

Town of Johnsburg
Zoning Board of Appeals
Tannery Pond
April 5, 2021

Attendance: Jim Jones, Phil Goodman, Kevin Bean, Riesha Thissell, ZEO Danae Tucker, and Secretary Joann Morehouse

ABSENT:

Applicants: The Lodge, Kenneth Geiger

Guests: Douglas Parobeck, Matt Parobeck, Mark Parobeck, and

Public hearing: Meeting called to order 7:02 pm by Co-Chair Phillip Goodman.

V-03-2020-Gieger-2350 State Route 28 - Tax Map # 118.10-1-38

Mr. Gieger is seeking an area variance for frontline relief.

V-01-2021-Parobeck- 881 Peaceful Valley Rd – Tax Map # 66.-1-8

. Mr. Parobeck is seeking an area variance for 4 feet of height relief.

Mr. Jones made a motion to close the public hearing at 7:16 seconded by Mr. Bean all in favor.

Call Regular meeting to order: Meeting called to order by Mr. Goodman at 7:16

V-03-2020-Gieger-2350 State Route 28 - Tax Map # 118.10-1-38

4/5/21

Town of Johnsbury Zoning Board of Appeals Variance # V-03-2020

This is a request for an area variance to grant frontline relief of 20 feet.

Background: Mr. Geiger requested 5 feet of frontline relief to construct a new 10' x 10' side entrance to his home at 2350 State Route 28 in Wevertown, NY (Tax map # 118.10-1-38). The town ordinance requires a setback of 40 feet from the highway right-of-way. Mr. Geiger came up with a measurement of 35 feet. During questioning by the ZBA it was revealed that Mr. Geiger had measured from the white line on the edge of Route 28. The ordinance requires that the measurement be made from the highway right-of-way. Apparently, the right-of-way in front of Mr. Geiger's lot was increased by a highway appropriation by the state in 2006 before it commenced repairs on the Mill Creek bridge. The extra right-of-way was needed for the scaffolding the state needed to build to erect a temporary bridge on the Mill Pond side of the existing bridge in order to keep the highway open to traffic during the new construction. An aerial photo of the lot shows that the right-of-way does not run parallel to the highway, but runs diagonally, closest to the highway by the front porch and farthest by the barn. The board determined that the right-of-way appears to be about 15 feet from the white line where Mr. Geiger should have measured, necessitating 20 feet of actual relief. It appears from the supporting documentation that the addition will be entirely outside of the state right-of-way, but the board made the variance conditional on that actually being the case.

The ZBA moved to grant 20 feet of front side relief and approve area variance application V-03-2020 conditional on the addition being built entirely outside of the state highway right-of-way.

Rationale:

- 1) Granting this relief will not cause an undeniable change to the character of the neighborhood.
- 2) The lot is limited by size and physical characteristics; fitting the necessary addition on the existing lot cannot be otherwise attained without the variance.
- 3) The variance is not substantial; the footprint of the addition will still be 35 feet from the edge of the highway.
- 4) The physical and environmental conditions in the neighborhood will not be negatively impacted. The addition will only add 100 sq. ft. to the size of the house.
- 5) The condition is not self-created, the state increased its right-of-way in 2006 to make repairs to the bridge, necessitating the extra relief.

Motion made by Jim Jones, seconded by Kevin Bean, and passed 4-0.

Philip D. Goehman

V-01-2021-Parobeck- 881 Peaceful Valley Rd – Tax Map # 66.-1-8

4/5/21

Town of Johnsburg Zoning Board of Appeals Variance # V-01-2021

This is a request for an area variance to grant building height 4 feet.

Background: Mr. Parobeck requested 4 feet of building height relief for an addition to his Gore Mountain Lodge at 881 Peaceful Valley Road, in North Creek, NY (Tax map # 66.-1-8) The town ordinance requires a maximum height of 3 Stories and 35 feet. The APA has approved a height of up to 40 feet which meets it's standard. Mr. Parobeck has requested 4 feet of relief so the addition to the Lodge can be 3 stories and 39 feet tall.

The ZBA moved to grant 4 feet of building height relief and approve area variance application V-01-2021.

Rationale:

- 1) Granting this relief will not cause an undeniable change to the character of the neighborhood.
- 2) The building was designed to meet Park agency standards and would require considerable alterations without the variance.
- 3) At 4 feet, the variance is not substantial.
- 4) The physical and environmental conditions in the neighborhood will not be negatively impacted. The footprint of the structure will be the same as if the structure were 35 feet tall.
- 5) The condition is self-created but does not prohibit the granting of the variance.

Motion made by Kevin Bean, seconded by Riesha Thissel, and passed 4-0.

Kevin Bean

Approval of Minutes: Mr. Bean made a motion to approve December meeting minutes, seconded by Mr. Jones all in favor

ZEO Report: none

Mr. Bean made a motion to close meeting at 7:30, seconded by Mrs. Thissell all in favor.

Respectfully,

Joann M. Morehouse

Next Zoning Board meeting scheduled for May 3, 2021 meeting place to be decided