



REGULAR MEETING OF THE ZONING BOARD OF APPEALS  
VILLAGE OF WATKINS GLEN HELD MONDAY, OCTOBER 28, 2019

### PLEDGE OF ALLEGIANCE

The public session of the meeting was called to order at 6:04pm by Stacy Gray who led the assembled in the pledge of allegiance. Present were Stacy Gray, David Hertel, Colleen Chavchavadze, Roger Hugo, Sue Olevnik, Code Enforcement Officer Darrin Stocum and Deputy Clerk Barbara Peterson. There were five other persons in attendance.

### APPROVAL OF MINUTES

Colleen Chavchavadze moved to approve the minutes of September 30, 2019. Sue Olevnik seconded, and the motion passed unanimously.

### 7-Eleven Application– Use Variance for Illuminated Sign

There were no representatives present on behalf of the 7-Eleven variance request. The variance request was submitted as a use variance for a proposed sign box face changing from A-Plus to 7-Eleven with the shape of the sign changing from an arc to a box per the 7-Eleven logo. The applicant is looking to keep the sign internally illuminated which is in violation of the current zoning law section 9, subsection.7. Discussion regarding current law as desirable. In evaluating the request, the following was found:

1. No proof that the applicant cannot realize a reasonable return as shown by financial evidence;
2. The alleged hardship relating to the property is not unique;
3. Technically, if approved, the use would not alter the character of the neighborhood, but would also not conform to current zoning law; and,
4. The alleged hardship has been self-created.

Colleen Chavchavadze moved to deny the variance request for a back-lit sign. Sue Olevnik seconded and the motion passed unanimously.

### Tuttle Application – Area Variance

John and Johanna Tuttle are requesting a 2-foot side setback variance on the property located at 407 Twelfth Street. Contractor Nick Kelly explained the issues regarding the sewer pipe. The Planning Board had originally set the setbacks at 6-feet, but in order to place the house a minimum of 7-1/2 feet away from the sewer line traversing the property. In evaluating the request, the following was found:

1. No undesirable change would be produced to the character of the neighborhood, nor a detriment to nearby properties;
2. There is no feasible alternative;
3. The request is not substantial as the side does not abut a property with a structure; and
4. The difficulty was not self-created as the sewer pipe was not documented before the sale of property.

During discussion, Mr. Kelly asked about what happens if they uncover the sewer line and are off by a few inches? Would there be any leeway on the 2-foot setback? After more discussion, Colleen Chavchavadze moved to amend the variance request to a 1-1/2 foot side setback. Sue Olevnik seconded and the amendment was approved unanimously. Sue Olevnik moved to approve the variance request as amended. Colleen Chavchavadze seconded and the motion passed unanimously.

## BOARD CONCERNS/NEW BUSINESS

The Board discussed notifications in the event a Board member was unable to attend a meeting.

## ADJOURNMENT

With no further business to come before the Board, Sue Olevnik moved to adjourn the meeting at 6:42pm. Colleen Chavchavadze seconded, and the motion passed unanimously. Meeting Adjourned.

Respectively Submitted,

Barbara J Peterson  
Deputy Clerk/Treasurer

DRAFT