

CITY OF OSWEGO, NEW YORK

ZONING BOARD OF APPEALS

March 19, 2019

Chairperson Sweet made a motion that all actions taken tonight are excluded, exempt or Type II actions for the purpose of the State Environmental Quality Review Law unless otherwise stated. Motion seconded by Mark Brunschweiger, unanimous approval.

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RESOLUTION

CASE NO: 19-40

IN THE MATTER OF: John Bush

WHEREAS, John Bush, owner of property situate in a Residential, R3 Zoning District in the 5<sup>th</sup> Ward of the City of Oswego, New York, with address 34 Singleton Street, being Tax Map Number: 127.84-01-14.02, has applied for a Front Yard Setback Variance in accordance to Section 280-25(A) of the City of Oswego Code, to allow for the construction of a single family dwelling and;

WHEREAS, due public notice having been given of a Hearing on said matter to be held on the 19<sup>th</sup> day of March 2019 and the applicant's representative having appeared and no one appearing in opposition.

Jeff McGann was present for the discussion. Chairperson Sweet said they have an authorization form for Jeff McGann to act as a representative for John Bush. Jeff McGann said Mr. Bush bought a piece of property on Singleton Street and he is looking to put a single story house there. He said he has enough property there but he is asking for an 8' variance in the front yard. He said the only reasoning for that is to line it up with the building that is south of his so it is more aesthetically pleasing from the road. He said he has enough room to move it back but thought it would look more appropriate to line it up. He said he has talked to the neighbors. Chairperson Sweet said this is a pole barn construction. Jeff McGann said yes. Chairperson Sweet said it will have a metal roof, siding and trusses. Jeff McGann said it won't have metal trusses. Mark Brunschweiger said the trusses will be wood. Jeff McGann said yes. He said it will be on a slab and there will be no basement. He said he still has to meet code with everything. Chairperson Sweet asked how high the garage doors are. Mark Brunschweiger said it says 10x10 overhead door. Chairperson Sweet asked if that is standard house-size doors. Jeff McGann said there are multiple sizes. He said a standard height is eight but ten is not uncommon if someone has a boat. Mr. Caraccioli said it could be for a wheelchair accessible van. Jeff McGann said that is very possible. He said the reason he is building this house on this property is because he has a son that was paralyzed a few years ago. He said he doesn't have a way to get his son into his house without carrying him in. Chairperson Sweet said her concern is aesthetically it looks like a pole barn. Jeff McGann said there is nothing in our zoning code that tells someone they can't use metal roofing or siding. Chairperson Sweet said it looks like a commercial building. She said what he is saying is this type of construction can be put anywhere in the city. Jeff McGann said there is nothing in the zoning code that prevents it. He said there are certain covenants in some developments that would need to be followed. Chairperson Sweet said that is a subdivision covenant. She said she is asking about city code. Jeff McGann said there is nothing that would prevent them from building this in the city.

Chairperson Sweet asked if it was part of the new code. Mr. Caraccioli said there are no residential design standards. Mark Brunschweiger said if he didn't seek this variance he could go ahead and build it. Jeff McGann said it will be built regardless. Chairperson Sweet asked if there was anyone in the audience that would like to speak on this matter and no one came forward. She read the criteria for area variances. She said in making a determination the ZBA shall take into consideration the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. She said they have to consider: 1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance, 2) whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance, 3) whether the requested area variance is substantial, 4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, and 5) whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance. She said the Board of Appeals in granting an area variance shall grant the minimum variance that is deemed necessary and adequate and at the same time protect and preserve the character of the neighborhood and the health, safety and welfare of the community.

RESOLVED, that a Front Yard Setback Variance be granted.

MOTION MADE BY ZONING BOARD MEMBER: Frank Clavelli, Jr.

SECONDED BY ZONING BOARD MEMBER: Mark Brunschweiger

Frank Clavelli, Jr. stated this is Chairperson Sweet's last meeting. He presented her with a plaque for her hard work and dedication.

Frank Clavelli, Jr. said there are courses the Board needs to take. He said Jeff McGann will be emailing the Board about the courses. Jeff McGann said they should have the link tomorrow.