

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
January 16, 2012

Board Members Present: Chairman Jim Kenney, Les Drake, Dale Maclaughlin, Harold Carpenter, Dave Storandt, Alternate Don Bell

Others Present: Code Enforcement Officer Richard Ingerson, Recording Clerk Susan Kenney

Townpeople Present: Mark Morgia, Rachel Bernhardt, Justin Wagoner, Bryan Baty, Miriam Bowes, George Bowes, Jo Hood (couldn't really read her handwriting)

At 7:02 Chairman Kenney opened the meeting of the Joint Town and Village of Clayton Zoning Board of Appeals.

Minutes from the November 20, 2011, meeting were reviewed. No corrections were requested. **MOTION** was made by Dave Storandt, 2nd by Dale Maclaughlin, to accept the minutes as submitted. Motion was carried.

7:05 --- Town --- George & Miriam Bowes, 40219 NYS Rte. 12, Clayton, Tax Map # 20.07-2-35.1, in the Marine-Residential District. Requesting a Use Variance.

George and Miriam Bowes did the presenting. They are trying to find out if their building can be approved for something other than a professional office (permitted under the Marine-Residential District), such as a small commercial enterprise (not permitted under the Marine-Residential District).

Chairman Kenney read two letters regarding the application. The first was from Jerry Gardner, CPA, on behalf of the Bowes, certifying that because of the change in zoning after their purchase of the building, they would experience hardship trying to sell the building. The second letter was from the Jefferson County Department of Planning. Because there is no specific project to review in this application, it does not meet county planning review requirements; the applicant first needs to be denied a zoning permit, which has apparently not yet been done.

The point was made that to grant a use variance, the applicant has to show very specific financial hardship, with dollar amounts. The letter from CPA Gardner did not give any such specifics, so it was recommended that it be set aside.

Mrs. Bowes asserted that it was harder to sell a property if the uses are so restricted; she and her husband want to enhance their chances of selling the property.

A use variance is to allow a property to be used for something not allowed in that particular zone. It cannot be granted just to expand potential uses; this is called "spot zoning" and is

ordinance. It would be just a two-stall garage at the end of the driveway. There are no other houses close by, just open pasture.

At 7:52, **MOTION** made by Dave Storandt, 2nd by Les Drake, to declare this a Type II action. The motion was carried. **MOTION** made by Harold Carpenter, 2nd by Dale Maclaughlin, to close the public hearing. The motion was carried.

Chairman Jim Kenney did the finding of fact. At 8:00 p.m. **MOTION** made by Les Drake, 2nd by Dale Maclaughlin, to approve the application as requested.

Aye: Jim Kenney, Harold Carpenter, Les Drake, David Storandt, Dale Maclaughlin

Nay: None

Abstain: None

Absent: none

At 8:03, **MOTION** made by Dave Storandt, 2nd by Dale Maclaughlin, to adjourn the meeting. The motion was carried.

Respectfully Submitted,
Susan Kenney, Recording Clerk