

**TOWN OF VIRGIL ZONING BOARD OF APPEALS**  
**Public Hearing/Meeting Minutes - Monday, 24 April 2017 - 6 PM**  
**Town Hall Meeting Room - Virgil, Cortland County, NY**

**Board Members**

Jeannine Sprague, Chairperson  
Linda Edwards  
John Coulter  
\*Sheila Morse  
\*Jeffrey Hall  
\*Steve Terwilliger, Alternate

(\*absent)

**Others Present**

Joan E. Fitch, Board Secretary  
Craig Umbehauer, Town CEO  
Patrick Snyder, Town Attorney

**Public Present**

Laurie & John Case, Appellants.

**PUBLIC HEARING**

**At 6 p.m., Board Secretary Fitch read aloud the Public Hearing notice as published in the Cortland Standard. Proof of Publication has been placed on file for the record.**

**John & Laurie Case, Appellants/Reputed Owners - 2668 South Cortland-Virgil Road - TM #116.00-05-01.212 - Building Closer to Property Line Than Allowed**

Chairperson Jeannine Sprague recognized John Case who was seeking an Area Variance to construct a pole barn closer to his property line (within twelve feet) than allowed. He explained that the previous barn was removed and a 26 ft. by 34 ft. pole barn would be built in its place to be used for storage. If the pole barn was moved farther to the west, it would encroach upon the driveway; moving it to the south, it would be over his well. Also, the proposed pole barn will still be at the same location as the previous structure.

Chair Sprague asked if there was anyone present who wished to comment on the requested area variance; there was no one.

**With everyone wishing to be heard having been heard, Chair Sprague closed the Public Hearing at 6:09 p.m.**

DISCUSSION/DECISION

After a brief discussion, the Board then proceeded with the required questions (balancing test), with the responses being given by the ZBA members, as follows:

1. Will the proposed action produce an undesirable change in the character of the neighborhood, or a detriment to nearby properties be created?  
Finding: No. All Board members present agreed.
2. Can the applicant achieve his goals via a reasonable alternative which does not involve the necessity of an area variance?  
Finding: No. All Board members present agreed.
3. Is the variance substantial?  
Finding: Yes. All Board members present agreed.
4. Will the variance have an adverse impact on physical or environmental conditions in the neighborhood or district?  
Finding: No. All agreed.

5. Has there been any self-created difficulty?

Finding: No. All agreed.

It is noted that this request for an area variance is a Type II Action and, as advised by Town Attorney Patrick Snyder, requires no SEQRA.

Chair Sprague acknowledged receipt of a 1 March 2017 Memo from Daniel Dineen, Director of the Cortland County Planning Department, which stated that the request was technically adequate and had no State- or County-wide impact; therefore the appeal was being returned to the Town for local determination.

With no further discussion, **a motion was made by Member Linda Edwards to grant the area variance, as requested. The motion was seconded by Member John Coulter, with the vote recorded as follows:**

**Ayes: Chair Sprague  
Member Coulter  
Member Edwards**

**Nays: None**

**Absent: Member Morse  
Member Hall  
Alternate Member Terwilliger**

**Motion carried.**

**This becomes Action #8 of 2017.**

**APPROVAL OF MINUTES – 27 MARCH 2017**

Note: As there was not a quorum of members present at this meeting who were present at the March meeting, approval of those Minutes could not take place at this time.

**ADJOURNMENT**

A motion was made at 6:15 p.m. by Member Edwards to adjourn the meeting, seconded by Member Coulter, with all members present voting in the affirmative.

  
Joan E. Fitch, Board Secretary

Submitted via e-mail to Town Supv., Town Clerk,  
Town Attorney, CEO, ZBA Members &  
Co. Planning on 6/20/17.