

**CITY OF OGDENSBURG
ZONING BOARD OF APPEALS**

**APPROVED MINUTES FOR
SEPTEMBER 25, 2018**

Members Present:	William Flynn, Chair, Patricia Redden Sargent, Steve Schlieter and, Malcolm Casselman, Chris Lalone
Members Absent:	None
Staff Present:	Andrea Smith, Director Planning & Development, Gregg Mallette, Code Officer

ALL RECORDS ARE KEPT ACCORDING TO NYS STATUES BY THE CITY CLERK.

4:29 PM Chairman Flynn called the **Regular Meeting** of the ZBA to order. Chairman Flynn noted that this was a regular meeting of the Zoning Board of Appeals and that they would follow the agenda. Chairman Flynn outlined the procedures of the meeting before conducting roll call. All members present introduced themselves along with Ms. Smith and Mr. Mallette.

1. Approval of previous minutes

- a. July 31, 2018: Mr. Casselman noted that on page 7, the vote stated his reason for voting, but did not record his vote. Ms. Smith noted the correction.
Motion to approve the minutes as corrected by Mr. Casselman, 2nd by Ms. Redden-Sargent.
All members voted in support of the motion to approve the minutes as corrected, 5/0.

2. Correspondence –

- a. Ms. Smith noted that at the September 24th City Council meeting Mr. Daniel Lowery was appointed as the Alternate to the ZBA. Ms. Smith stated that Mr. Lowery has resided in the City for the past year and works at the hospital. She added that as a new member he will need to be sworn in before he can act as a voting member of the board in instances of absence or conflict of interest. Ms. Redden-Sargent added that Chris is a member of the local Lions Club and wants to be involved in the community, noting that he will be a valued addition to the ZBA.
- b. **Ex Parte Communication** – Chairman Flynn asked the board if there was any ex-parte communication to be disclosed. Mr. Lalone replied that he had conducted site visits at both locations and discussed the requests with the Applicants. Chairman Flynn responded that while ex parte communication is required to be disclosed, it is not a negative thing and conducting site visits is encouraged.

3. Variance Requests, Public Hearing –

- a. **707 Ogden Street:** Chairman Flynn asked the Applicant to orally present their request. Ms. Edith Charleston introduced herself as the Applicant and owner of the property and stated that Mr. Stevens, a friend would be presenting her request. Mr. Dave Steven introduced himself and described that Ms. Charleston is requesting relief of the 6' setback to construct a garage. He added that the request is needed so that a straight approach can be made to the proposed garage and so that the required 5' setback can be achieved between the home and the new structure. He added that as proposed Ms. Charleston will be able to also maintain the 10' minimum width required for a driveway.

1 Discussion ensued among the Board, Chairman Flynn asked Mr. Mallette if the property line was where
2 the fence is as shown in the photos. Mr. Mallette stated that just beyond the fence there is a stone
3 retaining wall which is located within inches of the property line.
4

5 Chairman Flynn inquired if there was any public comment. There was none.
6
7

8 Mr. Casselman: Motion to grant relief of §221-47 E (3) requiring 6' side yard setback for accessory
9 structures, Applicant requests 4', ZBA recommends approval as requested for tax map parcel 59.021-2-
10 28. Motion was seconded by Mr. Schlieter.
11

12 Mr. Casselman read aloud the following resolution:
13
14

15 RESOLUTION

16 CITY OF OGDENSBURG ZONING BOARD OF APPEALS

17 Z-2018-010 AREA VARIANCE TMN 59.021-2-28

18
19
20
21 **WHEREAS**, an application has been filed with the Zoning Board of Appeals of the City of Ogdensburg,
22 St. Lawrence County, New York ("the Board") seeking a variance of §221-47 E (3) requiring 6' side/rear
23 yard setback for accessory structures, Applicant requests 4' for tax map parcel 59.021-2-28, 707 Ogden
24 Street, Ogdensburg, New York; and,
25

26 **WHEREAS**, the Board, acting on said application, duly advertised in the Ogdensburg Journal and sent
27 written notice to all persons listed in the petition as owning property within 100 feet of the premises in
28 question and held a public hearing on said application at City Hall, 330 Ford Street, Ogdensburg, New
29 York on September 25, 2018. All those desired to be heard were heard and their testimony duly recorded
30 at this hearing; and
31

32 **WHEREAS**, in accordance with 239-m requirements, the application **did not** require review by St.
33 Lawrence County Planning Offices; and
34

35 **WHEREAS**, the Ogdensburg Zoning Board Appeals, as Lead Agency conducting SEQR has determined
36 this a Type II Action under SEQRA pursuant to 6 NYCRR 617.5(c)(13) and is not subject to further
37 environmental review; and
38

39 **WHEREAS**, Members of the Board are familiar with the area in which the proposed relief of the side
40 yard setback for accessory structures and the specific site of same; now therefore,
41

42 **BE IT RESOLVED**, that the Zoning Board of Appeals makes the following Findings of Fact and
43 Conclusions of Law in this matter:
44

45 Chairman Flynn asked Ms. Smith to read aloud the findings of fact analysis.
46 Ms. Smith read aloud:
47

48 **FINDINGS OF FACT ANALYSIS**

1 The standard to be used in the weighing of the benefit to the applicant against the detriment to the health,
2 safety and welfare of the neighborhood or community if the variance is granted. In making its
3 determination, the ZBA must take into account the following factors:

4 **1. Whether an undesirable change will be produced in the character of the neighborhood or a**
5 **detriment to nearby properties will be created.**

6 This test requires the Board to consider such things as the undesirable changes and potential impacts on
7 neighboring property values and character.

8 DEPARTMENT COMMENTS – The Applicant is requesting a 4’ setback for an accessory structure
9 (carport/garage). The request will, as stated by the Applicant provide adequate setback to maintain the structure as
10 well as to ensure adequate protection of the adjacent property. The proposed 4’ setback will not result in an
11 undesirable character in the neighborhood and provides reasonable protection of the adjacent property as to not
12 impact property values.

13
14 **2. Whether the applicant can achieve his goals via a reasonable alternative which does not involve**
15 **the necessity of an area variance.**

16 This test charges the Board to investigate whether there is a reasonable construction or alternative to the
17 proposal the applicant has made. For example, can the structure be placed so the existing zoning
18 regulations would allow such construction without the need for a variance?

19 DEPARTMENT COMMENTS – The property at 707 Ogden Street is challenged with terraced topography and
20 frontage on Rose Lane as well as Ogden Street that combined has limited the Applicants options for constructing the
21 proposed accessory structure. As located this placement will provide the minimum 5’ separation from the primary
22 structure, required for fire separation, and will provide 66.67% compliance with the required setbacks for accessory
23 structures.

24
25 **3. Whether the variance is substantial.**

26 The third test requires the Board consider how substantial is the variance in physical terms- i.e. to what
27 degree will the regulations be varied.

28 DEPARTMENT COMMENTS – At over 66% compliance with the 6’ requirement, this request is not
29 substantial.

30
31 **4. Whether the variance will have an adverse impact on physical or environmental conditions in the**
32 **neighborhood or district.**

33 The fourth test requires the Board look closely at the purely physical nature of the proposal. Included here
34 should be questions relating to such elements as drainage, runoff, noise, traffic patterns, access for
35 emergency vehicles, impact on utility services, and effect on any sensitive environmental concerns.

36 DEPARTMENT COMMENTS – The proposal will increase impervious surface and runoff, however, the 4’
37 setback will allow for runoff to be collected on the property. Furthermore, because of the topography, the runoff
38 will naturally remain on the parcel and will not adversely impact 709 Ogden Street. There will be no impact on
39 utilities, traffic, or access for emergency vehicles.

40
41 **5. Whether there has been any self-created difficulty.**

42 The fifth test requires the Board to assess whether the request for the variance has been triggered by a
43 situation or difficulty which the owner has created himself. If so, the Board must weigh that fact against
44 the owner, but need not (as in the case of the use variance) deny relief altogether.

45 DEPARTMENT COMMENTS – This is a self-created hardship, however this alone shall not constitute
46 denial.

47
48 Ms. Smith read aloud the staff recommendation:

49 Staff recommendation: The Applicant has demonstrated that there will be no adverse impact on
50 environmental conditions, and that the proposed carport with 4’ side yard setback does not present a
51 detriment to adjacent properties. Furthermore, the proposed relief of §221-47 E (3) 6’ side yard setback
52 will provide a greater benefit to the Applicant than detriment to the district. Therefore, the Applicant has

1 satisfied the NYS stands that warrant approval of this area variance. Staff recommends approval as
 2 requested granting 4’ side yard setback where 6’ is required for accessory structures. .
 3

4 Chairman Flynn asked Ms. Smith to call the roll.
 5

Moved:	Casselman				
Second:	Schlieter				
VOTE	Aye	Nay	Abstain	Absent	Reason
Chairman Flynn	X				I agree with the findings of fact and staff recommendation.
Mr. Casselman	X				I agree with the findings of fact and staff recommendation and believe this will be a greater benefit to the Applicant than any detriment to nearby properties.
Ms. Redden-Sargent	X				I agree with the findings of fact and staff recommendation.
Mr. Lalone	X				I agree with the findings of fact and staff recommendation.
Mr. Schlieter	X				I agree with the findings of fact and staff recommendation.

6
 7 Based on the above Findings of Fact, and after reviewing the application, sketches and plans submitted,
 8 testimony at the hearings, and other documents submitted by the Applicant, the Board determines that the
 9 proposed area variance requesting relief of §221-47 E (3) will be granted as requested, 5/0.

10
 11 Ms. Smith explained that the request for a variance has been approved as requested. Ms. Smith stated that
 12 the Applicant would receive a letter with the determination of the Board along with a copy of the
 13 unapproved minutes documenting the discussion and findings of the board and that a building permit is
 14 required.
 15

16 Ms. Smith asked if there are any questions of the Board or Staff by the Applicant. The Applicant
 17 responded no and thanked the Board.
 18

- 19 **b. 814 Washington Street** – Chairman Flynn asked the Applicant to orally present their request.
 20 Ms. Deborah Polniak stated that she hired a contractor to construct a shed to store the pool
 21 pumping equipment and miscellaneous items that she used to store under her deck that she has
 22 since removed. She stated that unfortunately, the contractor informed her that no permits were
 23 required and only after the shed was constructed, but before it was completed, did her neighbors
 24 receive a violation letter from the code office. She stated that the shed is 12’x8’ and that there is
 25 really no other location for the shed which is why she is requesting a 2” setback.
 26

27 Mr. Lalone stated that he did take the opportunity to conduct a site visit. He went on to describe the
 28 parcel as “small and nonconforming” presenting several challenges. Further discussion ensued regarding
 29 the size of the parcel which Ms. Smith confirmed to be 35’x100’ being a pre-existing nonconforming lot
 30 of record. Mr. Schlieter inquired who the contractor was that informed Ms. Polniak that no permits were
 31 needed. Ms. Polniak replied James Dodd. Chairman Flynn inquired if this was truly the only option for
 32 placement? Ms. Polniak replied that on the other side there is only 9’ and 6’ next to the other neighbor.
 33 She added that there was a 21’ round pool and large deck in place of where the shed currently is, the deck
 34 was right there connected to the fence. Mr. Lalone commented on the neighbor’s garage, the Applicant

1 responded that there is a shared driveway and the neighbor's lot is "L" shaped. Ms. Smith stated that the
2 pool previously mentioned by the Applicant did require a variance, which was approved in 1990, the
3 zoning history is included in the staff report. Chairman Flynn asked Mr. Mallette if he had looked at this
4 and what his thoughts are. Mr. Mallette replied that the bottom line is the proposed 12'x8' shed is a big
5 shed for this property, maybe not a big shed in general, but a big shed for the amount of property here.
6 The Applicant replied that she had wanted to construct an 8'x10' shed, but the contractor suggested 8'x12'
7 would be better given the fence lengths. Mr. Mallette responded that it is really the width of the shed that
8 presents a hindrance to the neighboring property, really a 6'x10' shed would be a better size shed for this
9 property. Discussion followed regarding alternative locations for the shed with the Applicant. The
10 Applicant inquired what the biggest issue is with the current location, no one else is going to use my
11 property there and if the neighbors are fine with it...what is the issue when this structure is so much
12 smaller than what was there, a deck the full length of the yard...Ms. Smith replied, a deck in this same
13 location would require the same variance. Our files indicate that a variance was approved in July of 1990
14 allowing for a 21' swimming pool with a 7' setback from all property lines, there is nothing in our files
15 that pertains to the deck you have mentioned. She continued, I am not sure of the Code Officer can speak
16 to the deck and any permits that were issued for that – Mr. Mallette replied that he couldn't speak to the
17 deck, but that a variance had been issued in 1990 that specifically required a 7' setback, how the deck got
18 there I can't speak to, but maybe the Applicant can, if it was located as described it would have required a
19 variance as stated previously. The Applicant stated that Mark Jacobs had witnessed the construction of
20 the shed for three consecutive days before issuing a letter to the neighbor regarding noncompliance. She
21 continued, I wish he had said something before the shed was constructed...Ms. Smith replied that Mr.
22 Jacobs has retired from work with the City back at the end of June. Ms. Polniak, replied that when she
23 called about the letter she was informed that Mark had retired so it was something he had done just before
24 leaving.

25
26 Chairman Flynn asked if there were any public comments to be issued, there were none.

27
28 Ms. Smith noted that prior to making any motion it should be noted because there have been issued in the
29 past, staff is recommending denial of the requested 2" setback. If the Board is inclined to modify the
30 request or add conditions it would be made and discussed prior to the motion. If the motion is made to
31 approve the request as requested and is subsequently defeated the Applicant will have to wait 1 calendar
32 year to reapply, substantially change the request and reapply or file an Article 78. Ms. Smith went
33 through each scenario in more detail for the benefit of the Applicant.

34
35 The Board proceeded to discuss alternatives with the applicant that would be more in keeping with past
36 precedent and that would mitigate negative impacts to adjacent properties. Mr. Schlieter stated that the
37 proposed 2" setback is out of line with zoning and if the ZBA approves this, it sets a standard that is
38 difficult to undo going forward.

39
40 The Applicant suggested that a potentially acceptable alternative would be to reduce the size of the shed
41 to 5'x12' providing a 3' 2" setback where 6' required. Ms. Redden-Sargent added that she would like to
42 include a condition to include ice guards on the roof.

43
44 Motion by Mr. Casselman: Motion to grant relief of §221-47 E (3) requiring a 6' side yard setback for
45 accessory structures. Where the Applicant requests 2" the ZBA recommends approval of a 3' 2" setback
46 with the condition that ice guards are installed on the roof for tax map parcel 48.071-3-22. Motion was
47 seconded by Ms. Redden-Sargent.

48
49 Mr. Casselman read aloud the following resolution:

50
51 **RESOLUTION**

CITY OF OGDENSBURG ZONING BOARD OF APPEALS

Z-2018-011 AREA VARIANCE TMN 48.071-3-22

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5
6 **WHEREAS**, an application has been filed with the Zoning Board of Appeals of the City of Ogdensburg,
7 St. Lawrence County, New York (“the Board”) seeking a variance of §221-47 E (3) requiring 6’ side/rear
8 yard setback for accessory structures, Applicant requests 2” for tax map parcel 48.071-3-22, 814
9 Washington Street, Ogdensburg, New York; and

10
11 **WHEREAS**, the Board recommends approval of 3’2” setback with the condition that ice guards be
12 installed on the metal roof; and

13
14 **WHEREAS**, the Board, acting on said application, duly advertised in the Ogdensburg Journal and sent
15 written notice to all persons listed in the petition as owning property within 100 feet of the premises in
16 question and held a public hearing on said application at City Hall, 330 Ford Street, Ogdensburg, New
17 York on September 25, 2018. All those desired to be heard were heard and their testimony duly recorded
18 at this hearing; and

19
20 **WHEREAS**, in accordance with 239-m requirements, the application **did not** require review by St.
21 Lawrence County Planning Offices; and

22
23 **WHEREAS**, the Ogdensburg Zoning Board Appeals, as Lead Agency conducting SEQR has determined
24 this a Type II Action under SEQRA pursuant to 6 NYCRR 617.5(c)(13) and is not subject to further
25 environmental review; and

26
27 **WHEREAS**, Members of the Board are familiar with the area in which the proposed relief of the side
28 yard setback for accessory structures and the specific site of same; now therefore,

29
30 **BE IT RESOLVED**, that the Zoning Board of Appeals makes the following Findings of Fact and
31 Conclusions of Law in this matter:

32
33 Chairman Flynn asked Ms. Smith to read aloud the findings of fact.

34
35 **1. Whether an undesirable change will be produced in the character of the neighborhood or a**
36 **detriment to nearby properties will be created.**

37 This test requires the Board to consider such things as the undesirable changes and potential impacts on
38 neighboring property values and character.

39 Department Comments – The Applicant is requesting relief of the required 6’ setback for accessory structures,
40 §221-47 E (3). The requested relief of the 6’ setback to 2 inches does present a long-term detriment to the character
41 of the neighborhood, and does set a precedent that is undesirable for the SFR district. Furthermore, the granting of
42 the petitioner’s request for this variance will further exacerbate the nonconformity of this lot within the SFR district
43 and neighborhood.

44 A 2” setback is inadequate to maintain the accessory structure, and the marginal setback promotes runoff (including
45 snow and ice) onto the adjacent property. Additionally, because the structure is surrounded by impervious surface
46 runoff from the roof will not have the opportunity to infiltrate the ground surface, perpetuating the likelihood of
47 negative impacts to the adjacent property. The image below, taken by staff illustrates the adjacent owners vehicle
48 and the proximity to the *proposed* accessory structure. An ice shed could easily result in damage to nearby property
49 and endanger the health, safety and welfare of adjacent property owners thereby adversely impacting property
50 values.

51 Note: This is an issue we see and receive complaints about regularly in the code office resulting from homes and
52 accessory structures built up to or in close proximity to property lines that pre-date our zoning code, or were

1 constructed without proper permits. While this condition exists throughout our community, setbacks have been
2 established to minimize these issues going forward and promote orderly and safe development. A 2” setback is
3 grossly inadequate for new construction projects and is inconsistent with previous findings of the Board.
4

5 **2. Whether the applicant can achieve his goals via a reasonable alternative which does not involve**
6 **the necessity of an area variance.**

7 This test charges the Board to investigate whether there is a reasonable construction or alternative to the
8 proposal the applicant has made. For example, can the structure be placed so the existing zoning
9 regulations would allow such construction without the need for a variance?

10 Department Comments – The dimension of this parcel being 35’ in width where 75’ is required
11 constitutes a nonconforming lot of record and does present a hardship in achieving required setbacks.
12 However, the proposed 12’x8’ dimensions of this shed significantly reduce the Applicant’s ability to
13 comply with setbacks and otherwise conform to the standards prescribed within the district. There are
14 reasonable alternatives that may still require a variance, but require less of a variance. For example, if the
15 shed was reduced in size to 10’x6’ a 4’ setback would be achievable. A 4’ setback provides the Applicant
16 with adequate space to maintain the accessory structure as well as the ability to address runoff without
17 severely jeopardizing adjacent property owners (present or future).

18 NOTE: The ZBA need not dictate the size of the accessory structure; however, the ZBA does have the
19 discretion to approve lessor relief from the required setback. For example, the ZBA does have the
20 authority to approve a 4’ setback where 6’ is required. The Applicant would then have the ability to
21 design and construct a storage shed that meets these requirements or forego the project entirely at their
22 discretion. The image below has been provided as an illustrated example of one alternative, this is not the
23 only alternative.

24 **3. Whether the variance is substantial.**

25 The third test requires the Board consider how substantial is the variance in physical terms- i.e. to what
26 degree will the regulations be varied.

27 Department Comments – Providing 2 inches of setback where 6’ is required and reasonable alternatives have not
28 been explored is substantial.
29

30 **4. Whether the variance will have an adverse impact on physical or environmental conditions in the**
31 **neighborhood or district.**

32 The fourth test requires the Board look closely at the purely physical nature of the proposal. Included here
33 should be questions relating to such elements as drainage, runoff, noise, traffic patterns, access for
34 emergency vehicles, impact on utility services, and effect on any sensitive environmental concerns.

35 Department Comments - As proposed a 2” setback does present an adverse impact on the physical conditions of
36 the adjacent property. Specifically, runoff cannot be sufficiently managed and could result in damage to property.
37 The proposed accessory structure will not detrimentally impact sensitive environmental areas, and will not impact
38 emergency services or access.

39 **5. Whether there has been any self-created difficulty.**

40 The fifth test requires the Board to assess whether the request for the variance has been triggered by a
41 situation or difficulty which the owner has created himself. If so, the Board must weigh that fact against
42 the owner, but need not (as in the case of the use variance) deny relief altogether.

43 Department Comments – This is a self-created hardship. The accessory structure was erected without
44 receiving any of the required permits and without consultation from Code Enforcement or Zoning staff.
45 All applicable setbacks have been in place in the municipal code since 1992; the Applicant has by
46 definition created this difficulty herself.
47

48 Ms. Smith presented the staff recommendation at the request of Chairman Flynn as follows:
49

50 The Applicant has not demonstrated an inability to procure reasonable use of the lot without this variance,
51 and has alternatives that require less relief from the setback regulations. Furthermore, the administrative

1 record of the Board supports denial of this request for a 2” setback for accessory structures (see
 2 application numbers 20015-18, 2012-008, 2011-12).

3
 4 Therefore, staff recommends denial of the request for a 2” setback.

5
 6 However, if the ZBA is inclined to provide relief of §221-47 E (3), staff recommends that the Board heed
 7 past precedent and maintain at least a 4’ setback. A 4’ setback is a reasonable alternative that allows the
 8 Applicant to achieve her goals while ensuring that protections are made to minimize negative or
 9 detrimental impacts to adjacent property owners and property values.

10 Chairman Flynn stated that the motion is for approval of a 3’2” setback and asked Ms. Smith to call the
 11 roll.

12
 13

Moved:	Casselman				
Second:	Redden-Sargent				
VOTE	Aye	Nay	Abstain	Absent	Reason
Mr. Schlieter	X				As revised, I support the motion for approval.
Chairman Flynn	X				As revised, the 3’2” setback is a reasonable alternative.
Ms. Redden-Sagent	X				As modified, with ice guards I support as a reasonable alternative.
Mr. Lalone	X				The modified 3’2” setback will make the property look better and provide for maintenance of the structure.
Mr. Casselman	X				This seems to be a reasonable solution to a terrible situation.

14
 15 Based on the above Findings of Fact, and after reviewing the application, sketches and plans submitted,
 16 testimony at the hearings, and other documents submitted by the Applicant, the Board determines that the
 17 area variance, as modified, requesting relief of §221-47 E (3) will be granted, 5/0.

18
 19 Ms. Smith explained that the request for a variance has been approved, providing relief of the 6’ setback
 20 for accessory structures. Ms. Smith stated that the Applicant would receive a letter with the determination
 21 of the Board along with a copy of the unapproved minutes documenting the discussion and findings of the
 22 board and that a building permit is required.

23
 24 Ms. Smith asked if there are any questions of the Board or Staff by the Applicant. The Applicant inquired
 25 how long this is good for? Ms. Smith noted that variances are valid for 6 months in accordance with the
 26 Municipal Code. Ms. Polniak inquired how long she will have to comply with the approval. Mr. Mallette
 27 added that within a couple months you will be waiting until spring due to the weather, we would like to
 28 see this taken care of before then. The Applicant responded ok.

- 29
 30 **4. New Business** – Ms. Smith reported that it does look like we will have a need for our regular
 31 October meeting on October 23rd and asked members to review their calendars for that meeting.
 32

1 **5. Old Business** – Ms. Smith reminded members that the LGC will be held on Tuesday, October 9,
2 2018 at SUNY Potsdam. She read aloud the members that have pre-registered and paid for that
3 training event.
4

5 **6. Member Comment** – Mr. Casselman inquired about the SRO on Rensselaer Ave and if anything
6 is happening there. Ms. Smith replied that she spoke to TLS back in late July and they were still
7 awaiting funding for the project. She stated that at that time she did inform TSL that the
8 variances that were approved have since technically expired and that she has asked them to meet
9 with her this fall to review their timetable and to discuss whether or not they will need to go back
10 in front of the Planning Board and Zoning Boards to renewal their approvals.
11

12 **7. Adjournment** –
13 Motion by Mr. Casselman to adjourn the meeting was made, second by Ms. Redden-Sargent
14 **Vote** – The board voted in favor 5/0, meeting adjourned at 5:36 PM.
15

16
17 **NEXT MEETING DATE:** Tuesday, October 23, 2018 at 4:30 PM

City of Ogdensburg
Department of Planning & Development



330 Ford Street - Room 11
Ogdensburg, New York 13669
<http://www.ogdensburg.org>

September 26, 2018

Ms. Edith Charleston
707 Ogden Street
Ogdensburg, NY 13669

RE: Area Variance Request Tax Parcel # 59.021-2-28
Area Variance: 1 of 1 Approved as requested

Dear Ms. Charleston,

A public hearing on the above referenced application was held by the City Ogdensburg Zoning Board of Appeals on Tuesday, September 25, 2018. Present at that time were Chairman William Flynn, Malcolm Casselman, Patricia Redden-Sargent, Steve Schlieter, and Chris Lalone. From staff Andrea L. Smith, Director of Planning & Development, and Code Officer Gregg Mallette were also present.

Area Variance #1: §221-47 E (3) Setbacks for accessory Structures

Mr. Casselman: Motion to grant relief of §221-47 E (3) requiring 6' side yard setback for accessory structures, Applicant requests 4', ZBA recommends approval as requested for tax map parcel 59.021-2-28. Motion was seconded by Mr. Schlieter.

The motion to approve the variance as requested did received sufficient affirmative votes, 5/0. Accordingly, the application is filed with the City Clerk's office on September 26, 2018. A copy of the unapproved minutes has been enclosed with this letter. Building permits are required and can be obtained from the Code Office, 315.393.1935.

NOTICE: Any person aggrieved by any decision of the Zoning Board of Appeals may apply to the Supreme Court for relief under Article 78 of the Civil Practice Law and Rules. Such proceeding must be instituted within 30 days after the filing of a decision.

Respectfully Submitted,
FOR THE CITY OF OGDENSBURG
ZONING BOARD OF APPEALS

Andrea L. Smith, AICP
Director of Planning & Development

cc: ZBA, Planning Board, City Clerk, Code Office, Assessor, City Attorney, City Manager

City of Ogdensburg
Department of Planning & Development



330 Ford Street - Room 11
Ogdensburg, New York 13669
<http://www.ogdensburg.org>

September 26, 2018

Ms. Deborah Polniak
814 Washington Street
Ogdensburg, NY 13669

RE: Area Variance Request Tax Parcel # 48.071-3-22
Area Variance: 1 of 1 Approved as modified with conditions

Dear Ms. Polniak,

A public hearing on the above referenced application was held by the City Ogdensburg Zoning Board of Appeals on Tuesday, September 25, 2018. Present at that time were Chairman William Flynn, Malcolm Casselman, Patricia Redden-Sargent, Steve Schlieter, and Chris Lalone. From staff Andrea L. Smith, Director of Planning & Development, and Code Officer Gregg Mallette were also present.

Area Variance #1: §221-47 E (3) Setbacks for accessory Structures

Mr. Casselman: Motion to grant relief of §221-47 E (3) requiring a 6' side yard setback for accessory structures. Where the Applicant requests 2' the ZBA recommends approval of a 3'2" setback with the condition that ice guards are installed on the roof for tax map parcel 48.071-3-22. Motion was seconded by Ms. Redden-Sargent.

The motion to approve the variance as modified with conditions did received sufficient affirmative votes, 5/0. Accordingly, the application is filed with the City Clerk's office on September 26, 2018. A copy of the unapproved minutes has been enclosed with this letter. Building permits are required and can be obtained from the Code Office, 315.393.1935.

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Respectfully Submitted,
FOR THE CITY OF OGDENSBURG
ZONING BOARD OF APPEALS

Andrea L. Smith, AICP
Director of Planning & Development

cc: ZBA, Planning Board, City Clerk, Code Office, Assessor, City Attorney, City Manager