

Town of Cambria Zoning Board Meeting Minutes

November 25, 2024

Call to order

A meeting of the **Zoning Board of Appeals** was held at **Cambria Town Hall** on **November 25, 2024**, @ 7:00 p.m. Chairman Smith welcomed everyone followed by the Pledge of Allegiance.

Attendees included:

Peter A. Smith, Chairman
Thomas Andrews, Vice Chairman
Harmony Retzlaff-Hurtgam, Member
Andrew Milleville, Member
Mark March, Member
Randy Roberts, Liaison to the Town Board
Abe Platt, Town Attorney
Building Inspector/Code Enforcement, James McCann
Deputy Building Inspector/Code Enforcement, Matthew Cooper
Krista Brocious, Planning /Zoning Board Clerk

Members not in attendance included: Cheryl Shoop, Member

Approval of minutes

A motion to approve the **October 28, 2024**, minutes was made by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam, all in favor, motion carried.

New Business

SKABRY, Alexander **ZBAV-2024-012**
4324 Heffren Drive, Sanborn **SBL#106.00-2-13.12**
Area Variance

Attorney Platt read the public hearing.

Mr. Skabry states they had their house built and went through Wendel to have the house laid out and went over in great detail to make sure the measurements were correct. They were waiting to build the garage until they got the variance but the foundation and pad were already poured.

Public hearing open.

Public hearing closed

The foundation for the garage and house were poured at the same time and it was not supposed to be. Mr. Cooper gave the permit out for the house and there is no permit for the garage as of yet.

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The garage is not built, just the pad. Originally the Skabrys were not going to build it until next year and then they gave it to Wendel the Surveyor to situate it on the property.

Motion

The proposed findings from Attorney Platt are:

In light of the fact the pad was already poured there really is no way to achieve this by other means. There would be no adverse impact on the physical environment. This was not self-created. The issue is if the setback was substantial which the board has decided that it's not substantial

A motion to approve the area variance was made by Mr. Andrews and seconded by Mr. Milleville.

Milleville-Aye

Retzlaff-Hurtgam-Aye

Smith-Aye

Andrews-Aye

March-Nay

The motion was approved.

NEWMAN, Jon
3037 Lower Mtn Rd., Sanborn
Area Variance

ZBAV-2024-013
SBL#105.00-1-9

Attorney Platt read the public hearing notice.

Mr. Booth is proposing an attached post-string building in barn style attached by a covered breezeway. Doing it in three sections by building a barn first and then porch and then extending the already covered porch to attach to that barn. He believes he already complies with the requirements.

Public hearing open

John Barry of 8239 Bunker Hill Rd., Royalton stated that him and his wife have been involved in history for quite some time. He believed that Mr. Booth and Mr. Newman are trying to

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preserve history and it always seems to be a long drawn-out process. He agrees with Mr. Booth and Mr. Newman and says they are not just doing this for themselves but for the community.

Public hearing closed.

Chairman Smith asked how the building was going to be attached. Mr. Booth indicated the garage will be attached to the house with a deck and an overhang.

Lengthy discussions about what the definition of an accessory building is, what buildings are on the property, about whether this building will be detached or attached and what the required setbacks are ensued between Mr. Booth and the board members.

Building plans were then shown to the board members.

Attorney Platt asked Mr. Cooper for his position on whether or not this project requires an area variance. Mr. Cooper was made to believe they were doing it in different steps and the attachment comes 6 months or a year down the road. It needs an area variance for the setback and if it's detached it needs a variance for that. Does the board interpret the ordinance the same as Mr. Cooper?

Is it Mr. Cooper's position that the building requires a variance due to the number of buildings? Mr. Cooper responded that is correct. There are currently four buildings, this would be a fifth.

There was a lengthy discussion between Mr. Booth, the Board and Attorney Platt. regarding the interpretation of the Zoning Ordinance and how the board wants to interpret the setback requirements.

Mr. Milleville stated that he was okay with the setback because the house setback is already established. He also indicated that he would approve this garage with the condition that Mr. Booth will guarantee that the entire project will be completed within 2 years. If at that time there is no roofline attaching the garage to the house it will be considered detached and therefore in violation of the Zoning Ordinance.

Mr. Booth agreed to this.

Motion

Motion by Mr. Andrews and seconded by Ms. Retzlaff-Hurtgam to approve the rendered drawings show as long as the garage is attached to the house within 2 years with a roofline.

Attorney Platt offered the following findings:

1. The way the project will be constructed and completed as described and there be no other means to accrue this benefit.

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2. The request as described would render any deviation from the ordinance not substantial.
3. The project as described will not have an adverse effect or impact on the physical or environmental conditions from the nature of what is being proposed.
4. Whether the hardship was self-created or not is not determinative to the request.

Milleville-Aye

Retzlaff-Hurtgam-Aye

Smith-Aye

Andrews-Aye

March-Nay

MILLER, Bradley
4950 Upper Mtn. Rd., Lkpt
Area Variance

ZBAV-2024-014
SBL#107.00-2-47.1

Attorney Platt read the public hearing notice.

Mr. Miller wants to put up a 10 x 12 shed next to his garage. When he bought his house there were three structures. He is looking for more storage. He wants to put it on the one side of the one car garage.

Public hearing open.

Public hearing closed.

This would be a fourth accessory building. The limit is two and it is dependent on the acreage.

There were discussions of other options and how more storage could be made to work without another shed. If it could be attached to the house that would help.

Mr. Milleville explained that this same scenario was at last month's meeting and the board determined that a fourth accessory building was too significant of a deviation from the Ordinance and that motion was denied. Mr. Milleville suggested that Mr. Miller figure out if he could add an addition to one of these structures to achieve the same means as what he is looking to do.

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Mr. Milleville pointed out that the argument regarding the number of structures allowed on a property is not a problem with the board but with the Zoning Ordinance that they have to follow and interpret.

There was discussion as to how to change the Zoning Ordinance.

Attorney Platt proposed that the board find that the benefit of the storage space could be achieved by attaching to another structure or consolidating two of the structures. The project would not pose any adverse physical or environmental impacts or negatively impact the character of the neighborhood and whether the hardship was self-created or not is not determinative to the request. In a similar case, the board has already determined that the two to four buildings were a substantial departure. In this case it's a three to four because it's legal non-conforming.

A motion to deny the application with the conditions stated by the attorney was made by Mr. Milleville and seconded by Mr. March, all in favor, so carried.

REID, Steven
4590 Lower Mtn. Rd., Lkpt
Area Variance

ZBAV-2024-015
SBL#93.00-1-21.1

Attorney Platt read the public hearing notice.

Mr. Reid was present and would like an area variance for an addition to his current residence. To proceed, he needs an area variance for the front yard setback requirement that provides relief to the 60' front yard setback requirement in the AR Zoning district. Mr. Reid is requesting an addition to include an additional 8' to 2 bedrooms. This puts the setback to 52.35' from the line. Mr. Reid went through the 5 Criteria for an Area Variance.

Mr. March asked about the dimensions for the east side of the proposed new garage, and it appears that it is within the allowed footage.

Attorney Platt proposed the following findings:

1. The benefit achieved would not be reasonably achieved by other means.
2. In light of the factors cited by Mr. Reid, there are no adverse effects.
3. Whether the hardship was self-created or not is not determinative to the request.

The issue is whether or not the deviation is substantial and in light of the fact that the Board previously considered a setback that was less than 60' and did not find that was substantial.

Approved

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Planning/Zoning Clerk