

October 20, 2008 Village of Phelps Zoning Board of Appeals Public Hearing

Members Present: Pat Hemminger, Chair  
Denise Schlossnagle  
Mike Santillo

Members Absent: Ron Grube

Also present: Deputy Clerk/Treasurer: Jill Seifert and Planning & Zoning Coordinator David Clark  
Applicant: Charles Meyn

Purpose: Zoning Permit Application for Area Variances at 9 North Wayne Street.

Chairperson Hemminger opened meeting at 7:01PM.

Introduction of the Zoning Board members.

**ZBA 04-08 Charles Meyn – 9 North Wayne Area Variance:**

Charles briefly explained his application; would like to construct a 22' x 36' detached garage with a 2' side yard set back. The reduced set back is required to facilitate alignment of the garage with the boundary line and minimize impact of the garage on the balance of the rear yard. Alternate locations are limited because of the shared driveway agreement with the adjacent residence (7 N. Wayne St) and do not provide the benefits above. The proposed location also only requires a limited extension of the existing asphalt driveway. Due to the shared driveway, the current attached garage that is in disrepair is unusable because of the turn radius.

Pat would like to see the garage at 6' off the lot line, maintaining a 10' distance between the two garages.

Charles suggests keeping the front SE corner at the proposed 2' off the side lot line for a total of 10' 4" from the neighboring garage, shifting the rear of the building into the lot to accomplish the 10' between the garages. This repositioning also straightens the garage on the lot.

Questions and discussions followed.

Public hearing opened at 7:32 pm.

No residents in attendance. No questions.

Public Hearing closed at 7:33pm.

**Area Variance Balancing Test**

- Can the benefit be achieved by other means feasible to the applicant – offered and accepted an adjustment.
- Undesirable change in the neighborhood character or to nearby properties – normal for area.
- Substantial request – yes, but only at the closest point to the lot line.
- Any adverse physical or environmental effects – none.
- Is alleged difficulty self-created – many pre-existing, non-conforming lots are present within the village.

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

**SEQR:** This application is a Type II action per section 617.5 Paragraph C, line 12 “Granting of individual set back and lot line variances” and therefore NOT subject to review.

**Motion:** Motion by Denise to **approve** the area variance with the following stipulations; the SE corner of the garage be at a 2' side set back and that the garage itself be rotated from that point keeping parallel with the neighboring garage, maintaining a minimum of 10' 4" distance between said garages (see attached drawing), seconded by Mike. Unanimously approved.

No further business.

**Adjournment:** Motion by Denise, seconded by Mike; adjourning the meeting at 7:40 pm.

Respectfully submitted,

Jill K. Seifert  
Deputy Village Clerk/Treasurer  
Secretary of the Zoning Board