

CENTER HARBOR ZONING BOARD OF ADJUSTMENT
ARVIN AND NANCY MILLER TRUST – VARIANCE CONTINUED
March 24, 2014

Vice-Chair Jean Meloney called the meeting to order at 7:04 P.M. Those present were: Steve Condojani, Bernie Volz, Palmer Smith, George Lamprey, Aimee Manfredi Pro Tem Clerk Sheila Mohan and Nicole Roseberry.

Jean Meloney introduced the Board members and explained that this hearing is a continuation from March 10, 2014. The hearing was continued so that Ms. Roseberry could get information on the reason for the 65 square feet that is in excess of the 20% allowed for expansion within the setback from Lake Waukewan.

Ms. Roseberry provided a plan of the interior of the residence showing the existing bedrooms that are upstairs and the additional proposed master bedroom on the first floor. Ms. Roseberry explained that the Millers are in their eighties and provided a letter from the architect, Lauren A Miller, granddaughter of Mr. and Mrs. Miller. In the letter Ms. Miller says that currently, the master bedroom is on the second floor. The proposed addition relocated the master bedroom so the Millers would not have to go upstairs and will easily be able to move around on the main floor. The letter goes on to say that currently the Millers do not have trouble getting around, that may change within the next few years.

George Lamprey asked Ms. Roseberry if the architect tried to design the plans under the 65 square feet. Ms. Roseberry said that she didn't know but this would follow the ridge line. Mr. Lamprey said that he could understand the personal hardship but this needs to be hardship to the property.

The hearing was closed at 7:15 P.M.

Jean Meloney said that she had trouble with this not being contrary to the spirit of the ordinance. It was moved by George Lamprey and seconded by Bernie Volz to approve this variance.

Jean Meloney read the five criteria and the Board members voted on each.

1. Granting the variance would be contrary to the public interest. The Board voted unanimously that granting this variance would not be contrary to the public interest.
2. If the variance were granted the spirit of the ordinance would be observed. The Board voted unanimously that granting this variance would be contrary to the spirit of the ordinance.
3. Granting the variance would do substantial justice. The Board voted unanimously that this would do substantial justice.
4. Granting the variance would not diminish the values of the surrounding properties. The Board voted unanimously that this would not diminish the values of the surrounding properties.

5. Denial of the variance would result in unnecessary hardship. The Board voted unanimously that there were no special conditions of the property that distinguish it from other properties in the area. The property can be reasonably used in strict conformance with the ordinance and a variance is not necessary to enable a reasonable use of it.

The Board voted unanimously to deny this variance.

Minutes of March 10, 2014: It was moved by Bernie Volz and seconded by George Lamprey to approve the Minutes of March 10, 2014 for the Paul Anastasio Hearing, and to approve the Minutes of the Arvin and Nancy Miller Hearing with the addition of "square feet" after each reference to 65'. The vote was unanimously in favor.

It was moved by Palmer Smith and seconded by Bernie Volz to adjourn the meeting at 7:35 P.M.

Respectfully submitted by,


Sheila Mohan