

Minutes of the Town of LaFayette Zoning Board of Appeals Meeting held in the Community Room of the LaFayette Commons Office Building at 2577 Route 11 in the Town of LaFayette on September 9, 2003, at 7:30 p.m.

Present: Stephen Beggs, Chairman  
Robert Dumm, Member  
Daniel Kuhn, Member  
Jerry Doolittle, Member

Absent: Albert Miller, Member

Recording Secretary: Mary Jo Kelly

Others Present: John Langey, ZBA Attorney  
Arden Zipp, Applicant

Chairman Beggs called the Meeting to order at 7:37 p.m.

Everyone introduced themselves.

Chairman Beggs asked if there were any corrections or additions to the August 12, 2003, Minutes. There were none.

**Member's Doolittle moved and Drumm seconded the motion to accept the August 12, 2003, Zoning Board of Appeals Meeting Minutes as submitted by the Secretary. Motion passed unanimously.**

**CASE # 560 – Sketch Plan Conference for appeal of Kathryn Vernay for a side-yard variance of property located at 2971 Apulia Road on the west side of Apulia Road approximately 1,200 feet south of the Apulia Road and Bush Road intersection in an Agricultural/Residential District.**

Kathy Vernay's son was present to represent her. He will be the one to build the deck.

Chairman Beggs asked him to explain what he intends to do and to answer any questions the Board might have. The Board needs to be sure they have the information they need to make a determination.

Arden Zipp said the guy who built the house didn't finish building it so there's a second story door that comes out from the kitchen which needs a deck for insurance purposes. Anything he would build on that side of the house needs a variance because the house is only 27' from the neighboring property line.

Chairman Beggs noted it's on the northeast side of the house. He asked if the deck would come from the front of the house to the back.

Arden Zipp said yes.

Chairman Beggs said it would start at the east corner of the house.

Arden Zipp would like to bring the deck out 8'.

Chairman Beggs said he is actually looking for a 6' variance as this would bring it out to approximately 19' from the side property line.

Member Drumm asked if the stairs would go down the outside of the deck.  
Arden Zipp said there weren't going to be any stairs.  
Chairman Beggs noted the deck would only be accessed through the inside of the house.  
Member Doolittle asked if there was a way to move the door to the back of the house.  
Member Drumm asked if the deck would be over the driveway.  
Arden Zipp said no.  
Chairman Beggs said the deck runs along the side of the house closest to the Doupe property and then across the back.  
Member Doolittle asked if the house is a modular home.  
Arden Zipp said he would doubt it.  
Chairman Beggs said he is trying to look out for the applicant's best interest. What's the practical difficulty limiting the applicant from moving the door and putting the deck off the back of the house? If there is a window there, the applicant could put a sliding glass door in for access outside onto the deck. This Board has to have hardship by practical difficulties of why something cannot be done within the limits of zoning.  
Arden Zipp said he was also looking into seeing if there was another place to store a car.  
Member Kuhn asked if there was a garage currently at the house.  
Arden Zipp said yes.  
Member Kuhn said the applicant would probably save some money if he moved the door from the side of the house to the back of the house as he wouldn't need a covered structure then.  
Arden Zipp said he wanted to have the covered structure. He could put a dormer on it.  
Member Drumm said to remember if there is an overhang, it must be considered into the variance. The overhang is considered part of the building.  
Chairman Beggs said if the applicant went off the back of the house, he wouldn't need any relief from this Board. The applicant could move right along with the deck.  
Chairman Drum asked if there is a house in line with the applicant's on the Doupe property.  
Arden Zipp said the setback is about the same. He believes their house is about 50' from his property line.  
Chairman Beggs asked what if the neighbor wanted to do something? Would it make it difficult for the neighbor to do something if this relief is granted?  
Member Drumm asked if the applicant had spoken to the neighbors.  
Arden Zipp said he spoke to the mother.  
Member Drumm asked if she owns the property.  
Arden Zipp didn't know.  
Member Doolittle noted the tax map states Billy Doupe owns the property.  
Arden Zipp said the shed is located off the variance.  
Chairman Beggs said the shed is existing. This Board has no way of knowing how long it's been there. The zoning has been in existence since 1970.  
John Langey said he believes the Board has used the primary building to establish the line.

Member Drumm asked how about the building next door?

John Langey believes each parcel is determined by it's own merits.

Chairman Beggs thinks this Board would want a floorplan of the house explaining why the deck can't be put on the back of the house and conform to zoning as opposed to going off the side and requesting a variance. He would like doors and windows noted on the plan. He's not saying it's not possible to get a variance but recommends the applicant look at the option of putting the deck off the back. He could go out further than 8' off the back of the house and remain in compliance. The Board lacks a practical difficulty as to why zoning can't be complied with.

Member Doolittle said he would also think about the fact that if the deck is only 8' wide, the posts would make it difficult to park a car under it.

Chairman Beggs asked the applicant if he had any questions for the Board.

Arden Zipp said not really.

**Chairman Beggs would move if the applicant elected to go with the deck off the back, there have been no legal fees incurred and he would recommend the Town Board to refund the variance application fee. Member Drumm seconded the motion. Motion passed unanimously.**

Chairman Beggs said if the applicant decides to go ahead with the application, a floorplan of the house showing practical difficulties will be required. He thinks the applicant might be happier with the deck off the back so he isn't so fenced in.

Arden Zipp said the only reason he did it this way was because of the morning sun.

Chairman Beggs said the sun rises in the east and sets in the west. If the roof slopes, the peak of the house would help.

Arden Zipp thinks it might be a better idea to put it off the back of the house.

Chairman Beggs said this Board isn't trying to fight him but rather to review the application and determine why he can't meet the parameters of zoning. If these parameters exist, this Board can act on them.

Arden Zipp said it makes more sense to withdraw the application and build onto the back of the deck.

Chairman Beggs said not to let this Board force him into anything. He recommended the applicant go home and think about it and let Mary Jo know what he decides.

Member Doolittle said it is to the applicants advantage to be able to move right ahead with this.

Arden Zipp believes it's easier to do it the way the Board suggested. There is a better view off the back of the house.

Chairman Beggs said he received a form that he must get back to Mary Jo regarding the 2004 budget. He asked if the Board had anything they think should be put into the budget for next year.

No one could think of anything.

**Member's Drumm moved and Kuhn seconded the motion to adjourn. Motion passed unanimously.**

The Zoning Board of Appeals Meeting adjourned at 8:26 p.m.

Respectfully submitted,

Mary Jo Kelly  
Secretary