

Otsego County Zoning Board of Appeals

Minutes from 10-26-10

Call to Order: 6:00pm

Pledge of Allegiance

Roll Call:

Present: Ms. Bono, Mr. Wagar, Mr. Stults, Mr. Sagasser, Mr. Alexander, Mr. McCarthy, Mr. Hoffman

Staff present: Mrs. Bolinger

Public present: Sindy Steffner, Ray Steffner, Phillip Smith, Gary Dakers

Approval of Minutes from 6-22-10:

Corrections: Page 9 – delete “Proposed” in the 1st line.

Page 10 – delete entire 2nd paragraph.

Page 10, 4th paragraph – insert “on amendment” to the read “Roll call vote on amendment”.

Page 10, 5th paragraph – add “as amended” to the end of the sentence.

Motion to approve the minutes as corrected made by Mr. Stults. Supported by Mr. Wagar.

Motion approved unanimously. Motion passes.

Public comments for items not on the agenda: None

Public hearing for variance request #V00005, Raymond Steffner opened at 6:08pm.

Mr. Steffner addressed the Board and explained why they are requesting the variance.

Mr. Smith addressed the Board. He is in favor of the variance request.

Mr. Dakers addressed the Board. He was concerned that this may affect his property lines. Otherwise he is in favor of the variance.

Public hearing closed at 6:24pm.

Zoning Board of Appeals discussion opened at 6:25pm.

There were multiple discussions among Board members.

Mr. Alexander asked if the proposed alternate addition to the house of a breezeway and attached garage would be allowed without a variance.

Otsego County Zoning Board of Appeals

Minutes from 10-26-10

Mrs. Bolinger explained that according to Article 14 of the Zoning Ordinance, they would meet the set back requirements for the proposed alternate addition to the single family dwelling and a Zoning and Building permit could be granted without a variance needed.

Mr. Alexander also asked if in the future, if granted this variance, would they still be able to add the proposed alternate addition? He further pointed out that that a variance stays with the property forever and we need to consider potential actions of the future owners.

Mr. Stults responded that the only thing that could hinder that would be the maximum lot coverage allowed is 25%.

Mr. Steffner asked to address the Board.

Mr. Hoffman allowed a brief comment.

Mr. Steffner stated that if they grant this variance it would put this property into an over capitalized situation where in the future, anybody that would be wanting to do it would be very strapped to do it, because it is very costly, and they would never get the value out of the property.

There were multiple discussions among the Board members.

Mr. Hoffman read the two correspondences received (attached). Both are in favor of the variance request.

The township submitted a letter recommending approval of the variance request (attached).

Mr. Stults stated that by definition the property is a double front lot.

There were discussions among the Board members as to what could be done so that the home owner could build the proposed addition without a dimensional variance.

Mrs. Bolinger read the proposed general findings of facts 1 through 8 prepared by Land Use Services (attached).

Motion made by Mr. Sagaser to accept numbers 1 through 8 general finding of facts. Supported by Mr. Alexander.

Motion approved unanimously. Motion passed.

Otsego County Zoning Board of Appeals

Minutes from 10-26-10

The Board members added to the finding of fact as follows:

- 9) The letter submitted by Charlton Township in favor of granting the variance.
- 10) The letter submitted by Scott Ersten in favor of granting the variance.
- 11) The letter submitted by George Messery in favor of granting the variance.
- 12) That this parcel is a lot through having multiple fronts. (Ex.3)
- 13) That Section 18.1.2 allows 1 detached private garage in a side or front yard provided it meets the set back requirements of Article 14.
- 14) Verbal comments from Mr. Smith and Mr. Dakers, members of the audience.

Motion made by Mr. Stults to accept numbers 9 through 14 general finding of facts.
Supported by Mr. Wagar.

Motion approved unanimously. Motion passes.

Mr. Hoffman started to read the proposed finding of facts for V100005 (Steffner).

Mr. Stults asked to remind the members of the board as that “practical difficulties” is a defined term within the Ordinance and he then read the definition to the board.

Mr. Hoffman continued to read the proposed finding of facts.

Motion made by Mr. Alexander to approve Sec. 23.6.1. Supported by Ms. Bono.

Roll call vote: Mr. Hoffman-No, Mr. Wagar-No, Mr. Alexander-Yes, Mr. McCarthy-Yes, Ms. Bono-Yes, Mr. Stults-No, Mr. Sagasser-Yes.

Motion passes 4-Yes to 3-No.

Motion made by Mr. Sagasser to approve Sec. 23.6.2. Supported by Mr. McCarthy.

Roll call vote: Mr. Hoffman-No, Mr. Wagar-Yes, Mr. Alexander-Yes, Mr. McCarthy-Yes, Ms. Bono-Yes, Mr. Stults-No, Mr. Sagasser-Yes.

Motion passes 5-Yes to 2-No.

Otsego County Zoning Board of Appeals

Minutes from 10-26-10

Motion made by Ms. Bono to approve Sec.23.6.3. Supported by Mr. Sagasser.

Mr. Stults wanted to know what the special conditions or unique circumstances are so they become part of the record.

Ms. Bono stated that it is a unique circumstance that he is allowed to build storage onto the house close to the lake and not doing that and adding onto the pole barn makes it a less detrimental action than if he were to add it onto his house.

Roll call vote: Mr. Hoffman-No, Mr. Wagar-Yes, Mr. Alexander-Yes, Mr. McCarthy-Yes, Ms. Bono-Yes, Mr. Stults-No, Mr. Sagasser-Yes.

Motion passes 5-Yes to 2-No.

Motion made by Mr. Alexander to approve Sec. 23.6.4. Supported by Mr. McCarthy.

Roll call vote: Mr. Hoffman-No, Mr. Wagar-Yes, Mr. Alexander-Yes, Mr. McCarthy-Yes, Ms. Bono-Yes, Mr. Stults-No, Mr. Sagasser-Yes.

Motion passes 5-Yes to 2-No.

Motion made by Mr. McCarthy to approve Sec.23.6.5 with the additional comment...
“The Otsego County Zoning Board of Appeals finds that the variance requested is no greater than the amount of square footage that would be allowed if the structure were attached to the existing dwelling Article 14 table 1, Max % lot coverage.” Supported by Ms. Bono.

Roll call vote: Mr. Hoffman-No, Mr. Wagar-No, Mr. Alexander-Yes, Mr. McCarthy-Yes, Ms. Bono-Yes, Mr. Stults-No, Mr. Sagasser-Yes

Motion passes 4-Yes to 3-No.

Motion made by Mr. Alexander to approve Zoning Board of Appeals case # V100005 for a dimensional variance of 1066 sqft accessory structure addition to an existing accessory structure based on the finding of facts. Supported by Ms. Bono.

Roll call vote: Mr. Hoffman-Yes, Mr. Wagar-Yes, Mr. Alexander-Yes, Mr. McCarthy-Yes, Ms. Bono-Yes, Mr. Stults-No, Mr. Sagasser-Yes.

Motion passes 6-Yes to 1-No.

Variance granted in case # V100005 Steffner dimensional variance.

Otsego County Zoning Board of Appeals

Minutes from 10-26-10

ZBA Member items:

Requested picture ID badges for ZBA members.

Adjourned 8:11pm