

ZONING BOARD OF APPEALS MEETING

October 18, 2018

6:00PM

The meeting was called to order by Acting Chairwoman Kathy Taylor at 6:00PM. Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

Kathy Taylor, Acting Chairwoman

Phil DelloStritto

Neal VanLiew

Ernesto Rivera, Alternate

Bill Gabak, absent

Fritz Allen, absent

Also in attendance: Don Bowen, Zoning Officer

Robert Colbert, Jr.

Chairwoman Taylor made a motion to approve the minutes of September 20, 2018 as presented by ZBA Clerk, Cindy Schiminske. Approved AYES 4-0.

The purpose of this meeting was to hear the following request:

Robert S. Colbert, Jr., 1823 Fleming Scipio Town Line Road, Tax Map #142.00-1-20, is requesting a front yard variance for a storage building. Reference the Town of Fleming Zoning Code 7-16 A(2)a.

There was discussion about why the zoning code does not allow structures in front of a house in the front yard.

Mr. Colbert submitted his responses to the five criteria for an area variance, which is attached and made a part of these Minutes.

Chairwoman Taylor reviewed the five criteria for granting the area variance with the Board Members.

Chairwoman Taylor made a motion to vote on the front yard variance, seconded by Phil DelloStritto.

Roll call vote was taken by the Board.

Phil DelloStritto	YES
Neal VanLiew	YES
Ernie Rivera	YES
Acting Chairwoman Taylor	YES

MOTION APPROVED

The structure size will be in the range of 1,500 sq ft.

Acting Chairwoman Taylor made a motion to adjourn the meeting, seconded by Neal VanLiew. All in favor. Time was 6:13 PM.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals

Response to Area Variance Criteria from Robert and Lorie Colbert

- 1) An undesirable change will not be produced in the character of the neighborhood, nor will a detriment to nearby properties be created because we already have a building in that area. A neighbor to the east has a building in his front yard. It will be no more of a change or detriment to the neighborhood than a building built in my neighbor's back yard. My proposed building would be even further back than that.
- 2) This benefit sought is specific to the location and cannot be achieved any other way because of the location of the driveway and the field. The building would be for snow removal and driveway maintenance equipment. Proximity to the driveway is key. In addition, the building would also be used to store farm and gardening equipment and animals and livestock. Equipment will be of no use if it is located behind the house because it is just too wet and it would be away from the drive way and the garden and the animals.
- 3) The variance is not substantial because it won't impact our neighbors any more than having a building in their own back yards.
- 4) The variance will not have an adverse impact on the physical or environmental conditions in the neighborhood because the area is over 600 feet from the road. It is an agricultural district and we hope the proposed building will have an agricultural appearance.
- 5) The alleged difficulty is not self created. The house and driveway have been here for over 80 years. Since before purchasing the property we thought the proposed area would be the perfect site for a building to house the equipment necessary to maintain the property and house our animals.