

**VILLAGE OF SCOTIA  
ZONING BOARD OF APPEALS  
MEETING MINUTES  
FEBRUARY 27, 2017  
7:00 P.M.**

**ATTENDANCE:** Jeffrey Parry, Dinemayer Silva, Heather Gray, Susan Duchnycz, Thomas Neals, Village Attorney Lydia Marola, and Catherine Busher.

Absent: Kenneth George, Bonnie Belfance

Voting members for tonight's meeting are Dinemayer Silva, Susan Duchnycz, Heather Gray, Thomas Neals and Jeffrey Parry.

**CASE #1: JOHN C. GARROW – 213 THIRD STREET - SCOTIA, NY 12302**

This application is appearing before the board again due to the tabling of it at the last Zoning Board of Appeal's Meeting on January 30, 2017. The following should be addressed:

1. Interpretation by the ZBA under Section 250-80 (A) of the Village Code. Is the proposed project an open porch or an enclosed porch under Section 250-53 of the Village Code?
2. If determined to be an enclosed porch, the applicant must obtain an area variance to construct the porch as proposed. The request is for a 9' front yard setback variance. The required setback is 20' and as proposed, the front yard setback is only 11', therefore, a 9' variance would be required. **Note:** The primary building is setback 18', therefore, with a 7' enclosed porch the setback would only be 11' and a 9' variance would be needed.

John C. Garrow is interested in building an enclosed front porch on his property at 213 Third Street, Scotia, NY 12302. This application falls under the Village Code Section:

250-53. (A). 1. An enclosed porch having a solid foundation and capable of being enclosed and heated for year round habitation shall be considered a part of the building for the determination of yard areas and lot coverage.

The applicant, Mr. Garrow stated he only wants to create a porch.

Chairman Parry stated there are two requests from the applicant:

1. square footage on the area with the porch included; and
2. The ZBA's approval of the application as an enclosed porch.

Chairman Parry asked if there were any engineering studies done on this property and there were not. Mr. Garrow explained to Chairman Parry that he added the third-2'x10' stringer that he was asked to add by the Building Inspector.

Also, in attendance was Mr. Pete Samuels who is a partner of the applicant and the builder for the property. Mr. Garrow also said he plans on constructing a 24' dormer on the driveway side of the property for a full size bedroom and bathroom upstairs, installing all new replacement windows, enclosing the eaves, ventilating the roofs and vinyl siding the exterior. The driveway has to be sealed and the foundation is approximately seven years old. The insulation has already been done in the main part of the house. The interior has been updated with kitchen countertops, flooring and rugs. There is a full basement, 8' in height

with a laundry room and they would be interested in incorporating a play room in that area.

The front porch will have a dedicated entrance and the outside will have a false stone veneer and it will appear that it sits on a foundation. There will be the “witches’ hat” in front with three big windows approximately 18” off the ground.

The public hearing portion of the meeting ended at 7:36 p.m. and deliberations began.

The ZBA discussed the five criteria in granting an area variance:

1. Will there be an undesirable change produced in the character of the neighborhood or detriment to nearby properties? No, the neighbors are in agreement with the positive improvements that the applicant is doing on the property.
2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue other than an area variance? Yes, but the applicant has already started working on the property and at this time it really isn’t beneficial to him.
3. Whether the requested area variance is substantial? Yes it is. Board Member Tom Neals asked Mr. Garrow if he could remove the hexagonal part of the porch and was told the beam is 9’ and there isn’t support there and then the concrete piers would have to be moved back and squared off to be at the setback and this would change the aesthetics of the porch. (If you had to place the porch within the setback requirements, it would change the design and remove the “witches’ hat”). It is feasible but not desirable for the applicant in accomplishing his goal.
4. Will granting the area variance have any effect on the environment? No, there really will not be an adverse impact on the environment.
5. Whether this alleged difficulty was self-created? Yes, it was because the applicant decided to construct the porch with the current design.

Chairman Parry stated that if the applicant is willing to conform to the windows being in compliance with standard size and make the property aesthetically pleasing and an unheated uninhabitable space then there would only be an issue with the 9’ setback of the porch. The property requires having a 20’ setback and is only set back 11’ therefore, 9’ is the setback requirement.

Deliberations ended at 7:45 p.m.

After a brief discussion on the setback requested, the following motion was made.

**MOTION:** Chairman Jeffrey Parry made a motion to accept the application for a 9’ area variance for John Garrow for a porch at 213 Third Street, Scotia, NY 12302 with the conditions that he keeps the space as an unheated uninhabitable space with three windows approximately 18” from the ground and “full size” in height. Also, that the entire construction be aesthetically pleasing, the front edge of the property shall not exceed the edge of where it is now and that it balances in favor of the applicant. The motion was seconded by Thomas Neals.

**AYES:** Jeffrey Parry, Thomas Neals, Dinemayer Silva, Susan Duchnycz, Heather Gray

**NAYS:** None

**MOTION GRANTED.**

**Training Status Report:**

Current Training Hours:

Heather Gray	-1.5
Kenneth George	-2.5
Jeffrey Parry	-2.5
Bonnie Belfance	-2.5
Dinemayer Silva	-1.5
Susan Duchnycz	-0.5
Thomas Neals	-4

**MOTION:** There was a motion to adjourn the meeting at 7:50 p.m.

**MOTION:** Jeffrey Parry **SECONDED:** Thomas Neals

**AYES:** Jeffrey Parry, Dinemayer Silva, Susan Duchnycz, Thomas Neals, Heather Gray

**NAYS:** None

**MOTION CARRIES.**

Respectfully submitted, *Catherine Busher, Zoning Board of Appeals Clerk*  
March 3, 2017 File Date