

2577 US Route 11  
P.O. Box 193  
LaFayette, NY 13084



## Zoning Board of Appeals Meeting

Date: June 20, 2023

Time: 7:00 pm

Location: Town Hall

---

**Meeting called by:** LaFayette Zoning Board of Appeals

**Chair:** Christine Keenan

**Secretary:** Sue Marzo

**Attendees:** **Zoning Board members:** Christine Keenan, Anita Miner, Gregg Shinneman

Jeff Brown, Town Counsel, Ralph Lamson, Codes Officer, Jackie Roorda, Town Clerk, Michael Owen, applicant

### *Minutes*

---

#### **Case # 1-2023-ZBA      Sketch Hearing**

Sketch Hearing for the application by Michael Owen & Deborah Bradshaw of 4170 Route 91, Jamesville, NY for an Area Variance to allow for an unattached family dwelling. Seeking to convert an existing office space & milk house into an in-law apartment. Property is zoned Agriculture-Residential (Tax Map # 001.-06-16.0)

The meeting commenced at 7:25 pm. Chairman Keenan began the meeting with the Pledge of Allegiance followed by introductions. The applicant has future plans to live in this proposed structure after selling the main living quarters to his daughter. They will eventually move into the milk house when they age out of the main house. The applicant owns 20+ acres with no plans for subdivision.

Chairwoman Keenan asked Attorney Brown about the application. Attorney Brown stated that he understands the struggle of aging and making preparations, but he needs to research if this will be an area variance or a use variance. Code Officer Lamson believes it to be an area variance. He explained area variances deal with distance issues. Attorney Brown stated that

he understands the argument, but we do not allow two separate family dwellings on one parcel. Code Officer Lamson compared it to a previous application for a beauty parlor approved in a resident's garage. Chairwoman Keenan asked Attorney Brown if we would allow two dwellings on the same lot. Attorney Brown stated that our code does not allow two single family dwellings on one lot. He advised that we could set the Public Hearing while he makes a determination of what type of variance applies. He needs to interpret the law.

Chairwoman Keenan asked for questions from the Board. The applicant was asked about septic and well. Code Officer Lamson stated that this structure is already set up as an office. Has been that way for 50 years. It already has separate septic and well. It is an accessory building on the property.

Attorney Brown stated the bottom line is we need to determine what type of variance applies. Chairwoman Keenan advised the applicant that if the project requires a use variance, it would be difficult to approve. She read off the criteria to the applicant. All four requirements need to be met for approval.

- The applicant cannot realize a reasonable return.
- The alleged hardship is unique.
- If granted, the variance will alter the essential character of the neighborhood.
- The alleged hardship was not self-created.

Chairwoman Keenan advised that this is a sketch plan tonight then we proceed for a public hearing and neighbors are notified and invited to attend. She read off the criteria for an area variance.

- Can the benefit be achieved by other means?
- Will there be an undesirable change in the neighborhood character or nearby properties?
- Is the request substantial?
- Will it have an adverse physical or environmental effect?
- Is the alleged difficulty self-created?

A motion was made by Anita Miner, second by Greg Shinneman for a Public Hearing on July 18 starting at 7:00 pm. All Board members present were in favor.

Attorney Brown stated that our code does not contemplate in-law apartments. A further option for the applicant, if deemed a use variance, would be to change the code by approaching the Town Board.

Chairwoman Keenan congratulated Town Clerk, Jackie Roorda on her upcoming retirement.

Motion was made to approve the minutes of March 21, 2023, by Anita Miner, second by Greg Shinneman. All Board members present were in favor.

Motion was made to adjourn by Greg Shinneman, second by Anita Miner. All Board members present were in favor.

Meeting adjourned at 7:34 pm.

Respectfully Submitted,

Sue Marzo  
Zoning Board Secretary

