

Zoning Board of Appeals

Town of Oswego

March 17, 2016

Chair: Tim Anderson
Vice Chair: Robert Baker
Members: Michael Asmolik, Robert Dexter, Debra Shoenfelt-Jaskula
Alternate: Michael J. Asmolik
Attorney to the Board: Kevin Caraccioli
Secretary: Debra Hogan

The meeting was called to order at 7:00 p.m. by Chairman Tim Anderson.

Board Attendance:

Tim Anderson, Robert Baker, Michael Asmolik, Robert Dexter, Debra Shoenfelt-Jaskula
Attorney Kevin Caraccioli

Others Present:

Michael J. Asmolik (alternate)
William Shannon

Acceptance of Agenda:

Motion by member Robert Baker, second by member Michael Asmolik to accept agenda. All ayes. Carried.

Approval of August 20, 2015 minutes:

Motion by member Robert Baker, second by member Michael Asmolik to accept minutes as written. All ayes. Carried.

Public Hearing #16-0001 – Area Variance

Shannon, William, 320 Co. Rt. 89 – Pole Barn/Garage:

Chairman Tim Anderson opened the public hearing at 7:05 p.m.

Mr. Shannon is requesting an area variance for the purpose of constructing a 22 x 22 x 10' pole barn/garage to be located on the north side of his property (Siembor Drive).

Building permit was denied by CEO Wayne Newton as it does not meet required front yard setback of 50 feet in an R-2.

Board members discussed front yard setback (50') vs. side yard setback (15') in R-2 as property is surrounded by three roads – Co. Rt. 89, Siembor Drive and Germar Drive. CEO Newton's decision was based using a 50' front yard setback, which the board followed when making their determination.

Mr. Shannon provided a map, stating he could not place the building in another location on his property due to gas lines and old field drains. He will use existing Siembor Drive entrance to his property to access new building. All neighbors were notified.

Attorney Kevin Caraccioli and board members reviewed factors needed to consider when granting an area variance and determined that it met all the criteria.

Motion by member Debra Shoenfelt-Jaskula, second by member Michael Asmolik to grant an area variance of 13 feet for construction of a 22 x 22 x 10 detached garage for property located at 320 Co. Rt. 89 from a 50 foot front yard setback requirement. All ayes. Carried. (See Attachment A).

Organizational:

Board members agreed to continue meeting on the third Thursday of each month at 7:00 p.m. If there is no business to act on the meeting will be cancelled.

Motion by member Debra Shoenfelt-Jaskula, second by member Michael Asmolik to continue with Chair Tim Anderson. All ayes. Carried.

Motion by Chair Tim Anderson, second by member Robert Dexter to continue with Vice-Chair Robert Baker. All ayes. Carried.

New Business:

Member Michael Asmolik (Sr.) requested that alternate member Michael J. Asmolik, be moved from the alternate position into the full time board position. Member Michael Asmolik (Sr.) would revert to the alternate position. Attorney Caraccioli will formalize this at the next Town Board meeting.

Old Business:

Attorney Caraccioli updated the board on the Eason/Noun use variance request (#15-0002) for a Bed & Breakfast. He has spoken with Mr. Eason over the past year and since there has been no action he suggests the board place it on hold.

Open Discussion:

General discussion relating to properties in disrepair. Attorney Caraccioli stated that the Town Board is looking at updating the Comprehensive Plan and Zoning Regulations. Planning Board Chair Judy Sabin-Watson will spearhead this, including members of all boards as well as Oswego County Planning.

Adjournment:

Motion to adjourn by member Michael Asmolik, second by member Debra Shoenfelt-Jaskula. All ayes. Carried.

Meeting adjourned at 7:40 p.m.

Respectfully submitted,

Debra Hogan
Secretary

RECEIVED

MAR 21 2016

TOWN OF OSWEGO
TOWN CLERK'S OFFICE

At a Regular Meeting of the Zoning Board of Appeals held in and for the Town of Oswego on the 17th day of March, 2016, at 7:00 P.M. at the Town Hall.

**STATE OF NEW YORK COUNTY OF OSWEGO
TOWN OF OSWEGO ZONING BOARD**

In the Matter of an Application by

William Shannon

ZBA Appeal No. ZO1-2016

For an Area Variance from the Bulk Requirements of the Residential 2 District of the Zoning Law of the Town of Oswego, New York

RESOLUTION

WHEREAS, the applicant, William Shannon, has applied for an area variance from the bulk requirements for front yard setbacks as set forth in the Zoning Law of the Town of Oswego for construction of a 22' x 22' x 10' detached garage to be located at his residence located at 320 County Route 89 in the Town of Oswego's Residential 2 District; and

WHEREAS, Article III.c.C of the Town's Zoning Law establishes that structures must be located in compliance with the setbacks for front yards, which is established as 50 feet; and

WHEREAS, the applicant submitted a plan that calls for the garage to be located approximately 37 feet from the centerline of the road fronting the property (Siembor Drive¹) contained on the drawing/map supplied by the applicant; and

WHEREAS, the applicant has appealed to the Town of Oswego ZBA for consideration of a area variance and the matter was scheduled for a public hearing on March 17, 2016; and

¹ The applicant's property is unique in that it is surrounded by 3 roads – County Route 89, Germar Drive, and Siembor Drive. Thus, the applicant has, arguably, 3 front yards and therefore the 50 foot setback requirements were utilized by the Code Enforcement Officer. The side yard setbacks for the same district are 15 feet and therefore, conceivably, the applicant may not need a variance at all. The ZBA chose to follow the CEO's logic and has made its determination based on the front yard setback requirements.

WHEREAS, the provisions of the State Environmental Quality Review Act (SEQRA) have been considered and the matter is classified as a Type II Action thus requiring no further consideration; and

WHEREAS, the ZBA received no opposition to the proposed variance request² and;

WHEREAS, the matter was submitted to the County of Oswego under General Municipal Law §239 l&m, and the response from the County's Planning Department that this matter should be decided as a local issue; and

WHEREAS, the applicant's proposal appears to be in compliance with the requirements of Article VI of the Town's Zoning Law, and it appearing approval of the variance request is appropriate at this time;

NOW, THEREFORE, upon motion made by board member Debra Shoenfelt-Jaskula and seconded by board member Michael Asmolik it is and shall hereby be

RESOLVED, that a 13' area variance to construct and erect a 22' x 22' x 10' detached garage on the existing residential premises and approximately 37' from the centerline of the nearest road, Siembor Drive, located at 320 County Route 89 is hereby granted; and it is further

RESOLVED, that the Town of Oswego Zoning Board of Appeals considered the criteria for granting an area variance and determined that the applicant has demonstrated that granting an area variance is appropriate. First, there is no change to the character of the community as the addition of a garage near an existing house is consistent with similarly situation homes in the area; Second, there are no feasible alternatives to place the addition inasmuch as the location of the leech field does not make locating the garage in any other location a feasible option; Third, there is no undesirable change to the area as a result of granting the variance; Fourth, the variance is not substantial and given the unique location of the property on a lot surrounded by 3 roads the variance is a matter of interpretation, plus the applicant has the full support of the neighboring property owners; and Fifth, the hardship is not self-created.

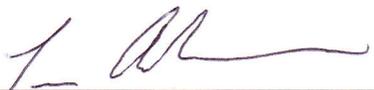
The motion having been placed before the Zoning Board of Appeals for a vote was adopted by a vote of 5 in favor, 0 opposed in accordance with the following roll call vote.

² All neighbors were notified of the public hearing, which was duly advertised, and signed an acknowledgement of the meeting date, time and place. No one other than the applicant attended the public hearing, nor did anyone submit any written opposition to the variance application.

TIM ANDERSON, CHAIRMAN	YES
ROBERT BAKER	YES
ROBERT DEXTER	YES
DEBRA SHOENFELT-JASKULA	YES
MICHAEL ASMOLIK	YES

I HEREBY CERTIFY the above to be a full, true and correct copy of a Resolution duly adopted by the Zoning Board of Appeals of the Town of Oswego, on the date mentioned, five members being present and all concurring.

Dated: March 21, 2016



TIM ANDERSON, CHAIRMAN
TOWN OF OSWEGO
ZONING BOARD OF APPEALS