VILLAGE OF SCOTIA
ZONING BOARD OF APPEALS
MEETING MINUTES
SEPTEMBER 22, 2014 - 7:00 P.M.

ATTENDANCE: Emily Kohout, Bradley Coryer, Terry Jackson, Eric Buskirk, Harold Bryant, Tom Tiberio, Building Inspector Luis Aguero, Village Attorney Lydia Marola and Catherine Busher.
Excused: Adrienne Levinthal was out of town. Board Liaison Thomas Gifford had training and could not make it.
Voting members for tonight's meeting are Bradley Coryer, Terry Jackson, Harold Bryant, Tom Tiberio and Emily Kohout.

MOTION: There was an August 11, 2014 meeting and Terry Jackson made a motion and Tom Tiberio seconded to accept the Minutes of the meeting as submitted.
Motion: Terry Jackson **Seconded:** Tom Tiberio
Ayes: Terry Jackson, Tom Tiberio, Emily Kohout, Bradley Coryer, Harold Bryant
Nays: None **Abstentions:** None
Motion Carries.

CASE #1: CHARLES & MARILYN BROOKS – 148 SIXTH STREET - SCOTIA, NY 12302

The applicants, Charles and Marilyn Brooks of 148 Sixth Street, Scotia, NY 12302 are interested in adding a carport to their existing garage. In order to continue the existing roof lines they would need an area variance from the Village of Scotia Zoning Board of Appeal's in accordance with Village Code Section 250-13. Building Regulations - C. - Accessory Structure. The existing garage is a non-conforming building and as such is approximately 2' off the property line. Any new carport construction would need to be 4' off the property line.

Chairwoman Emily Kohout stated the 5 criteria for area variances:
In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

The applicant, Mr. Charles Brooks stated that removal of a swimming pool has left enough space in his yard to construct a carport which would protect his vehicle. He indicated his next door neighbor has one and he would build it similarly to his neighbor's. It would be an open carport and he would use the extra space within it for storing a grill and trash cans. Also, it would not affect neighbors on either side of his property. He has a double lot and the garage is right in the middle so the addition of a carport would not affect them. He would be installing gutters for the runoff. The dimensions of the carport including the variance would be 11' x 18'. Extending the roof by means of a variance will keep most leaves out of it. The applicant believes that the carport will add to the appearance of his property.

The public hearing portion of the meeting closed at 7:15 p.m. and deliberations began. There was a question with the dimensions of the carport. The applicant stated that he measured the area and it was approximately 11' x 17' but it was from his driveway and could be off by a foot or two. The Board said when granting the variance on the property they could word it as such so it would cover the 2'± variance. Village Attorney Lydia Marola concurred.

Zoning Board of Appeal's Members agreed that the proposed carport was a well thought out plan and would not affect any of the neighbors in the area. Because of the drawing of the roof area any drainage would go into the gutters.

Scotia Police Department and Scotia Fire Department did not have any concerns. SEQRA is not required for this application.

Deliberations ended at 7:25 p.m.

After a short discussion the following motion was made.

MOTION: Chairwoman Emily Kohout made the following motion. I move that the area variance for the application submitted by Charles & Marilyn Brooks for a carport at 148 Sixth Street be granted for 2'± of the variance in the rear yard. This would enable the applicants to align their roof with the proposed carport. There will be no change in the character of the neighborhood due to the carport's setback from the street. The benefit can be sought by a feasible alternative to the variance but it would not be aesthetically pleasing. It is not substantial but was self-created however, and is consistent with most existing carports in the Village of Scotia.

Motion: Emily Kohout **Seconded:** Terry Jackson
Ayes: Emily Kohout, Terry Jackson, Bradley Coryer, Harold Bryant, Tom Tiberio
Nays: None **Abstentions:** None
Motion Granted.

TRAINING:
Four hours of training is required per year. There will be solar training on Monday, September 29, 2014. Newe emailed everyone on this training session.

Training Status Report:

Current Training Hours:		
	Chairwoman Kohout	0
	Terry Jackson	5
	Bradley Coryer	5.5
	Harold Bryant	2
	Tom Tiberio	2
	Adrienne Levinthal	2
	Eric Buskirk	1

Building Inspector Luis Aguero stated that an ordinance was passed for temporary storage (30 days) of PODS in the Village. A permit is required for the temporary storage. A Village resident requested permanent storage of a POD on their land. This would have to be approved by the Planning Board and then it would go to the Zoning Board. A brief discussion of this idea followed.

Motion: There was a motion to adjourn the meeting at 7:27 p.m.
Motion: Emily Kohout **Seconded:** Bradley Coryer
Ayes: Emily Kohout, Bradley Coryer, Terry Jackson, Harold Bryant, Tom Tiberio
Nays: None **Abstentions:** None **Motion Carries.**

Respectfully submitted, *Catherine Busher, Zoning Board of Appeals Clerk*
September 24, 2014 **File Date**