

**VILLAGE OF SCOTIA
ZONING BOARD OF APPEALS
MEETING MINUTES
JULY 22, 2013 - 7:00 P.M.**

ATTENDANCE: Bradley Coryer, Shawn Grandy, Terry Jackson, Building Inspector Luis Agüero, Board Liaison Thomas Gifford and Catherine Busher.

Excused: Emily Kohout was away on vacation and Dan Feinberg had another commitment.

Absent: Tim Hodge.

Zoning Board Members agreed that Bradley Coryer would act as Chairperson in Emily Kohout's absence.

MOTION: There was a September 24, 2012 meeting and Shawn Grandy made a motion and Terry Jackson seconded to accept the Minutes of the meeting as submitted.

Motion: Shawn Grandy **Seconded:** Terry Jackson

Ayes: Shawn Grandy, Terry Jackson, Bradley Coryer

Nays: None **Abstentions:** None

Motion Carries.

CASE #1: JOHN & SUSAN DONAHUE – 137 SWAN STREET - SCOTIA, NY 12302

John and Susan Donahue of 137 Swan Street, Scotia, NY 12302 are interested in replacing an existing fence, due to its deteriorating condition, with a new one, keeping the existing height of six feet all around and following the current configuration on the property located at the address listed above. This application requires Zoning Board of Appeals approval in accordance with Village Code Section 250-50. (A) Fences in front yards; No fence, wall or hedge over four feet in height shall be permitted in any required front yard area.

Acting Chairperson Bradley Coryer read the area variance rules and regulations that have to be considered in the granting of an area variance which include:

- whether an undesirable change would be produced in the character of the neighborhood
- whether the benefit sought by applicant can be achieved by a feasible alternative to the variance

- whether the requested variance is substantial

- whether the variance has an adverse impact on the physical or environmental conditions in the neighborhood

- whether the alleged difficulty was self-created

These rules and regulations have to be evaluated as a whole by the members of the Zoning Board.

The applicants John and Susan Donahue were in attendance and they stated that there would be a hardship if they only installed a four foot high fence on the Swan Street side of their property because the property would be more visible from the sidewalk. Also, the current fence continues to deteriorate and a new fence will enhance their property and the neighborhood. The location of the fence along Swan Street does not interfere with drivers sight distance along the Robin Street side. In addition, they have not had any negative comments from any of their neighbors.

The public hearing portion of the meeting closed at 7:10 p.m. and deliberations began. Scotia Police Department and Scotia Fire Department did not have any concerns with this application. SEQRA is not required for this application. Terry Jackson asked if corner lots have two frontages. Building Inspector Luis Aguero stated that they do but it does not apply to this particular case. Also, a question was asked about the fence behind the applicants' property and it was stated that it is their neighbor's fence.

After a brief discussion, the following motion was made.

MOTION: Acting Chairperson Bradley Coryer made the following motion. I move that the application submitted by John and Susan Donahue for an area variance to replace an existing fence on their property located at 137 Swan Street, Scotia New York 12302 be granted. They are interested in replacing the existing fence, with a new one keeping the height of six feet all around and therefore a variance is needed for the two feet over the stated variance of four feet in height permitted in any required front yard area. There will not be an undesirable change in the character of the neighborhood or a detriment to nearby properties because the fence will spruce up the neighborhood and property. This particular benefit cannot be achieved by a feasible alternative to the variance because a fence is the only way to create this effect. It was not self-created because the fence was there when the owners bought the property and it does not have an adverse impact on the physical or environmental conditions in the neighborhood because there are many fences in the surrounding area.

Motion: Bradley Coryer **Seconded:** Terry Jackson
Ayes: Bradley Coryer, Terry Jackson, Shawn Grandy
Nays: None **Abstentions:** None
Motion Granted.

Motion: There was a motion to adjourn the meeting at 7:15 p.m.
Motion: Bradley Coryer **Seconded:** Terry Jackson
Ayes: Bradley Coryer, Terry Jackson, Shawn Grandy
Nays: None **Abstentions:** None **Motion Carries.**

Respectfully submitted, *Catherine Busher, Zoning Board of Appeals Clerk*
July 26, 2013 File Date