

VILLAGE OF WATKINS GLEN
ZONING BOARD OF APPEALS
MINUTES
March 28, 2013

A meeting of the Watkins Glen Zoning Board of Appeals was held Thursday, March 21, 2013. Present was Chairperson Mark Stephany, member David Wyre and Recording Secretary Naomi C. Kingsley. Keith Caslin was in attendance also.

A meeting of the Watkins Glen Zoning Board of Appeals was held Thursday, March 28, 2013. Present was Chairperson Mark Stephany, members David Wyre, Roger Hugo, Walter Hollien and Recording Secretary Naomi C. Kingsley. Keith Caslin was in attendance also.

Chairperson Stephany called the meeting to order at 7:07.

Walter made a motion to accept the March 7, 2013 meeting minutes. David seconded the motion. All were in favor. Motion carried.

Application 2013-02 – Use Variance – Keith & Melanie Caslin, 209 Clarence Street, Watkins Glen.

An application for an use variance seeking relief from Article 4; Section 4.13 Use Regulation Table, Subsection Single-Unit Dwelling, Paragraph CD (Canal Development)

The applicant is requesting a use variance to build a single family dwelling on land he owns in the Canal Development Zone.

Keith spoke and first thanked the board for hearing his request. He stated that upon retiring from the military he and his wife purchased the property from her family with the intention of building a new home. He refurbished the house they are currently living in but it is not big enough for his growing family.

Mark explained that there are 4 tests the need to be answered favorably before the variance can be granted. Test number 1 is the applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial. Keith stated that once the new home was built the current structure would be rented out. He has spent \$50,000.00 refurbishing the house they are currently in to make it livable, but it is still too small. He spoke to a realtor and was told that he could reasonably rent the house for \$1,000.00 a month.

Mark stated that he does not understand why the use table is the way it is. It seems to be backwards, it allows for multiple family dwellings but not single homes. To him it looks to be a mistake. Mark stated in looking over the 4 tests quickly #1 is hard to prove, #2 it is not unique, #3 will not alter but #4 owner purchased the property while the law was in place and did not do proper research before planning to build a home. Mark feels that a single family dwelling should be allowable with site plan.

Roger stated that it is very odd; he could build a multi-family home but not a single family home. Keith stated that he already owns 2 other houses on this property and there is room enough for several more.

Mark is inclined to table the issue; the board has 60 days to act upon the variance. He would like to write a letter to the Village Board of Trustees and Planning Board asking them to review the use table and allow single family homes in the Canal Development District. Mark does not want to box Keith in. Keith is planning to build a 2,400 sq. ft home not counting the basement and garage.

David asked why the issue needed to go back to the planning board. Mark explained that the zoning law was a joint effort of the planning and village boards. Mark would like them to correct what appears to be a mistake and will recommend that they concur. The issue would not come back to the ZBA because it would then become an allowable use.

Walter made the motion to have the chairman send a letter to the Village Board of Trustees and Planning Board asking them to correct what appears to be a printing error. Roger seconded the motion. All were in favor, motion carried. Mark will draft the letter and the clerk will type it.

Mark then asked for a motion to table the issue. David made a motion to table the issue of the variance application. Walter seconded the motion. All were in favor, motion carried. Mark isn't sure what happens if the board exceeds the 60 day limit to act on the issue. He asked the clerk to check with Gordon. Mark asked the clerk to ask the village board and planning board to notify him when they plan to address the issue.

There being no further business a motion to adjourn was made by David. The motion was seconded by Walter. All were in favor, meeting adjourned at 7:51 pm.

Respectfully submitted,

Naomi C. Kingsley
Recording Secretary