

**TOWN OF NORTH ELBA / VILLAGE OF LAKE PLACID
ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS AND DECISION**

APPLICANT: Joshua Farley

APPEAL CONCERNS PROPERTY AT THE FOLLOWING ADDRESS: 153 Parkside Drive, Lake Placid NY 12946

TAX MAP #s: 42.207-7-12.000 & 42.207-7-18.000

ZONING DISTRICT: Village Residential

MATHEMATICAL DESCRIPTION OF RELIEF SOUGHT: A rear yard setback variance of 7.9' for the property fronting Parkside Drive (42.207-7-18.000) and a front yard setback variance of 27.9' for the rear property (42.207-7-12.000).

REQUIREMENT FOR WHICH VARIANCE IS REQUESTED: Village Residential setback standards stipulate a rear setback of 15 ft and a front setback of 35 ft.

APPLICABLE SECTION(S) OF ZONING CODE: Section 2.5D – Standards for Village Residential District

TEST: No area variance will be granted without consideration by the board of the following factors:

1. WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY THE GRANTING OF THE AREA VARIANCE: YES NO

DISCUSSION: The variances allow the boundary line between the two properties to be moved equidistant between the existing single-family residences.

Mr. Rissberger: No; Mr. Morris: No; Ms. Friedlander: No; and Mr. Hopkinson: No. The Board votes NO, 4-0.

2. WHETHER THE BENEFIT SOUGHT BY APPLICANT CAN BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE: YES NO

DISCUSSION: The only other solution would be to demolish the house on the rear property and rebuild within the existing lot lines and current setback requirements.

Mr. Rissberger: No; Mr. Morris: No; Ms. Friedlander: No; and Mr. Hopkinson: No. The Board votes NO, 4-0.

3. WHETHER THE PROPOSED VARIANCE IS SUBSTANTIAL: YES NO

Mr. Rissberger: No; Mr. Morris: No; Ms. Friedlander: No; and Mr. Hopkinson: Yes. The Board votes NO, 3-1.

4. WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT: YES NO

Mr. Rissberger: No; Mr. Morris: No; Ms. Friedlander: No; and Mr. Hopkinson: No. The Board votes NO, 4-0.

5. WHETHER THE ALLEGED DIFFICULTY WAS SELF-CREATED, WHICH CONSIDERATION SHALL BE RELEVANT TO THE DECISION OF THE BOARD OF APPEALS, BUT SHALL NOT NECESSARILY PRECLUDE THE GRANTING OF THE AREA VARIANCE: YES NO

Mr. Rissberger: No; Mr. Morris: No; Ms. Friedlander: No; and Mr. Hopkinson: No. The Board votes NO, 4-0.

Determination of ZBA based on the above factors:

The ZBA, after taking into consideration the above five factors, finds that:

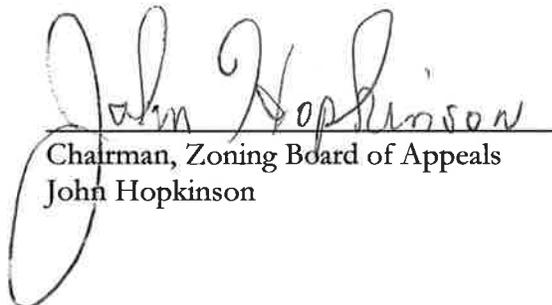
- The benefit to the applicant DOES NOT outweigh the detriment to the neighborhood or community and therefore the variance request is denied.
- The benefit to the applicant DOES outweigh the detriment to the neighborhood or community.

REASONS:

1. Eliminates the existing situation where the boundary line between the properties passes through a pre-existing single-family residence.
2. One neighbor stated she had no problem with the adjustment. No other neighbors commented orally or in writing.

The ZBA further finds that the variance granted is the minimum variance needed to alleviate the applicant's difficulty.

CONDITIONS: The ZBA finds the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following: None.


Chairman, Zoning Board of Appeals
John Hopkinson

Sept 4, 2020
Date

FACTS CONSIDERED IN DECISION:

1. Farley Zoning Board of Appeals Area Variance Application, dtd 7/24/2020
2. Existing & Proposed Boundary Survey Map, A.L.L. Land Surveying, dtd 6/1/2020

RECORD OF VOTE:

Motion to approve the variances made by Todd Rissberger & seconded by Linda Friedlander. All present members vote in favor. The motion passes 4-0.

	Member Name	AYE	NAY	ABSENT	RECUSED
Chair	John Hopkinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	Todd Rissberger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	Charlie Rascoe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	Linda Friedlander	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Member	William Morris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Application # 178	Town Clerk: <u>Chelsie Feester</u>
Date of Application: 7/24/2020	Date: <u>9/15/20</u>
Date of Public Hearing: 8/31/2020	Village Clerk: <u>9/16/20</u>
Date Notice Published: 8/20/2020	Date: <u>Amie A. Ezy</u>
Date of County Referral: N/A	
Date of Final Action: 8/31/2020	