

# Village of Penn Yan

## Zoning Board of Appeals Meeting Minutes

Monday, October 30, 2023 at 7:00 p.m.

Village Hall, 111 Elm Street, Room 202

### **Present:**

Steve Owens, Chair  
Art Pike

Gary Reagan  
Barbara Stewart

Jeffrey Francis  
Bruce Gleason, Alternate

### **Absent:**

Kevin McLoud, Trustee

### **Public:**

Erik Decker

The meeting was called to order at 7:00 p.m. by chair, S. Owens. A brief history of the Zoning Board of Appeals was given, followed by introductions.

**Motion** by A. Pike to approve the July 31, 2023 Zoning Board of Appeals meeting minutes as presented seconded by J. Francis and carried all in favor.

**Area Variance Application** – Erik Decker proposes placing an accessory structure forward the principal structure at 6 Kennedy Avenue

S. Owens confirmed that all board members reviewed the application and visited the property.

**Motion** by A. Pike to bring the application for an area variance to the floor and open the public hearing was seconded by J. Francis and carried all in favor.

The applicant, E. Decker stated that he would like to build a 30' x 28' pole barn styled garage, it will be enclosed. S. Owens pointed out that the piece of property is triangular in shape. E. Decker confirmed that the existing garage attached to the house was turned into a mud room. A letter from the owner of 5 Kennedy Avenue stating that they "don't object to him building a garage where he wants to" was submitted. It was confirmed that no other concerns have been raised with regard to this proposal as a result to posting for a public hearing. The garage will be used for parking vehicles, lawn mower, etc. S. Owens pointed out that the shape of the property is somewhat restrictive and the planned size is modest for what it is needed for. E. Decker adding it's the best place for its purpose. The surrounding greenspace will be good for drainage.

The board then conducted the Area Variance Balancing Test and from the application found:

- Benefit could not be achieved by any other means feasible to the applicant. Another location would not be convenient to the existing driveway and the primary function of storing vehicles in it and the lot is restrictive as it goes behind the house.
- The proposed accessory structure will not cause an undesirable change in the neighborhood or nearby properties. The property is at the end of a cul-de-sac and won't obstruct views or line of sight. The closest neighbor in a written statement does not object.
- The request is not substantial. However, J. Francis noted that what makes this request substantial is that it goes against what is allowed in the code.
- The request will not have any adverse physical or environmental effects.

- The difficulty has been self-created. J. Francis noted that turning the existing garage into a mud room created a need for a new garage. S. Owens added that if the garage were to be built attached to the existing house, an area variance may not have been needed.

All those in favor of granting the area variance as presented – A. Pike, yes; B. Stewart, yes; G. Reagan, yes; J. Francis, yes. **The request for an area variance has been approved.**

S. Owens thanked E. Decker for attending.

It was agreed to reschedule the December 25<sup>th</sup> regularly scheduled meeting to Thursday, December 21, 2023 due to the holiday and possible attendance conflicts.

**Motion** by A. Pike to adjourn the meeting at 7:16 p.m. seconded by J. Francis and carried all in favor.

*Submitted by Katie Tomlinson*