

**TOWN OF BIG FLATS
ZONING BOARD OF APPEALS
MEETING MINUTES**

AUGUST 23, 2016

Town Hall
Meeting Room
7:00pm

Members Present: Don Williams, Dick Seely, Dave Robbins, Diane Lantz

Members Absent: Heather Hanson

Staff Present: Brenda Belmonte

Guests: Boyd Lamberson, Susan Lamberson

Minutes
May 24, 2016

**Motion by Seely, seconded by Lantz, to approve the minutes of May 24, 2016,
Discussion; None, Motion Passes 4-0.**

**RESOLUTION ZBA-17-2016
LAMBERSON PRELIMINARY AREA VARIANCE REQUEST
36 LEXINGTON RUN
TAX PARCELS # 47.04-2-45 (house) #47.04-2-55.2 (acreage)**

Resolution by: Seely
Seconded by: Robbins

WHEREAS, the Zoning Board of Appeals of the Town of Big Flats received an application July 14, 2016, from Boyd & Susan Lamberson, owners of tax parcels #47.04-2-45 and #47.04-2-55.2, and

WHEREAS, the applicant requests relief from Chapter 17.40.020, *Accessory Structure Requirements*, of the Town of Big Flats Zoning Law “*an accessory building shall not be located between the front building line of a structure and the front lot line*”; and

WHEREAS, the Town of Big Flats Planning Board returned the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation to grant the variance; and

WHEREAS, the Town of Big Flats Code Enforcement staff provided a staff report from Southern Tier Central Regional Planning of the Southern Tier (STC) dated July 29, 2016; and

WHEREAS, this board reviewed the following criteria questions:

1. Whether an undesirable change will be produced in the character of the neighborhood.
Williams, Pass; Seely, Pass; Robbins, Pass; Lantz, Pass
The proposed garage will be completely screened behind a row of trees beyond the end of Lexington Run. There are no neighbors nearby due to the amount of property the applicants own.
2. Whether the benefit sought can be achieved by some other method.
Williams, Pass; Seely, Pass; Robbins, Pass; Lantz, Pass
The method chosen by the applicant is the most economically feasible.
3. Whether the requested area variance is substantial.
Williams, Pass; Seely, Pass; Robbins, Pass; Lantz, Pass
Due to its location and because of the Rural (RU) designation.
4. Whether the proposed area variance will have an adverse effect on the neighborhood.
Williams, Pass; Seely, Pass; Robbins, Pass; Lantz, Pass
Again, due to its location and because of the Rural designation.
5. Whether the alleged difficulty of compliance was self-created.
Williams, Fail; Seely, Fail; Robbins, Fail; Lantz, Fail
Typically, most variance requests are self-created.

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and therefore does not warrant an environmental review; and the Zoning Board of the Town of Big Flats has referred to the Chemung County Planning Board as an involved agency; and

FURTHER RESOLVED, this board shall hold a Public Hearing on September 27, 2016, and consider the Area Variance requested by Boyd & Susan Lamberson for relief from BFZL 17.40.020, *Accessory Structure Requirements*.

AYES: Williams, Robbins, Seely, Lantz
NAYS:

ABSTAINED:

Dated: Tuesday, August 23, 2016
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats
Don Williams
Chairman, Zoning Board of Appeals

Applicant is requesting relief from Chapter 17.40.020, Accessory Structure Requirements, to build a 24' x 48' garage which would extend 25' in front of the existing garage.

Boyd stated that he owns 15 acres located at the end of the Lexington Run cul de sac. The proposed building will be located behind 75ft trees and therefore would be hidden from view. The area will be landscaped and the building will be cedar sided to match the existing garage.

Williams asked the applicant how he would account for the elevation.

Boyd explained that the plan is to minimally disturb the dyke and to bring in fill for leveling.

Motion by Seely, seconded by Lantz, to adjourn at 7:23pm, Discussion; None, Motion Carries 4-0.

Adjourned at 7:24pm