

VILLAGE OF SODUS POINT ZONING BOARD OF APPEALS  
March 21, 2017

PRESENT	ABSENT	GUESTS
Larry LaForce	Tom Johns	William and Karen Kedley
Sue Bassage	Vic Hill	Robert Mills
Lynn Carlyle		CEO Kevin Druschel
Laurie Hayden		

Laurie Hayden called the meeting to order at 7:00 P.M. In Tom John's absence Laurie Hayden acted as chairperson. In the absence of Vic Hill, Ad Hoc Lynn Carlyle was appointed to the board as a voting member.

Secretary Maxine Appleby reported in accordance with section § 190-67 a notice was published in the Sun and Record on March 15, 2017. Although not required, notices were sent to neighbors.

Appleby asked for the minutes of the November 29, 2016 meeting to be re-opened for two corrections. (1) guests included William and Karen Kedley, and (2) The Mills application was tabled, not withdrawn. Larry LaForce made a motion to reopen, amend and approve the minutes of November 29, 2016, seconded by Lynn Carlyle, all aye.

The board then reopened the application for a variance for Bob Mills at 7061 Bayview Drive to subdivide a large misshaped parcel into two nonconforming lots. Laurie reminded the board the public comment period was closed and asked the board to continue discussion:

Laurie Hayden asked the letter from the Kedley's dated March 4, 2017 be entered into the record.

Laurie Hayden first asked for clarification on the lot size.

100'x120' 12,000 sq. ft. Overlook Drive

75' x 130' 9,750 sq. ft. Bay View Drive

Laurie also wanted to clarify the Planning Board minutes of April 2, 2012, stating the Planning Board did not deny the subdivision application as stated in the Kedley letter but instead tabled the application until Mr. Mills came back with a different plan, suggesting two or three lots.

Laurie also wanted to answer the Kedley's question on page 2; does the board have the legal authority to make a decision? Her interpretation is that since this is not an appeal to a past board and is a new application, the Zoning Board can rule on the matter. CEO Druschel confirmed it is legal, stating he had asked the village attorney.

Lynn Carlyle asked for an opinion on whether a smaller lot would diminish the property values in the area. Mr. Mills asked the board to look at the map showing diverse areas from as small as 60' frontages to 150'. It was also his opinion that a lot with a home had much more value than a vacant lot. He also referred to the tax roles that showed assessments anywhere from \$49K, to \$160K, stating the lots are in a very complex neighborhood.

Sue Bassage asked again what Mr. Mills plans for the lots at present. Mills stated the plans are to build a home and sell the other lot but noted at present, even within the density, he could build a home and a pole barn for a total of about 7,000 sq. ft. without any variances. CEO Druschel said if the lots were divided, the smaller lot can support a home 2,400 sq. feet and the larger lot 3,500 sq. ft. Both homes would be larger than others in the area.

Laurie Hayden noted the Kedley's lot is the only area that takes up two lots within the neighborhood. The lots all vary in size, many with less sq. footage than the proposed subdivision. Laurie agreed it is a very complex neighborhood, and it should be considered when making a decision.

Lynn Carlyle asked about a hardship. CEO Druschel stated this was an area variance and asked the board to refer to § 190-68 (2) a [5] *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance.*

Sue Bassage referred the board to § 190-68 [1] *whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance* . The SEQR item 6 was referenced. It asked the question if the proposed action is consistent with the character of the neighborhood, noting the answer was YES. Laurie Hayden felt even if there was only one house built, it could still sit next to Kedley with 25' setback between them and asked how is this detracting from the character of the neighborhood?

Mr. Kedley asked the board to look at § 190-15. Section B and C.

Compliance with minimum average density; yard restrictions.

[b]

*A residential lot of required or larger than required size as set forth in this chapter shall not be reduced in size for transfer of ownership if such lot as subdivided will form two or more lots, any of which shall not be in compliance with the requirements for the minimum average residential density for the district in which lot or lots are situated.*

[c] *Any lot held in single and separate ownership prior to the adoption of this chapter and whose area and/or width and/or depth are of less than the specified minimum lot requirements of this chapter for the district in which such lot is located may be considered as complying with such minimum lot requirements and no variance shall be required, provided that:*

After some discussion, the board's opinion was that Mr. Mill's original purchase was one large lot; therefore, the sections did not apply.

Reciting section § 190-68 (2) C. Criteria for granting variances, Sue Bassage asked the board again, [1] when looking at the entire neighborhood as a whole, is there an undesirable change? The board answered no; [2] *and* can the benefit be achieved by some method, feasible for the applicant to pursue, other than an area variance, the board answered Mr. Mills could still build on the single lot; *and* [3] whether the area variance request was substantial, the board did not feel it was, noting three smaller lots within close proximity; *and* [4] even though it is a self-created hardship, it does not necessary preclude the granting of a variance citing section to §190-68 (2) a[5].

CEO Druschel recommended a condition of a minimum 12.5' side yard setback. The board agreed.

Sue Bassage made a motion to approve the application with conditions, seconded by Larry LaForce, all aye. Approved.

The minutes of the January 24, 2017 Village of Sodus Point Zoning Board of Appeals meeting were read. Laurie Hayden made a motion to approve, seconded by Lynn Carlyle, all aye.

Being no further business, the meeting was adjourned at 8:00 P.M.

Village of Sodus Point Zoning Board of Appeals