

Town of Johnsburg
Zoning Board of Appeals
Tannery Pond Community Center
August 5, 2013

Attendance:

ZBA Members: Cathy Allen, Philip Goodman and James Jones

Applicants: Brian Richards

Guests: None

ZEO: Danae Tucker

Public Hearing called to order at 7:04

Pertaining to: Variance Application #V-02-2013 submitted by Brian Richards seeking A 6 foot Relief of sideline setback for a pre-existing garage Tax Map #66.19-1-6 Located at 7 Main Street, North Creek.

Public Hearing called to a close at 7:09

Motion by Phil Goodman, seconded by Jim Jones, Passed 3-0

Regular meeting called to order at 7:09

The board went right into discussion of Variance Application #V-02-2013 - needs a variance of a 6 foot Relief of sideline setback for a pre-existing garage.

Background:

Mr. Brian Richards lived on a lot adjacent to his parent's property. A garage was subsequently built facing his home, but on his parents lot. When his parents passed, their property and residence ended up in the hands of Mr. Richards two brothers (Mark and Jack). The intent of all three brothers is to relocate the side property line so that the garage will be entirely on Brian Richard's lot. To accomplish this line adjustment and fit in with the existing structures, drives. etc. 6 feet of setback relief is required (see maps and diagrams included with variance application).

Philip Goodman moved to grant 6 feet of sideline relief and approve variance application V-02-2013.

Rationale:

- 1) Granting this relief will not cause an undeniable change to the character of the neighborhood because no noticeable changes will result from it. All buildings, drives, etc. already exist and no other changes are planned.
- 2) Because the buildings, drives, etc. and lot limitations already exist, the benefit cannot be otherwise attained without the variance.
- 3) A 6 foot variance is not substantial.
- 4) Because the buildings, drives, etc. already exist, the physical and environmental conditions in the neighborhood will not be otherwise negatively impacted.
- 5) The condition on the ground is self-created, but the circumstance (death of parents) necessitating the lot restructuring and thus requiring the variance is not, and does not preclude the granting of the variance.

Motion seconded by James Jones.

Motion passed 3-0

Reviewed the 2013 Proposed Amendments to the Town of Johnsbury Zoning Law & Subdivision Control Law – Under Section 605 Existing Undersized Lots – the Lot definition is unclear – need to leave in date or say any lot – rest is ok

Minutes for June 3, 2013 accepted by Motion from Phil Goodman and second by Cathy Allen. All in Favor.

Regular meeting closed at 7:24

Motion made by Phil Goodman and seconded by Jim Jones. Passed 3-0.

Approved October 7, 2013