

Present at Meeting:

Cheryl Erickson, Chair
James Dewar, Vice Chair
Ross Schoembs
Troy Scripture
Brian Logan
Neil Brandmeir, Alternate #2

Also Present: Town Attorney Brian Reichenbach, Zoning Administrator Scott Olson, Linda Marcella, representing Yvonne Butler.

Pledge

Review of Minutes: Jim Dewar made a motion to accept the December 15, 2020 minutes as written. Second by Ross Schoembs. **ALL AYES.**

NEW BUSINESS:

File # 2021 AV
Tax Map # 72.13-2-9.3
Yvonne Butler
28 Butler Loop
Brant Lake, NY 12815

Requesting an Area Variance from **Section 6.10** for a Roadway/front yard setback for South West and North West corners to sit at 26' from the Roadway (front yard 6") where 60' is required and 14' 6" from the side yard setback where 15' is required.

Zoning Administrator Scott Olson spoke to the Board members to give them a history of this property and why they are proposing this variance. This property was created back when the Brant Lake Heights original Subdivision was created. Yvonne and Jim Butler got a ZCC in 1998 and a Building Permit. We have a ZCC issued in 1998 that has no drawings, maps or anything associated with it. Over the next 20 years they kept renewing the Building Permit and the building was never completed or inspected by Warren County. During that time, it was discovered that the building was not built on their property. It was built over the property line. In 2006 Brant Lake Heights Subdivision and Wes Butler got together did a series of lot line adjustments throughout the property. They moved some of the roads, abandoned some of the roads and gave some of that property to some of the owners. And they recreated a whole bunch of little lot lines. That solved the problem for Jim and Yvonne being on someone else's property. Jim and Yvonne were not part of that process and after the Planning Board approved the lot line adjustments, they wanted it reversed. The Town would not reverse the decision of lot line adjustments. Yvonne and Jim and Wes Butler worked something out where easements were granted. They never finished by coming back to the ZBA for the granting of the variances by the ZBA for the setbacks. Because the lot lines were so many, it was an oversight by the Planning Board at that time. It went unsolved until this day. Jim Butler has since passed away and Yvonne wants to sell the property and we are trying to get this building into compliance and able to be sold. It has other problems one of which is the septic system. This is just the first step in the process getting into compliance. The septic needs to be addressed and the building itself needs to meet proper building codes from Warren County. It was never issued a CO and cannot be issued a CO until it is in compliance with the County. This is just a quick version of the 30-year history of the problems with this property.

Vice-Chair Jim Dewar asked where the 26' and the 14.5' are from the house.

Zoning Administrator Scott Olson responded that the roadway that goes across the front of the house was once part of Brant Lake Heights subdivision and with all the lot line adjustments that road was abandoned and is now part of Wes Butler's property. Our regulations state a roadway is a roadway no matter what kind of road it is. I based my decision on what the front of the house is and what the side of the house is based on the abandoned road.

Chair Cheryl Erickson asked Scott to show the Board members on the map which is the front of the structure and which is the side of the structure and where Wes Butler's property is located.

Zoning Administrator Scott Olson showed the Board members the orientation of the property lines and roadway for the front and side of the structure. There are easements to Yvonne Butler's property.

There was a discussion regarding emergency vehicles accessing the property. Brian Logan explained the layout and how emergency vehicles are accessing the area. He lives in that subdivision.

Chair Cheryl Erickson stated these variance requests are just to keep the existing house in the location that it currently is located.

Scott Olson responded yes. There is no request for expansion at all.

Chair Cheryl Erickson pointed out that the requested roadway setback variance from the center line of the road to the structure is 34' not 33'. The Board members changed the requested variance request from 33' to 34' with agreement from the representative for Yvonne Butler, Linda Marcella.

Zoning Administrator Scott Olson answered all the Board members questions about access via the right of way to the property from the subdivision road and showed the Board members the location of the garage doors on the structure.

Chair Cheryl Erickson stated that one of the pages in the application is not completed and asked the applicant's representative would complete the missing information.

Linda Marcella responded yes, she will complete the missing information and return it prior to the next meeting.

Chair Cheryl Erickson asked if we are going to do the front setback from the center of the roadway or to the front lot line.

Zoning Administrator stated we can do both if the Board wishes. From the center line of the right of way and from the front of the property.

Ross Schoembs asked about the covered storage and whether it is open sided or not.

Zoning Administrator Scott Olson stated it is open on three sides and has a dirt floor. It would be able to be set back more if needed by the new buyer.

Chair Cheryl Erickson stated that we will need the Area Variance Detail page as well as the signature page completed for the next meeting.

Linda Marcella agreed and will complete the missing information before the next ZBA meeting.

Town Attorney Brian Reichenbach told the Board members that a variance can be given from the center line of the road and in the approval, you can use the front lot line can be the reference for the setback.

Chair Cheryl Erickson stated that if the variance is approved the request can be given for the structure to sit 6' from the front lot line and a 26' from the center of the road.

Chair Cheryl Erickson told Linda Marcella that she has to complete the area variance page and signature page to be signed before the next meeting.

Linda Marcella agreed to complete the paperwork.

Being no further questions or comments Vice-Chair Jim Dewar made a motion to deem the application complete and that the correct the setbacks as stated will be changed and applicant to complete the requested pages prior to the next meeting and set a Public Hearing for April 27, 2021 (provided paperwork returned to Zoning Office before that date). Second by Troy Scripture. **ALL AYES.**

Reminders: None

Correspondence: None

Public Comments: None

Board Comments: None

Being no further comments Vice-Chair Jim Dewar made a motion to adjourn the meeting. Second by Troy Scripture. **ALL AYES.**

Adjourn: 7:40 PM

Next meeting date: April 27, 2021

Respectfully Submitted,
Terri Katsch, Secretary