

**Village of Liverpool Zoning Board of Appeals
Minutes
Monday, February 25, 2019 – 6:00 p.m.**

Attendees:

Jon Miles, Chairman
Stephen Race
Sandra Callahan, ZBA Secretary

Pamela Carey
Rich Andino, Attorney

Call to Order

Chairman Miles called the meeting to order at 6:00 p.m. and led all present in the Pledge of Allegiance.

Adoption of Minutes

Ms. Carey moved and Mr. Race seconded the motion to adopt the minutes from January 25, 2019. Approved.

Old Business - On the application of Mark & Mary Phelps, 601 Second Street – tax map #005-.05-06.0, for an area variance to §380-16B(1) seeking a reduction of the front yard setback from 30 feet to 0 feet to allow for the construction of a front porch that will extend 2.7 feet onto the Village right-of-way of Bass St.

Referral was received from Onondaga County Planning Board with no position.

Upon approval, Mr. Phelps will have to appear before the Village Board of Trustees to request a revocable license agreement.

Mr. Race moved and Ms. Carey seconded the motion to conditionally approve the variance contingent on the revocable license agreement as follows:

**RESOLUTION
ZONING BOARD OF APPEALS
VILLAGE OF LIVERPOOL
AREA VARIANCE FINDINGS AND DECISION**

Applicant:	<u>Mark and Mary Phelps</u>	Date of Resolution:	<u>February 25, 2019</u>
Address:	<u>601 Second Street</u> <u>Liverpool, New York 13088</u>	Zoning District:	<u>R-1</u>
		Published Notice:	<u>✓</u>
		Notice to County:	<u>N/A</u>
		Hearing Held On:	<u>February 25, 2019</u>
Tax Map ID #	<u>005-.05-06.0</u>		
Property Location:	<u>601 Second Street/Bass Street</u>		

Reasons for which Variance is Requested: Applicants wish to construct a new 24'7" x 5' porch on the front of their existing house which will encroach 2.7' into the front yard setback and Village of right-of-way (requiring the granting of a Revocable License Agreement from the Village Board of Trustees).

Applicable Sections of Village Zoning Code from which Relief is Sought: §380-16(B)(1)

SEQR Determination:	Lead Agency	<input checked="" type="checkbox"/>	Type I	<input type="checkbox"/>	Negative Declaration	<input type="checkbox"/>
			Type II	<input checked="" type="checkbox"/>	Positive Declaration	<input type="checkbox"/>
			Unlisted	<input type="checkbox"/>		

FACTORS CONSIDERED:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes No

Reasons: The request is for a porch which is architecturally consistent with the property and surrounding premises.

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes No

Reasons: A variance is necessary considering the present location of the existing house itself and the existing portions of the porch.

3. Whether the requested variance is substantial: Yes No

Reasons: Under the circumstances the request is not substantial since the current setback is only 5' from the property line and it is anticipated that the Village Board of Trustees will grant the requested Revocable License

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes No

Reasons: No such impacts have been identified.

5. Whether the alleged difficulty was self-created: Yes No

Reasons: The home has been in existence for many years and was already constructed to close to the property line

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

the benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is DENIED.

the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community and therefore the variance request is APPROVED.

Reasons: There are no detrimental impacts from the proposal.

The ZBA further finds that a variance for **30' of front yard setback relief** from §380-16(B)(1) of the Zoning Code and **conditioned upon obtaining an easement encroaching 2.7' into the Village right-of-way** is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety, and welfare of the community because: **there were no identified harms from the proposal.**

STANDARD CONDITIONS (If Approval is Granted):

N/A

- 1.
- 2.

ADDITIONAL CONDITIONS (If Approval is Granted): The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

1. Issuance of a Revocable License Agreement from the Village Board of Trustees.

The Board by motion made by Race and seconded by Carey adopted the above Resolution.

Jonathan Miles
Chairman, Zoning Board of Appeals

Date

RECORD OF VOTE

	MEMBER NAME	AYE	NAY	EXCUSED
Chairman	JONATHAN MILES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	PAMELA CAREY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	DENNIS HEBERT	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	MELISSA CASSIDY	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	STEPHEN RACE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mr. Phelps will be on the agenda for the March 2019 Village Board meeting. Approved

On the application of Jeffrey & Vicki Layhew, 602 Vine St. – tax map #003.-06-14.0, for an area variance §380-16B(1) seeking a reduction of the front yard setback from 30 feet to 18 feet to allow for the construction of a front porch.

Referral was received from Onondaga County Planning Board with no position.

Mr. Race moved and Ms. Carey seconded the motion to approve the variance for the front yard setback as follows:

**RESOLUTION
ZONING BOARD OF APPEALS
VILLAGE OF LIVERPOOL
AREA VARIANCE FINDINGS AND DECISION**

Date of Resolution: February 25, 2019

Applicant: Jeffrey and Vicki Layhew
Address: 602 Vine Street
Liverpool, New York 13088

Zoning District: R-1
Published Notice: ✓
Notice to County: N/A
Hearing Held On: February 25, 2019

Tax Map ID # 003.-06-14.0

Property Location: 602 Vine Street/Hazel Street

Reasons for which Variance is Requested: Applicants wish to construct a new 460 sq. ft. wraparound porch on their existing house which currently has 10’ of front yard setback relief. The proposed wraparound porch will be 8’ wide on the Vine Street side extending an additional 2’ into the front yard setback (resulting in a total of 12’ of relief) and 12’ wide on the Hazel Street side.

Applicable Sections of Village Zoning Code from which Relief is Sought: §380-16(B)(1)

SEQR Determination: Lead Agency Type I Negative Declaration
Type II Positive Declaration

Unlisted

FACTORS CONSIDERED:

6. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes No

Reasons: The request is for a porch which is architecturally consistent with the property and surrounding premises. Similar porches can be found in the area.

7. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes No

Reasons: A variance is necessary considering the present location of the existing house itself.

8. Whether the requested variance is substantial: Yes No

Reasons: Under the circumstances the request is not substantial since it is only an additional 2' of relief than already occurring (10' to 12') for the existing house.

9. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes No

Reasons: No such impacts have been identified.

10. Whether the alleged difficulty was self-created: Yes No

Reasons: Under the circumstances this was not found to be a self-created hardship.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

- the benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is DENIED.
- the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community and therefore the variance request is APPROVED.

Reasons: There are no detrimental impacts from the proposal.

The ZBA further finds that a variance for **an additional 2' (total of 12') of front yard setback relief** from **§380-16(B)(1)**, of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety, and welfare of the community because: **there were no identified harms from the proposal.**

STANDARD CONDITIONS (If Approval is Granted): N/A

- 3.
- 4.

ADDITIONAL CONDITIONS (If Approval is Granted): The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following: N/A

- 2.

The Board by motion made by Race and seconded by Carey adopted the above Resolution.

Jonathan
Miles
Date
Chairman, Zoning Board of Appeals

RECORD OF VOTE

	MEMBER NAME	AYE	NAY	EXCUSED
Chairman	JONATHAN MILES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	PAMELA CAREY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	DENNIS HEBERT	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	MELISSA CASSIDY	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Member	STEPHEN RACE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

There being no further business, Ms. Carey moved and Mr. Race seconded the motion to adjourn.
Meeting adjourned at 6:10 p.m.

Respectfully submitted,

Sandra J. Callahan
ZBA Secretary