

February 16, 2022

Zoning Board of Appeals

Proceedings by Authority

State of New York,
City of Jamestown, ss:
Via Zoom

The special meeting of the Zoning Board of Appeals of the City of Jamestown, New York, was held on Wednesday, February 16, 2022 at 5:00 p.m.

Members Present: Ellen Ditonto, Michael Panebianco, Maria Jones, Steven Sandberg, Robert Kenyon, Stephanie Camay

Members Absent:

Others Present: Larry Scalise, Benjamin Haskin

Chairwoman Ditonto called the meeting to order.

Chairwoman Ditonto: I'm going to call the Zoning Board of Appeals Special Meeting for Wednesday, February 16 to order. We have six members of the zoning board present today. It takes four members to vote either in favor of a petition or opposing it. We have one item on the agenda today. It is a tabled petition request. At this point we would have to have someone make a motion to bring it off the table.

Moved by Mr. Panebianco, seconded by Mrs. Jones

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Camay	X		
Jones	X		
Kenyon	X		
Panebianco	X		
Sandberg	X		
Ditonto	X		

Chairwoman Ditonto: It is unanimous to have the item removed from the table. Jennifer, I will ask you to read the petition again, please.

Notice is hereby given that the Zoning Board of Appeals of the City of Jamestown, New York, will hold a Special Public Hearing on **Wednesday, February 16, 2022 at 5:00 p.m.** via Zoom, to consider the following:

1. The petition of Lisa M. Volpe, 418 Hazzard Street, Jamestown, NY for an area variance to construct a 23'x31' addition on parcel 404.07-8-42 located at 167 Brad Street in an R-1 Zone.

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300-0305 (C): Setbacks: The minimum front yard setback in an R-1 Single-Family Zone, the required front yard setback is 25', proposed is 10' and 15'.

Please note that this petition was tabled at the February 2, 2022 regular meeting of the Zoning Board of Appeals.

Notice is further given that persons in interest will be given an opportunity to be heard for or against the granting of the foregoing petition by the Zoning Board of Appeals by submitting their comments in writing via U.S. mail to the City Clerk's Office, 200 East Third Street, Jamestown, NY 14701 or via email at clerk@jamestownny.gov. Those comments will be read into the record and transcribed. The meeting will be livestreamed at www.jamestownny.gov/live.

Jennifer R. Williams
Secretary
Zoning Board of Appeals

Chairwoman Ditonto: Thank you. At this point in the meeting, we will allow the petitioner to present additional information that was sent to us in advance. If you would just like to review that with us Ms. Volpe, that would be very helpful.

Ms. Volpe: Ok. Basically, what is there is a new estimate from my contractor showing that he felt that the added expense of putting the addition on the front would be between \$34,000 and \$38,000. He estimated the whole addition to cost \$118,400. Then I included some pictures in there of the interior and where the rooms are in the house to just show why we decided it was best to put it off to the side because we could go through that existing bedroom and it wouldn't affect any of the windows in the house. I also included a picture showing where the addition would come to on the side lot, with the line up there shows how far it will come to the street. I also included a picture of what I feel the house, the addition is going to look like from both the front and the side. That was basically all my new information.

Chairwoman Ditonto: Okay, anything to add to that?

Ms. Volpe: No, not really.

Chairwoman Ditonto: Okay, at this time its an opportunity for the board members to ask questions of the petitioner based on the information for the area variance. Are there questions from members of the board?

Mr. Sandberg: I don't have a question. I just want to thank Ms. Volpe for providing the extra information.

Ms. Volpe: Sure, thank you.

Chairwoman Ditonto: Are there other questions or comments on the information? Ms. Volpe, I had a question related to the assessed value. I know during our first meeting you said that number one, you haven't been able to rent it or opted not to rent it during the COVID period

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because of difficulties and that you hadn't been able to sell it. I was just wondering if you could tell me what the current assessed value is because it looks like you're going to put in about \$120,000 with an addition. Is that correct?

Ms. Volpe: Yes. The assessment currently is \$44,000.

Chairwoman Ditonto: Ok. And I think, I'm not putting words in your mouth, but you said you couldn't sell it as it currently sat because again, it's a very small house with just a single bedroom. Is that correct?

Ms. Volpe: Correct.

Chairwoman Ditonto: Okay. Any other clarifying questions or comments from members of the board?

Mr. Panebianco: The only comment I would make in support of the variance is to first reorient ourselves; this is an area variance which requires a balancing test. We're supposed to balance the benefit realized by the applicant against the potential deficit to the health, safety, general welfare of that neighborhood and that community, so this is much different than a use variance in which all elements have to be met for it to be granted. When you go through the elements; one, will there be an undesirable change to the character of the neighborhood and to other nearby properties as a result of this? I think certainly not. As the house is currently conceived, the garage is right up against the property line that Ms. Volpe's addition is going to be fifteen and thirteen feet back from. Its not really creating an undesirable change. The structure is not getting closer to the property line. As it sits, its uninhabited and given all the money that is going to be put in. Given that neighborhood, it's a nice neighborhood. I think it will benefit the neighborhood. Whether it could be attained by some other method when feasible. I don't think that it can. Even if it could, that would be a factor to balance. Even if it couldn't, even if we didn't have that new information in and of itself, I don't think it would be a reason to deny the variance. The third; is the request substantial? Again, no, because the garage is already on the property line. Negative impact on the physical environmental of the neighborhood. I don't see any negative impact. I only see benefits. Then, was the difficulty self-created? No, it's not as if the applicant purchased this property knowing full well that putting an addition on was going to violate the zoning code. She said her parent was in the house, the parent passed away and she is looking to add an addition on. Again, I don't think - looking at all of those it seems to support it. Again, it's a balancing test. It's not as if every element needs to be met. Even if every element did need to be met, it is met in this circumstance. When you balance the benefit to the applicant, versus any potential harm to the community, what you find is a benefit for the applicant and a benefit for the community. I think putting that addition on the house will probably only benefit the property values of the homes around it. I just wanted to state why I feel that it should be granted.

Chairwoman Ditonto: Thank you, Mr. Panebianco. Any other questions or comments from members of the board? We will ask at this point about correspondence. Last month we did have some correspondence that was reported in on the meeting. Would you like to tell us if there is anything else that came in Jennifer, about this?

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Clerk/Treasurer Williams: We received nothing further.

Chairwoman Ditonto: Okay. In the prior month, we had received some correspondence all in favor of the granting of the variance request by people who lived in that neighborhood either on Brad Street or on Ivy. At this point we would be looking for a motion on the petition request on an area variance for Lisa Volpe on the property at 167 Brad Street. Is there anyone who would like to make a motion?

Moved by Mr. Panebianco, seconded by Mr. Kenyon

Chairwoman Ditonto: Mr. Panebianco, I am going to reference your comments as being the reasons why you are making a motion. Your earlier comments about the balancing and going through each of the requests that we have to look at in terms of the area variance. Mr. Kenyon are you okay with adding that information to the motion?

Mr. Kenyon: Yes.

Chairwoman Ditonto: We have a motion on the floor and a second. Do we have any questions on that? Seeing none, I will ask the clerk to call the roll.

<u>Member</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Camay	X		
Jones	X		
Kenyon	X		
Panebianco	X		
Sandberg	X		
Ditonto	X		

Chairwoman Ditonto: At this point, Ms. Volpe that variance request has been approved. You need now to work with Mr. Scalise and more forward on your project.

Ms. Volpe: Okay, thank you.

Chairwoman Ditonto: You are very welcome.

There being no further business, the meeting was adjourned.

Jennifer R. Williams, Secretary
Zoning Board of Appeals