

ZONING BOARD OF APPEALS MINUTES

November 18, 2009

7:00 p.m.

Present: Michelle McIntyre, Chairman  
Thomas Danielson  
Douglas Hooper  
Robert Whitman  
Richard Nygren

A public hearing before the Zoning Board of Appeals of the Town of Busti was held on Wednesday, November 18, 2009 at 7:00 p.m. at the Town of Busti Administration Building, 121 Chautauqua Avenue, Lakewood, New York, to consider the following applications:

Application of Trudy L. Derby, 1994 South Maple Street, Ashville, New York 14710 for a variance to build a garage. Property is owned by her and is known as Section 384.19, Block 1, Lot 2 of the official tax map of the Town of Busti. Property is in the Conservation Residential District.

Following description of proposed garage, it was determined that Ms. Derby is not served by water and the Board reviewed the balancing test for a variance and determined that the benefit to the applicant outweighed any detriment to the neighborhood. Thomas Danielson offered the following motion, seconded by Richard Nygren: I make a motion to grant the variance to Trudy L. Derby, 1994 South Maple Street, Ashville, New York for a variance to build a 14' by 20' garage to be no closer than 14' on the north side and she needed a variance because her lot size is too small. All aye.

Revisiting the application of Paul R. Mather, which was tabled at the previous October 28, 2009 meeting, 1062 North Center Street, Corry, Pennsylvania, for variances to build a 19' by 26' garage; a 12' by 19' addition to residential dwelling; and a 12' by 19' porch on property owned by Mr. and Mrs. Rick and Helen Willman. Property is located at 2450 Lakeside Drive, Ashville, New York, and is in the Multi-Residential District. Property is known as Section 367.20, Block 4, Lot 27 of the official tax map of the Town of Busti.

Paul Mather produced an updated plan and map and discussions began with Bruce Johnson, neighbor to the west, regarding the loss of view imposed upon him by proposed addition and porch. Percentages and degrees of view loss were debated and negotiations were attempted by Paul Mather toward resolution of the same. Paul Mather reiterates his intention of residing there year-round and that he would not be willing to build up because of arthritis. Proposed garage height and garage width are discussed, as well as the suggestion to implement an angle to the proposed living area addition in order to accommodate Bruce Johnson's loss of view. Douglas Hooper reminds of the 5' standard between property lines and structures for roof access or safety reasons. When this leads to the general consensus that the 5' rule would deny all proposed variances, owner Richard Willman states that this would mean a hardship for the property. Michelle McIntyre points out that the neighborhood characteristics need to be kept in mind and the suggestion of compromising to a 3' distance from the property line is attempted. The Board agrees that 3' would be entertained. Paul Mather considers and deducts that he will need to measure his furniture to determine whether the compromise will allow him to use the space as intended. The nature of the neighborhood and the outlook for property value are discussed. The two remaining points to be determined are: whether Bruce Johnson is willing to negotiate and whether Paul Mather can agree to 8' instead of 12' as the length of the dwelling addition. It is determined that the variance cannot be read into the evening and findings and decision were not reached. Motion was made by Michelle McIntyre to table the application again for Wednesday, December 2, 2009 at 4:00 p.m.

Upon motion made by Michelle McIntyre, the meeting was adjourned at 8:30 p.m.

Respectfully given,

Dena Hirliman  
Deputy Town Clerk