

**Village of Penn Yan Zoning Board of Appeals**  
**Meeting Minutes – via ZOOM**  
**March 29, 2021**

**7:00 pm**

**PRESENT:** Steve Owens-Chairman, Art Pike, Ruth Davis, Barbara Stewart, Gary Reagan, Kevin M<sup>c</sup>Loud – VB Liaison, Jamie Kincaid-Code, Lynn Duryea-Secy.

**ABSENT:** No one.

**PUBLIC PRESENT:** Erin Brooks, Sarah Gardner

**NEWS MEDIA PRESENT:** None



**A MOTION** by Art Pike and a **SECOND** from Barbara Stewart to approve the February 22, 2021 minutes.

**Art Pike – aye. Barbara Stewart – aye. Gary Reagan – aye. Motion carried.**



Chairman Owens announced the applicant for 102 Delano Place had withdrawn their two applications shortly before the meeting began so that left just one application on the agenda for the board to review. He explained the property owner accepted an offer on the sale of the property.

**FIRST ITEM:** Application from Erin Brooks for a front setback variance to put in a garage at 143 Brown St.

**A MOTION** by Art Pike and a **SECOND** from Gary Reagan to bring the application to the floor.

Erin Brooks was present and explained her property was on the corner of Brown and South Ave so she was considered to have 2 front yards that required a 30' setback. She said the fence that was there was installed 2 years back and she wanted to set the garage so it would abut that fence by the driveway. Chairman Owens commented on the sloping yard behind the location of the garage and that shifting the location of the garage back would not be an option due to that obstacle. He asked what setback she was asking for. He said he needed a number. Jamie explained it was about 8'. He said the edge of the property was considered to be the shoulder of the road and the garage was supposed to be 30' from there but it was 22-23' instead. Chairman Owens asked for clarification and if that meant Erin would need 7'-8' relief on her setback. Jamie said yes. There was discussion about whether or not Erin could reduce the size of the garage by 7'-8' so it would conform to the setback. Erin explained she planned to store a classic car and a boat in the building and that they would not fit if she reduced the size by that much. There was a question about traffic on South Avenue and whether or not the garage would block the view of vehicles exiting the property. Erin said there would be no visual obstruction from the garage that far back from the road. The chair asked if Erin had factored in enough space for the possibility of a future sidewalk down South Avenue. Jamie indicated he expected there would be enough room for installation of a sidewalk along the road and said he would have a conversation with the Streets Dept.

The Board then conducted the Balance Test and from the application they found;

Benefit could not be achieved by other means since the property had 2 front yards subject to the 30' setback rule and the sloping property prevented placement of the garage at the conforming setback. A smaller building with the front wall situated at the 30' setback was also not an option since the boat and vehicles expected to be stored inside would not fit.

The garage situated less than 30' from the property line would not cause an undesirable change in the neighborhood character or to nearby properties.

**Village of Penn Yan Zoning Board of Appeals**  
**Meeting Minutes – via ZOOM**  
**March 29, 2021**

The request was not substantial.

The garage placement closer to the property line than 30' would not have any adverse environmental effects. Adverse physical effects, such as a sight hazard for traffic, were evaluated and found not to be a concern.

The alleged difficulty had not been self-created due to the fact that this corner lot had no other options for placement other than the side street location in front of a considerable slope in the yard.

**Art Pike – aye. Ruth Davis – aye. Barbara Stewart – aye. Gary Reagan – aye. Motion carried.**

Variance Granted for a garage structure to be situated no nearer than 22' from the established lot line along the South Avenue side of the property and would be connecting to the existing fence on that side.

**OTHER BUSINESS:**

- Chairman Owens announced the mayor had decided in-person meetings would begin again as of April.
- The board decided to choose an alternate date for their May meeting that would fall on Memorial Day. The date chosen was Monday, May 24<sup>th</sup>.

A MOTION by Art Pike and a SECOND from Ruth Davis to adjourn the meeting at 7:30pm.

**Art Pike – aye. Ruth Davis – aye. Barbara Stewart – aye. Gary Reagan – aye. Motion carried.**

Submitted by Secretary:

Lynn Duryea