

Approved

TOWN OF JERUSALEM  
ZONING BOARD OF APPEALS

November 16, 2011

The regular monthly meeting of the Town of Jerusalem Zoning Board of Appeals was called to order on Thursday, November 10<sup>th</sup>, 2011 at 7 pm by Chairman Glenn Herbert.

Roll Call:	Glenn Herbert	Present
	Jim Crevelling	Present
	Mike Steppe	Present
	Ed Seus	Present
	Dwight Simpson	Present

Others present included: Mr. & Mrs. Stephen Chan, Max Parson/Town Bd, Mrs. Van Dyke, and Mr. Van Dyke.

A motion was made by J.Crevelling and seconded by E.Seus to approve the October Zoning Board minutes as written. The motion was carried unanimously (5-yes, 0-no).

COMMUNICATIONS: There were no communications.

AREA VARIANCE/SPECIAL USE REVIEW:

Application #991 for Stephan & Betty Chan owning property at 4881 East Bluff Dr. Penn Yan requesting an Area Variance to build a garage on the west side of East Bluff Dr. with less front and rear setback than zoning requires. Lot coverage with existing home is currently very close to 20%. Proposed garage will exceed lot coverage by approximately 11%. Proposed garage size is 20 ft. wide by 35 ft. long by 15 ft. high. This property is located in the R1 zone.

Mr. & Mrs. Chan were present to answer questions for the Zoning Board with regards to their proposed building plans.

It was noted, by Chairman Glenn Herbert, that with the house that Mr. & Mrs. Chan currently have on their property, the allowed 20% lot coverage is almost entirely used up. The allowed 20% lot coverage is 1214 sq. ft. and the house covers approximately 1206 sq. ft. which leaves 8 sq.ft. of allowed coverage. Chairman G. Herbert stated that if Mr. Chan built the garage size as proposed the lot coverage would be 31%.

Board member E.Seus asked Mr. Chan if when he built his new home, if he realized that by replacing the pre-existing home with a larger home that he had used up almost all of the allowed lot coverage.

Mr. Chan stated that while there had been considerable conversation with the Code Enforcement Officer about what he could build, he couldn't remember the whole conversation, but it had probably been discussed.

When asked if there were any decks or stairs or anything else that would count towards lot coverage on this portion of the lot on the east side of the road, Mr. Chan stated that there was not. It was only the house itself that is counting towards the lot coverage.

Mr. Chan explained that the lot across the road from his house is just vacant land and is not very useful for anything else other than a garage. He stated that in the winter time with the snow they have a very tough getting up and down the slope from their house. He stated that this is the reason that he would like to build a garage in order to have a place to keep their cars inside and then it would be easier to come out onto East Bluff Dr. from here.

Chairman G. Herbert stated that even though this lot is across the road from the house, it is still part of the same property and the useable sq. footage is all figured in together minus the road right-of-way. Lot coverage percentage is calculated based on this same useable square footage minus the road-right-of-way.

There were concerns from Mr. Van Dyke of exactly where the garage was going to be built and if it would effect the view from their house which is located on the lot to the north of where the garage would be built on the west side of East Bluff Dr.

Mr. Chan had provided pictures which showed the location for the proposed garage and he noted the area where his cars are currently parked and the trees which are currently there that are taller than what the proposed garage will be.

The area variance test questions were reviewed as follows:

- 1) Could granting of the Area Variance change the character of the neighborhood? (5=yes, 0=no).
- 2) Area there alternatives that would not require an area variance? (0=yes, 5=no).
- 3) Is the request substantial? (5yes, 0-no).
- 4) Would the granting of this variance have potential adverse impacts on physical or environmental conditions in the neighborhood? (5=yes, 0=no).
- 5) Is the alleged difficulty self-created? (5=yes, 0=no).

There was more discussion about the location and placement of the garage and with the placement of the garage and size still being considered by the board members as being too much lot coverage. Board members were willing to consider a much lower lot coverage of possibly 25% and then discuss where would be the least offensive placement of the garage with respect to the neighbors.

It was again, noted by Mr. & Mrs. Chan that the neighbor's trees are already much taller than the proposed garage and would hide the garage somewhat if the garage is placed towards the back of the lot.

There was discussion of tabling any decision on this application until a determination could be made as to how it would actually impact the neighbors' view from either side of the lot if a smaller garage were to be built.

Mr. & Mrs. Chan stated that they would not be available for a future meeting until in the Spring.

Board members were in agreement that this is a SEQR Type II action.

A motion was made by E.Seus seconded by J.Crevelling to deny this application as applied for. The motion was carried unanimously as follows: D.Simpson-deny, M.Steppe-deny, G.Herbert-deny, J.Crevelling-deny, E.Seus-deny.

There was more discussion by board members and Mr. Chan as to what size building he might be allowed to build and what setback variances he would be allowed to have.

Mr. Chan then asked the board to give his request further consideration for some size building that would be useable on this lot.

Upon further discussion and some recalculation of what garage size could be built and still stay at 25% lot coverage, it was determined that the garage could be no larger than 312 sq. ft. and this would include the roof overhangs.

The side yard setbacks would still need to be met. The board then discussed the location of the garage on the lot and what the minimum front and rear yard area variances would be allowed.

It was noted that the farther back on the lot that the garage could be built, the less obtrusive it would be to the neighbor's view.

A motion was made by G.Herbert seconded by M.Steppe to grant an area variance for an amended application proposal to allow for no greater than 25% lot coverage which would allow for a garage approximately 312 sq. ft. including roof overhang. Side yard lot lines are to be maintained at 10 ft as required.

A front yard area variance of 10 ft. or a setback of no closer than 55 ft. as measured to the center of East Bluff Dr. to the closest point of the garage and a rear area variance of 20 ft. or a rear yard setback of 10 ft. as measured to the closest point of the garage. The garage is to be at road grade level. Based on this size garage, this would probably lower the height of the garage by changing the roof to a 4/12 pitch and thus help by causing little or no obstruction to the neighbor's view. These front and rear yard area variances will allow the applicant to have an opportunity to find the best placement for the garage where it will cause the least obstruction to the neighbors' view.

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

The board was in agreement that this is a SEQR Type II Action.

OTHER BUSINESS:

A letter of resignation to take effect December 31<sup>st</sup> was read by board member M.Steppe.

Board members congratulated Mike on his election to the Town Board. Chairman G.Herbert acknowledged Mike's dedication and service during his time spent on the Zoning Board of Appeals.

There being no other new business a motion was made by G.Herbert seconded by D.Simpson to adjourn the meeting. The motion was carried unanimously (5-yes, 0-no).

The meeting was adjourned at 8:20 pm.

Respectfully submitted,  
Elaine Nesbit/Secretary