

January 18, 2010 Village of Phelps Zoning Board of Appeals Public Hearing

Village of Phelps Zoning Board of Appeals Members:

Present: Pat Hemminger, Chair                      David Clark  
Denise Schlossnagle                      Dennis King

Absent: Ron Grube

Also present: Deputy Clerk/Treasurer: Jill Seifert, Code Enforcement Officer: Brad Dutcher

Purpose: Zoning Permit Application for an Area Variance at 20 Pleasant Street.

Chairperson Hemminger opened meeting and public hearing at 7:10 p.m. No public present.

**ZBA 02-09 Karla Holcomb – 20 Pleasant Street Area Variance:**

CEO Dutcher outlined the application. A smaller than 120 sq ft metal shed has been removed and a 16' x 16' wooden shed was started in its place without a permit. The new shed will not encroach any further on the lot lines than the previous shed (roughly 3 ft from back & side lot lines); all additional square footage comes into homeowner's lot. Applicant not in attendance to present her request and no written hardship provided. There is no tree or other structure preventing the shed from being placed the required 10 feet from the back & side lot lines. The homeowner has many other placement options within her ability to accomplish her objective.

**Facts of finding:**

Dave - The shed does not impact the neighborhood in an undesirable way, nor is it physically or environmentally detrimental. I feel that the request is substantial because the distance of 3 feet vs. 10 feet is a 70% difference. I believe that the difficulty was self-created; convenience is not a hardship. Can the placement be achieved by other means than a variance; multiple placements are available within the lot.

**SEQR:** Motion by Dave Clark; this is a Type II action, Section 617.5, Paragraph C. The following actions are not subject to review under this Part: (12) granting of individual setback and lot line variances. Seconded by Dennis King and unanimously carried.

Public Hearing closed at 7:30 pm.

**Comments:**

No further comments by the Board.

Pat – if there are no further questions, we can entertain a motion.

**Motion:** Motion by Denise Schlossnagle to **deny** the use variance submitted by Karla Holcomb, for 20 Pleasant Street, based on the lack of hardship and the availability of other placement options. Seconded by Dennis King. Motion carried unanimously.

The Zoning Board of Appeals requested a letter be drafted to the Planning Board requesting the number of sheds, under 120 sq. feet, allowed on a property within the Village, be discussed during the ongoing code rewrites.

**Adjournment:** With no further business; Dave motioned, Pat seconded, closing the meeting at 7:34 p.m.

Respectfully submitted,

Jill K. Seifert  
Deputy Village Clerk/Treasurer