

Village of Kinderhook
Zoning Board of Appeals
Minutes of May 28, 2019

Present: Chair David Sullivan; Greg Seaman; Jerry Callahan; Kim Gray
Bill Barford; Village Attorney Robert Fitzsimmons; Liaison
David Flaherty

Also attending: CEO/ZEO Glenn Smith; Renee Shur; Mr. Twentyman

Public Hearing: Kristina Lang
Area Variance for Garage
1 Church Street 43.20-2-58

D. Sullivan opened the public hearing at 7:08 pm. Mrs. Lang is requesting an area variance for a car port at 1 Church Street. The property is an existing undersized lot. She did not realize due to the septic system in the rear of the property that she is unable to build a garage. She is selling the property and is finding it hard to sell without a having a garage or carport. Due to the setbacks required for a garage she is requesting approval for a carport. She will not be installing the carport herself but would like to list the approval of a carport as a selling point.

D. Sullivan wanted to clarify that Mrs. Lang is requesting a car port and not a garage. He stated due to the density setbacks that are applicable from a garage to a car port her revised application is for a carport. He opened the meeting for public comment.

Renee Shur is in support of the application. She encourages long term stable residency on properties. People expect with new construction to have garage. It is a positive thing for people to stay in their home and not have a turn over. There are several properties on the street that have garages and it is precedence and encourages the board to continue with the precedence.

Mr. Twentyman is the realtor for the property and stated 95% of the time people inquired about a garage when he showed the listing. People want a garage when they live in this climate.

A motion made by G. Seaman to close the Public Hearing at 7:15pm; seconded by K. Gray, all in favor.

Call to Order: D. Sullivan opens the meeting at 7:15 pm.

Funds Remaining: \$896.87

Old Business: Kristina Lang

Area Variance for Garage

1 Church Street 43.20-2-58

D. Sullivan reviews the requested variance with the required criteria in the Zoning Board of Appeals Area Variance Findings & Decision Form. 1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: All board members agree that NO the variance will not be a detriment to nearby properties. 2. Whether benefit sought by applicant can be achieved by feasible alternative to the variance: The limited size of the lot and location of the septic system does not allow an alternative. 3.

Whether the requested variance is substantial: The board discussed the side boundary line is at an angle and if the variance would be from a side lot variance or front lot variance. The variance would be under the village code 130-32 using 20% of the lot width and not more than 5,000 square ft to allow a greater variance if needed by the future owner. The board determined NO the requested variance is not substantial due to the minimum requirements is 10 ft and a 2ft variance is requested. 4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: The board agreed NO the variance would not have an adverse impact. 5. Whether the alleged difficulty was self-created: The board agreed yes it was self-created as Mrs. Lang purchased the lot without a garage or car port. The ZBA, after taking into consideration the above five factors, finds that: the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Essentially, the ZBA is creating a prospective carport to be built no closer than 8 ft from the entire property line at any point off of the carport. G. Seaman made a motion to approve a variance of a 2ft side yard setback that would be no closer than 8ft from the entire property line at any point off of the carport. B. Barford seconded, all in favor. The requested variance is exempt from SEQR requirements and referral to the Columbia County Planning Board.

Correspondence: NONE

New Business: The board discussed the length of time a building permit is given J. Callahan noted the village code states a building permit is good for six months. He stated he would like to hold a workshop to discuss the length of time a building permit should be given and when does the time frame start. Glenn noted he grants an extension of twelve to eighteen months for a building permit as his predecessor and he himself have done for approximately fifteen years. J. Callahan is proposing the ZBA add a special condition to the motion that the time frame for the building permit to start would be after all approvals are done to allow coterminous, this will reduce the amount of renewals Glenn would issue. Attorney Fitzsimmons read section 62.3-I of the village code, "building permits shall expire six months after the date of issuance, subject to renewal upon application by the permit holder and payment of a fee." Attorney Fitzsimmons noted there isn't a limit on the number of renewals a permit holder can have. The ZBA concurred with J. Callahan's proposal. If the ZBA does not agree an applicant should not be granted a coterminous application, each individual application will be reviewed and a motion can be granted to have the variance follow the building permit.

Next Meeting: June 24, 2019

Adjournment: 7:53 pm J. Callahan move to adjourn; G. Seaman seconded; all in favor.

Respectfully submitted,



Nicole H. Heeder
Secretary to Zoning Board of Appeals