

Zoning Board of Appeals Regular Meeting
Wednesday March 27, 2024
Village Hall 26 Fennell Street 7:00 PM

Agenda

7:00 pm Public Hearing in the matter of the application of **Nichols Family Trust** to modify the area variances granted by the Zoning Board of Appeals on November 29, 2023 as necessary to vary the strict application of Section 225-A5 Density Control Schedule for Side yard setback, right; Both side yards combined; Minimum open area; and Section 225-69(D) Non-conforming Buildings, Structures and Uses, Extension or Expansion; to replace a proposed Bilco entrance door on south side, with to-be-constructed steps and stairwell on west side at the property addressed as **5 Elson Lane** in the Village of Skaneateles.

7:02 pm Public Hearing in the matter of the application of **Michael & Carol Parker** to vary the strict application of Section 225-A5 Density Control Schedule for Minimum open area; to construct a 3 foot high retaining wall and to construct a 6 foot high privacy fence around the rear yard at the property addressed as **11 Lakeview Circle** in the Village of Skaneateles.

7:05 pm Public Hearing in the matter of the Area Variance application made by **Jeffrey King** to vary the strict application of Section 225-A5 Density Control Schedule for Front yard setback; Side yard setback, right; Both side yards combined; and Minimum open area; and Section 225-69D Non-conforming Buildings, Structures and Uses, Extension or Expansion; to expand and replace an existing deck at rear of house at the property addressed as **44 East Lake Street** in the Village of Skaneateles.

7:07 pm Such other business as may be before the Board.

7:10 pm Executive Session for attorney – client discussion.

Note: The next regularly scheduled meeting of the Zoning Board of Appeals is January 24, 2024 at 7:00 pm.

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CRITERIA FOR VARIANCES

Specific findings. No variance in the strict application of any provision of this chapter shall be granted by the Zoning Board of Appeals unless it shall find the evidence required under the following Subsection **B(4)** and **(5)**.

B(4) Use variances.

(a) The Zoning Board of Appeals, on appeal from the decision or determination of the Code Enforcement Officer, shall have the power to grant use variances, authorizing a use of the land which otherwise would not be allowed or would be prohibited by the terms of this chapter.

(b) No such use variance shall be granted by the Zoning Board of Appeals without a showing by the applicant and a finding by the Zoning Board of Appeals that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under this chapter for the particular district where the property is located:

[1] The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

[2] The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;

[3] The requested use variance, if granted, will not alter the essential character of the neighborhood; and

[4] The alleged hardship has not been self-created.

(c) The Zoning Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

B(5) Area variances.

(a) The Zoning Board of Appeals shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer, to grant area variances from the area or dimensional requirements of this chapter.

(b) In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider and determine:

[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;

[2] Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

[3] Whether the requested area variance is substantial;

[4] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

[5] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals but shall not necessarily preclude the granting of the area variance.

(c) The Zoning Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.