**Zoning Board of Appeals Public Hearing Continuation**

 **and Regular Meeting Minutes September 13, 2017**

Held in the Aurora Firehouse Meeting Room at 7:00 PM

**Present:** Chair Karen Hindenlang, Ann Tobey, Jeri Vargo and Laura Holland

**Absent:** Alexis Boyce

**Others Present:** Deputy Clerk Deborah M. Brooks, Code Enforcement Officer Patrick Doyle and members of the public Karen Hynson, Elizabeth Bragg, Jean Potter and Lisa Jeffrey.

**Call to Order:** Ms. Hindenlang called the meeting to order at 7:00pm. The Chair noted that there was a quorum plus one with four (4) members present, and Alexis Boyce absent.

**Changes to the Agenda:** No changes.

**Approval of Minutes:** Ms. Hindenlang asked for comment on the August 9, 2017 Minutes. Code Officer Doyle notedthat on page two (2); paragraph #2 second line referenced the “floor” zone and it should be “flood” zone. He further noted that in the 4th paragraph from the bottom “dug” should be “drilled” a well.

On motion by Vargo, seconded by Tobey, the ZBA voted to approve the minutes of August 9, 2017 with noted changes.

AYES: Hindenlang, Holland, Tobey and Vargo NAYS: None Motion carried.

**Announcements:** Deputy Clerk – No announcements. The Chair updated the Board on need to respond to the Mayor’s letter regarding updates to the Village Zoning Law. The Mayor’s letter, read in the last ZBA meeting, reported that the Village Board would address revisions pertaining to docks and signs at their September 20, 2017 meeting, but the Chair noted that Village Board minutes stated they would be addressing the short term rentals section of the Zoning Law.

 The Board discussed the need to write back to the Village Board with some of their specific concerns. The Chair reminded them of the potentially confusing language in the dock code regarding the prohibition of water lines to an accessory structure, discussed in their last meeting. Ms. Holland informed the Board that the term “Supplemental Dwelling” was not defined in our current Law, but Supplemental Dwellings were permitted in the Table of Uses. In addition, Ms. Holland noted that the index listing for Supplemental Dwelling cited no relevant information, and referenced Home Occupations instead. The Chair said she would draft a letter from the ZBA to the Village Board of Trustees reflecting these concerns.

**Old Business:**  Ms. Hindenlang noted that at the last meeting they had established a deadline of August 31, 2017 for the applicant’s submission of requested additional information to the Code Officer to supplement Application #17-31. Mr. Doyle reported that the applicant’s family sent an email on September 5, 2017 with a new sketch for placement of the water system components within the proposed accessory structure, but did not include the model, manufacture, dimensions, and other requested information. The Chair reminded the Board that they have to vote to accept the information as being received late before they can use it in their deliberations of the file. Ms. Holland moved to accept the tardy submission into the record. Ms. Tobey seconded the motion. Discussion ensued. Code Officer Doyle added that the sketch does not provide any scale, but guessed that it is approximately ½ inch = 1 foot. He noted that from the recent drawing the proposed water system would use approximately 8’ x 2’ or 16 square feet. Motion Carried unanimously.

**Public Hearing Continuance:** Ms. Hindenlang called to order the continuance of the Public Hearing at 7:08 PM for Application #17-31 from Raymond Stout of Brooks Place LLC for two Area Variances at 2451 Sunset Beach. (Tax Map # 193.09-1-5.1)

The Chair read into the record Code Officer Doyle’s email to her of September 11, 2017 (see attached) in which he noted the applicant had not submitted the information requested, so he could not verify the space and minimum clearances required for the water system components, and that the applicant had received the ZBA draft August Minutes on August 16, 2017, which referred to the need for this information.

The Chair asked those present if they had anything further to add. Karen Hynson introduced herself as one of the four (4) owners of the property, and commented on the remark made by Ms. Boyce in the August 9, 2017 minutes on page 3. Ms. Hynson noted that Ms. Boyce’s comment that the applicants “want” storage space is not accurate as they “need” the space, having no storage area for mower, BBQ grill, etc. and do not wish to store these items inside their home.

Having no further comment, on motion by Ms. Holland, seconded by Ms. Vargo, the ZBA voted to close the Public Hearing at 7:14 PM.

AYES: Hindenlang, Holland, Tobey and Vargo NAYS: None Motion carried.

The Chair reminded the Board that they have 62 days to render a decision should they need additional time, or they could decide tonight.

ZBA members discussed the following, using the five (5) factors they are required to examine in considering area variances:

* The appeal is for a substantial area variance – 125% more than is allowed.
* Ms. Hindenlang’s research found no variances approaching that size in the last 22 years.
* The appeal for a height variance is 37% more than allowed.
* The home is located in the Flood Hazard Zone (FHZ), where construction is strictly limited.
* These limitations are important in protecting public safety and private property.
* FHZ protections should be taken seriously in light of recent extreme weather.
* Ms. Holland asked if any area variances had ever been granted in the Flood Hazard Zone.
* No one could recall any such variances
* Ms. Holland noted that a lot of Village property is in the FHZ, and precedent is a concern.
* The overall volume of the proposed accessory structure in the FHZ is large.
* The Board recalled the Village attorney’s caution about “undeniably precedential” variances.
* Ms. Vargo felt the proposed structure would not be adverse to visible community character.
* It would not be seen readily from public or private roads, based on site visit observations.
* Ms. Tobey felt there would be detrimental impact on the community, due to the flood risks.
* The new sketch shows the water system fitting into a small part of the allowed 64 sq. ft.
* It appears that 48 sq. ft. of the 64 allowed might remain for miscellaneous storage.
* Feasible alternatives are available, including a possible addition to the primary structure.
* The “alleged difficulty is self-created,” in this case.
* Considered the “need” for storage and determined it was a “want” for the applicant.
* At least four of the five factors weighed against the granting the appeal.

The Board determined their discussion had reached a conclusion, and the Chair invited Mr. Doyle to leave at 7:35 PM, as he had answered all their questions.

The Board then composed their resolution. On motion by Ms. Holland, seconded by Ms. Vargo, the ZBA voted to deny application #17-31 for Raymond Stout based on Section 405 P1-A of the Zoning Law of the Village of Aurora. (see attached)

AYES: None NAYS: Hindenlang, Holland, Tobey and Vargo Motion unanimously denied.

**New Business**

No New Business was discussed.

**Adjournment:** On motion by Ms. Tobey, seconded by Ms. Holland, the ZBA voted to adjourn the meeting at 7:50pm.

AYES: Hindenlang, Holland, Tobey, and Vargo NAYS: None Motion carried unanimously.

Respectfully submitted,

Deborah M. Brooks

Deputy Village Clerk