achieved by any other method. Without the variance, the property owner states that he cannot enjoy a reasonable use of his home. The In-law suite is already in existence with a separate entrance.
3. The Area Variance requested is substantial. Code requires 10,000 square feet of property for two units. The applicant is 417 square feet shy of the required 10,000. There is a boundary line agreement between the property owners on the south side granting use of 130 square feet. The variance of 287 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. A second driveway is being added on the south side of the property. Other properties on Myrtle Ave as well as Orchard Street have multi- dwellings units. The 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-Aye
French-Aye

Motion Carried

Decision:

Robert Matthewson made a motion seconded by Tim Atwood to approve, based on the aforementioned Findings, the Area Variance 2012-22 submitted by Peter Weis for property 12 Myrtle Ave. to use the dwelling as a two family unit.

ROLL CALL VOTE: Matthewson-Nay

Desyn-Aye

Atwood-Aye

Carl-Aye

French-Aye

Motion Carried

Motion was made by Linda Carl to close the meeting and seconded by Bob Desyn. Meeting was adjourned at 8:00 p.m.

Respectfully submitted,
Kelly Harris