

ZONING BOARD

MAY 24, 2021

MEMBERS PRESENT: Steve Mac Evoy - Chairman
Margaret Zaepfel - absent
Cliff Johnston
Cheryl Confer
Secretary: Cynthia Boyler
Attorney: David Haylett
Zoning Officer: Michael Hartman

The meeting was called to order at 7:00 pm, by Chairman, Steve MacEvoy.

Secretary Boyler read published notice of Public Hearing # 1

OWNER/ APPLICANT: Michael S. Smith

PROPERTY LOCATION: 3094 Johnson Creek Rd. Tax Map # 70.00-2-18

APPLICATION: For a Variance of the provisions of the Code of the Town of Hartland to allow for the construction of a 20'X30' addition to the front of the house, leaving 30' of front yard space, where the Zoning Code requires a minimum of 60' of front yard space in said zone. All interested parties will be heard by the Town of Hartland Zoning Board of Appeals at said Public Hearing.

APPLICANT PRESENTATION:

Michael Smith presented his plans to the board. He stated that he moved into Hartland in 2009, loves the area but needs to expand his residence. He is requesting to build forward as there is no other option, as the septic system is on the side of his home. The request is for a variance to build forward falling short of the 60' requirement for the right of way.

PUBLIC PARTICIPATION:

James Szczesny, 3084 Johnson Creek Road, stated that he is a neighbor to Mr. Smith, and he has no objections to the request for the variance.

With no other questions or comments to be heard, Chairman MacEvoy closed Public Hearing # 1 and opened Public Hearing # 2 at 7:15 pm.

Clerk Boyler read published notice of Public Hearing # 2

OWNER/ APPLICANT : William Benke & Mary Anne Grudzinski

PROPERTY LOCATION: 7610 Ridge Rd. Tax Map # 64.00-4-71

APPLICATION: For a variance of the Town Code to allow for a parcel to maintain 70' of road frontage in the R-1 One-Family Residential Zone, where the Zoning Code requires a minimum of 150' of road frontage in said zone.

APPLICANT PRESENTATION:

Ms. Grudzinski explained that her and Mr. Benke wish to downsize, with COVID it has been hard to find help for the restaurant. They would like to sell the farmhouse and then turn the restaurant into a home. They will still have 22+ acres to the property.

Chairman MacEvoy stated that his concern is that the code reads 150' frontage, so that houses are not too close together. If this variance is approved, it will set a precedent for others to split their properties.

With no other questions or comments to be heard, Chairman MacEvoy closed Public Hearing #2 and opened the Regular ZBA meeting at 7:42 pm.

Motion by Cheryl Confer, seconded by Cliff Johnston to approve the minutes from the April 28, 2021 meeting. CARRIED

ACTION

Public Hearing # 1 – Michael Smith

Attorney David Haylett recused himself from the discussion as his law firm represents Mr. Smith.

Chairman MacEvoy cited the following criteria as it pertains to this variance request:

The variance is for an Area 2 Variance, no SEQR is required.

*The variance will not have an adverse physical or environmental effect.

The variance will not have an undesirable change in the character of the neighborhood.

The request cannot be achieved by any other method of construction.

The request is substantial, not substantial to be denied.

It was determined that the request for this variance is not self-imposed.

Neighbor has no objections to the variance.

MOTION

Motion by Cliff Johnston, seconded by Cheryl Confer to grant the variance for an addition on the front of the house, 20X 30, closer to the right of way than 60 ft. The variance meets the requirements as set forth in the criteria and there are no objections from the neighbors.

Ayes- 3, Nays- 0 Granted

ACTION

Public Hearing #2 – William Benke & Mary Anne Grudzinski

The variance is for an Area 2 Variance, no SEQR is required.

*The variance will not have an adverse physical or environmental effect.

The variance will not cause an undesirable change in the neighborhood, it will not be detrimental to nearby properties.

The benefit cannot be achieved by other methods. There is a monetary gain by selling the property.

The request is substantial, there will be 70' instead of required 150'.

The request is self- created, this is where the difficulty in making a decision is. CEO Hartman stated that the code does not allow for more than one residence on a property. Chairman MacEvoy stated that he is concerned that this will set a precedence for others to section off their properties for financial gain. Attorney Haylett suggested that this is not a blanket approval for all other requests, each situation is unique, it is not setting a precedent.

CEO Hartman said that the code states 40,000 sq. feet is required, this property would have the house and 20+ acres. The structure is pre-existing, it can be improved and is appropriate for a residence. Those facts would be a major reason to allow the variance of 70'.

MOTION

Motion by Cheryl Confer, seconded by Cliff Johnston to grant the area variance to allow for a parcel to maintain 70' of road frontage in the R-1 One-Family Residential Zone with the following considerations.

Variance granted which allows for 70' frontage, instead of the required 150' because the property is pre-existing and has 24 acres involved with the building.

The variance will not be an undesirable change in the neighborhood or a detriment, since there are no objecting neighbors present at the meeting, it is an indication that this is not going to cause objections.

It is determined that there is not another method to achieve the desired split of the property.


It is determined that this is not a unique situation along Ridge Road.

The difficulty is self-created, the applicants desire to sub divide the existing property, it is determined that there is not reason enough to deny the variance.

This is an existing building on the property that has been approved for a residence, which is the major factor in approving the variance.

Ayes: 3 Nays: 0 Granted

With no further discussion or business to come before the board, a motion by Steve MacEvoy, seconded by Cheryl Confer to adjourn at 8:15 pm.



Respectfully submitted.

Cynthia Boyler, Zoning Secretary

