VILLAGE OF BUCHANAN ZONING BOARD APRIL 12, 2023

PRESENT: Chairman: Gary Bell

Members: Harmen Bakker, Mary Funchion, Ed Mevec, Marco Pinque

Village Attorney: Stephanie Porteus Village Clerk, Treasurer: Cindy Kempter

Building Inspector: Peter Cook

## CALL TO ORDER:

Chairman Gary Bell called the meeting of the Zoning Board to order at 7:00 P.M. He led the Pledge of Allegiance and informed every one of the fire regulations.

<u>APPROVAL OF MINUTES:</u> A motion to approve the March 8, 2023 minutes as presented was made by Marco Pinque, seconded by Mary Funchion with all in favor.

# **NEW BUSINESS:**

Calendar No 01-23-ZBA – Public Herning for Shed (10x16) Street 208 First Street (Bell)

A motion to open the public hearing was made by Ed Mevec and seconded by Harmen Bakker. The green cards were sent out by Mr. Bell. Twenty (20) were received back, five (5) were returned and nine (9) no response. Mr. Bell is requesting a variance for a 10 x 16 shed. Harmen Bakker stated that he has no problem with this variance, but the issue is the code and the fact that similar situations have come up. Whether they are denied or not, at what point will the Board say its too big. Gary Bell stated that it is the Zoning Board decision, if you don't agree with it then vote no. Building Inspector Peter Cook feels that lot coverage would affect that also. Village Attorney Porteus stated that if the Board is seeing a lot of variance requests, then they could write to the Village Board requesting a change to the code. Harmen Bakker questioned if they should propose something. Marco Pinque said he didn't feel it was necessary at this time. A motion to give a variance for a 10 x 16 shed to replacing the existing 8 x 10 shed was made by Marco Pinque, seconded by Mary Funchion, with all in favor. A motion to close the public hearing was made by Ed Mevec and seconded by Harmen Bakker, with all in favor.

### **DECISION AND ORDER**

File No. 01 -23-BZ

Name of Petitioner: John Bell

Address: 208 First Street, Buchanan, New York 10511

**Public Hearing: April 12, 2023** 

Location of Property: 208 First Street, Buchanan, New York 10511

Tax Map Designation: Section: 43-15 Block:53 Lot: 2

Present Zoning:

Nature of Petition:

() Use Variance () Area Variances - () Special Permit () Interpretation

Describe Specific Request:

Applicant requests a variance from Village of Buchanan Code 211-19A- Accessory Structures and Uses, as well as the Schedule of Use Regulations with respect to the size of a shed he wishes to place on his property.

The above referenced petition, having been duly advertised in the official newspaper of the Village of Buchanan, and the matter having duly come to be heard before duly convened meetings of the Board on the above date, and all of the facts, matters and evidence produced by the Petitioner, by Village officials and by interested parties having been duly heard, received and considered, and due deliberation having been had thereon, the following Decision and Order is hereby made by this Board:

#### DISCUSSION:

This Petition involves the request for a variance for the size of a shed the applicant/owner wishes to place on his property pursuant to Village Code 211-19A and the Schedule of Use Regulations. More specifically, garden sheds and minor accessory structures are limited to 100 square feet and the proposed shed measures 10 x 16 feet, or 160 square feet. The Petitioner complies with all lot coverage and lot line requirements of the Village Code.

# Section 211.19 (A) of the Code of the Village of Buchanan specifically states

Accessory structures. All accessory structures shall conform to the minimum yard regulations established in Article <u>V</u>, except as permitted below:

- 1. Unattached structures accessory to residential buildings. Structures accessory to residential buildings which are not attached to a principal structure shall not be higher than 15 feet or 1 1/2 stories and may be erected within the required rear yard of a principal structure, provided that they conform to the following:
- (a) Distance from side lot line: not less than three feet from the side lot line, except in the case of corner lots, where the side yard, as specified in § 211-18, shall be maintained.
- (b) Distance from rear lot line: not less than four feet from the rear lot line.
- (c) Distance from principal structure: not less than 10 feet from a principal structure.
- (2) Unattached structures accessory to nonresidential buildings. Such accessory structures shall comply with front and side yard requirements for the principal structure, shall have a minimum rear yard of at least 10 feet and shall not exceed two stories or 25 feet in height.
- (3) Fences and walls. Unless specifically noted, the provisions of this chapter shall not apply to fences, terraces or walls less than six feet in height above the average natural grade nor to terraces, steps, unroofed porches or other similar features not over three feet above the level of the natural grade.

The members of the Zoning Board of Appeals specifically discussed the requirements of 211-19 (A) and found that all requirements are met with the exception of the size of the shed listed in Column 4 (C) of the Schedule of Use Regulations - "Permitted Accessory Uses". After some discussion, the Board held that given the size of the property and the proposed location of the shed, including that there was no need for a variance from lot coverage and that the placement complied with front, side and rear yard requirements, the shed would not be incompatible with the neighborhood.

**NOW, THEREFORE**, the Petition herein is granted as noted above, and it is further ordered that in all other respects Petitioner comply with all of the rules, regulations and ordinances of the Village of Buchanan, the Building Department, the Engineering Department, and all other agencies having jurisdiction thereof.

## DISCUSSION:

Gary Bell brought up the General Code pages that were handed out some time ago. He suggested that the Board needs to discuss the Zoning Code and make any necessary corrections or changes. This will be on the agenda for the May 10, 2023 meeting.

# ADJOURNMENT:

The meeting was adjourned at 8:00 P.M. on a motion by Mary Funchion, seconded by Ed Mevec, with all in favor.