

**Village of Cape Vincent
Zoning Board of Appeals**

June 21, 2016

The Village of Cape Vincent Zoning Board of Appeals held a meeting on June 21, 2016, at the Village Offices on E. Joseph Street. The Chair called the meeting to order at 7:30 p.m. and opened with the Pledge of Allegiance.

Board Members Present: Michele Carlton
George Mingle
Doug Putnam

Other: Perry Golden, ZEO

Visitors: Ten

Approval of Minutes: Board members reviewed the minutes of the November 13, 2014, meeting and approved them as written on a motion by Mr. Mingle and seconded by Ms. Carlton; both voting aye. Mr. Putnam abstained as he was not a ZBA member in November 2014.

New Business:

Patrick Lawrence – Public Hearing - Application for an Area Variance – The Chair opened the public hearing on the application for an area variance submitted by Patrick Lawrence at 7:33 p.m. Mr. Lawrence requested a 3 ½' side setback to install an 8' x 14' storage shed in front of the house and a 4' x 42' walkway that would connect to a 12' x 28' deck on the backside of the home at 1087 East Joseph Street, Tax Map #39.82-1-32.2. (Notice of the public hearing was sent to neighboring property owners and the public hearing notice was published in the *Watertown Daily Times* and posted in the Village Offices.) The Chair opened the floor for comments from the public:

- *Christine Stone, Slye Law Firm*, representing Karen and Richard Tetzlaff, neighboring property owners, reviewed the five criteria to be considered when an area variance is requested and gave examples of the criteria as to why the variance should not be granted. She submitted photos taken by Mr. Tetzlaff of the area between the Tetzlaff home and the Lawrence home where the proposed walkway and deck would be located. The Tetzlaffs in a letter submitted to the ZBA and through their attorney oppose the variance request as they stated it would negatively impact neighboring property values, block the view of the river for some, and the size of the variance is unreasonable. (In their letter, they stated that the village side setback is 15'. The village side setback is 8').
- *Patrick Lawrence, applicant*, - stated that the shed would not block anyone's view and the deck would be located in the back of the home so that he also could have a view of the river.
- *George Sperry, neighbor*, - shared that he had no objection to the deck but the shed in the front yard would block his view of his neighbor's house and it would be out of character with the other homes in the area. Mr. and Mrs. Sperry also submitted a letter to the ZBA opposing the variance because the shed and deck would partially block their view and would have a negative effect on the neighborhood
- *Jeffrey Herpel, Village resident*, - shared that a view of the river was not a guarantee for any property owner who did not own property right on the river front and not blocking a

view of the river is an impractical condition to place on an applicant when they are trying to improve their property.

- *Christine Stone*, expressed concern about the aesthetics of the applicant's projects.

The Chair thanked the public for their comments and the hearing was closed. The board then reviewed and discussed the concerns contained in three letters received from neighboring property owners: Richard and Karen Tetzlaff, George and Victoria Sperry, and Thomas Sanders. All three property owners opposed granting the area variance. The board discussed, and with the ZEO's confirmation that the applicant's proposed project could be split into two separate projects, split the shed and the walkway/deck projects into separate requests. The Chair asked for the board's input on each project as she read each of the criteria when considering an area variance:

- a. an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties;
- b. the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;
- c. the requested variance is substantial;
- d. the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood, and
- e. the alleged difficulty was self-created.

They also reviewed and discussed with the applicant the drawing he submitted and reviewed other options for the shed and deck placement. After the board's discussion and review of the five criteria ended, the Chair made a motion to grant the variance on the deck and walkway. Mingle seconded. Carlton and Mingle voted yes to grant the variance; Putnam voted no (2-1). The area variance (3 ½' side setback) for the deck and walkway was granted. The Chair then made a motion to grant the variance on the shed. Mingle seconded the motion. All three members, Carlton, Mingle, and Putnam voted no to grant the variance (3-0). The variance for the shed was denied.

Board members were given another application for a variance. An individual has a non-conforming lot and wants to build a deck off the back of the house. A public hearing was tentatively scheduled for July 19, 2016, at 7:30 p.m.

Adjournment:

With no further business, the Chair asked for a motion to adjourn the meeting at 8:30 p.m. Mr. Putnam made the motion, seconded by Ms. Carlton and carried; all voting aye.

Respectfully submitted,

Kathleen M. Pierce
ZBA Secretary