

ZONING BOARD OF APPEALS MEETING, AUGUST 12th, 2014

Minutes of the Zoning Board of Appeals Meeting held by the LaFayette Zoning Board of Appeals on August 12th, 2014 in the Meeting Room of the LaFayette Commons Office Building at 2577 US Route 11 in the Town of LaFayette at 7:00 p.m.

Present: Christine Keenan, Member & Acting Chair
Karl Fields, Member
Jerry Marzo, Member

Absent: Stephen Beggs, Chairman
James Nash, Member

Recording Secretary: Jacqueline Roorda

Others Present: Wendy Reese, Attorney
Ralph Lamson, Bldg. & Code Enforcement Officer
Jon Morris, Applicant

At 7:00 Acting Chair Chris Keenan called the meeting to order, welcomed everyone and requested attendees introduce themselves. Keenan asked if there were any additions or corrections to the Zoning Board of Appeals July 8th, 2014 meeting minutes. There were none.

Member Marzo moved and Field seconded motion to accept the Minutes of the July 8th, 2014 Zoning Board of Appeals meeting Minutes. Motion carried.

Chairperson Keenan asked the Applicant, John Morris to state his request to the Zoning Board of Appeals. Mr. Morris advised that he wishes to expand his home and add an In-law apartment for his mother-in-law to enable her to live close by his family. He is requesting the approval of the designed addition as submitted. This requires an area variance as the porch encroaches 5 feet +/- on the 25' setback line. The addition will be connected by a walk-through bridge above the driveway. Jon advised that he has approached all of the neighbors within 300 feet of his property and they have looked at his design and signed their names in approval of this addition.

Keenan explained the difference between a use variance and an area variance. Ralph Lamson confirmed that the in-law apartment would require use variance as it does not conform with the requirements for a family accessory unit. Keenan advised Mr. Morris that the plans would be required to meet the four criteria for a Use Variance. Attorney Wendy Reese explained to allow a use not otherwise

allowed in zoning, an applicant must demonstrate the criteria established by New York Law and must show all four criteria. Keenan then reviewed the four criteria: 1) cannot realize a reasonable return – substantial as shown by competent financial evidence; 2) alleged hardship is unique and does not apply to substantial portion of district or neighborhood; 3) requested variance will not alter essential character of the neighborhood; 4) alleged hardship has not been self-created. Mr. Morris acknowledged that he could not show all four of those criteria.

Mr. Morris replied that he thought the Zoning Board of Appeals had authority to approve different situations, especially since this will be an improvement to his property and all of his neighbors have signed off that they agree with his design of this In-law apartment in their neighborhood. Chair Keenan advised that it doesn't work that way, she advised that the ZBA wishes they could help with his application however there are ordinances they have to abide by.

The following questions, answers and discussion took place;

Q: Mr. Morris asked, should I approach the Town Board?

A: No, Town and NYS have already detrained the variance and use Ordinance.

Q: If it's attached by a tunnel, would that be okay?

A: To qualify, the addition would have to be 10' wide by 30' and connected with some form of natural light?

Q: Aren't there other properties in LaFayette with two separated houses?

A: If there are, they must have been built before 1970 and were grandfathered in.

Code Enforcement Ralph Lamson suggested the applicant return to the designer of the original plans and have the plans adjusted to meet the criteria for a family use variance. Mr. Morris was amenable to making changes to the plans to fit within the Code requirements. He inquired what approvals would then be required as he wanted to start building as soon as possible.

Attorney Wendy Reese recommended that since time is of the essence and they would like to complete this project before winter, Mr. Morris amend the original variance application to delete his request for a use variance and to add a request for a specific permit for the new in-law apartment as is required under the Code and schedule the September 9th Zoning Board of Appeals meeting for a sketch plan conference along with a Public Hearing. Mr. Morris agreed, the application was amended and the September Zoning Board of Appeals meeting will include the Sketch Plan Conference and a Public Hearing.

Keenan asked if anyone had any more questions or comments. None were voiced.

Jon Morris a thanked the Members of the Zoning Board of Appeals, and everyone else involved.

Member Marzo moved and Field seconded the motion to adjourn the Meeting of the Zoning Board of Appeals. Motion carried.

Chairman Keenan adjourned the Meeting of the LaFayette Zoning Board of Appeals at 7:45 p.m.

Respectfully Submitted,

Jacqueline G. Roorda
Zoning Board of Appeals Secretary