**Village of Liberty ZBA Meeting**

**August 6, 2018 6:00 p.m.**

**Present:** **Absent:**

Dominic Fontana, Chairman Robert Nussbaum

Charlie Tyler

George Stang

**Also Present**:

Gary Silver, Village Attorney

Pam Winters, Code Enforcement Officer

Lee Abplanalp

Mary Abplanalp

Doug Abplanalp

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Chairman Fontana calls the meeting to order at 6:00 p.m.

**ON A MOTION BY CHARLIE, SECONDED BY GEORGE AND UNANIMOUSLY CARRIED, THE MINUTES OF THE MARCH 2018 MEETING ARE APPROVED AS SUBMITTED.**

**# 02-2018 Lee & Mary Abplanalp**

**6 Cross Street**

The Abplanalps are here to request a use variance of Section 87-13E, Accessory Structure and Use Standards, of the Village of Liberty Zoning Ordinance which reads, in part, “Railroad cars or retired mobile home units and recreational vehicles shall not be used for purposes of accessory storage structures”. Temporary use of such containers is permitted during construction/renovation with approval of the Code Enforcement Officer but permanent placement is not allowed. A variance is required.

The Abplanalps are requesting a use variance to place an 8’ X 20’ metal “sea box” at the back of their property. They have already removed one old, unsafe, wooden storage shed and may remove a second one and place the contents of the two sheds into the sea box. The storage unit will be placed at the back of their property onto gravel and concrete pads. Photos of the box, the proposed location and the method of placement have been submitted as part of their application.

Also, in support of their application, they have submitted photos of several other sea box style containers that have been in place on several other properties without benefit of a special use permit and/or a variance. Many have been in place for years and eight (8) of them are within 100’ of their property.

Doug Abplanalp also points out to the board that his parents are retired and on a fixed income. The cost to place a similar storage unit from Gray’s Woodworks is roughly $7,800 whereas the cost to purchase this sea box type of unit is only$1,500 which is obviously more within their budget. They’re also willing to paint the unit any color the board wishes to help make it more aesthetically pleasing to the neighbors.

Attorney Silver reads to the board and to the public the parameters which must be considered when approving a variance. That criteria is as follows:

* Unnecessary hardship
* practical difficulties
* Uniqueness
* Spirit of the zoning law

**ON A MOTION BY GEORGE, SECONDED BY CHARLIE AND UNANIMOUSLY CARRIED, THE BOARD DECLARES ITSELF LEAD AGENCY IN THIS MATTER**.

Attorney Silver advises everyone that this application can now be scheduled for a public hearing but, because the property is located within 500’ of a municipal boundary, the application must be sent to the County Division of Planning for 239-m review and, most likely, they’ll indicate that this will be a matter for local determination.

The public hearing is scheduled for Monday, September 10, 2018 at 6:00 p.m. Pam will make arrangements to publish the legal notice, send out the certified mailings and forward an invoice to the applicant.

**# 03-2018 Pamela Winters**

**10 Jordan Avenue**

Tonight’s second application is being submitted by Pam who’s requesting an area variance from the rear setback requirements set forth in Chapter 87-10 of the Zoning Standards set forth in an R2 zone. The zoning ordinance calls for a 30’ setback requirement and Pam is requesting an area variance to reduce that number to 14’.

Right now there is exactly thirty feet (30’) from her back door to her rear property line. Even a required three foot (3’) stoop is illegal. By granting this variance, it would allow her to construct a 16’ X 20’ deck. In support of her request, she told the board that garages and sheds are allowed to be located as close as ten feet (10’) to the property line. Furthermore, there are several other decks and/or porches that have been constructed onto other homes in the past (prior to zoning) and neither aspect take away from the character of the neighborhood. The addition of a back deck would also serve to enhance the appearance of her house and make it more marketable should she ever want to sell it. To try to relocate the exit to the side of the house would cost several thousand dollars and defeat the purpose of trying to have some privacy.

The board agrees to schedule this matter for public hearing on Monday, September 10, 2018 at 6:05 p.m. The application does not have to go to the County for 239-m review. Pam will place the legal notice and mail the certified notices accordingly.

**ON A MOTION BY CHARLIE, SECONDED BY GEORGE AND UNANIMOUSLY CARRIED, THE BOARD DECLARES ITSELF LEAD AGENCY IN THIS MATTER.**

Pam also mentions that she’s asked Judy to run an ad for a ZBA member in the local paper in order to try to fill the current vacancy on the board. The ad will run three times.

**ON A MOTION BY GEORGE, SECONDED BY CHARLIE AND UNANIMOUSLY CARRIED, THE MEETING IS ADJOURNED AT 7:00 P.M.**

Respectfully submitted,

Pam Winters, Clerk Approved: Sept. 10, 2018