

The RACOG Cooperative Zoning Board of Appeals met in regular session on Wednesday, November 16, 2022 at the Town of Champion Municipal Building, 10 North Broad Street, West Carthage. Present were T. Kight, T. Heagle, and M. Shettleton. M. Roberts and M. Stephens were absent.

Chairperson Kight called the meeting to order at 7:03pm. Motion by T. Heagle, seconded by M. Shettleton to approve the minutes of November 2, 2022 as presented. Ayes-3, Nays-0. Motion carried.

Proof of notice having been furnished, the public hearing on an area variance for Jake Turck, 720 State St., Carthage was called to order at 7:05pm. No one spoke in favor or in opposition to the proposed action.

Board members acknowledged that they had visited the site. T. Kight questioned if a tree located within the variance would be removed. John Shetler, representing the applicant stated that it would be.

Members reviewed and responded to the SEQR for the proposed area variance. Motion by T. Heagle, seconded by M. Shettleton to make a declaration of negative environmental impact. Ayes-3, Nays-0. Motion carried.

The following resolution was offered by T. Heagle, who moved its approval, and seconded by M. Shettleton, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from Jake Turck for parcel number 86.33-2-14 for a variance of the V/Carthage Zoning Law; Schedule II – minimum side yard setback, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and environmental assessment form, held a public hearing and received comments thereat; and

WHEREAS, after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The Board concludes the proposed construction would not produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concludes that the benefit sought by the applicant could be achieved by some method, feasible for the applicant to pursue, other than a variance.
- C. The Board concludes that the variance is substantial.
- D. The Board concludes that the variance would not have an adverse visual impact on the physical conditions of the neighborhood.
- E. The Board concludes that the alleged difficulty is self-created.

NOW, THEREFORE BE IT RESOLVED that the application from Jake Turck, parcel number 86.33-2-14, for a variance of the V/Carthage Zoning Law; Schedule II – minimum side yard setback is hereby granted with the following conditions:

1. A minimum right side yard setback of 5’ shall be maintained between the new construction and the property boundary line.
2. A tree located within the approved setback shall be removed to allow for property maintenance without trespass.

The foregoing resolution was duly put to a vote as follows:

T. Heagle.....aye  
T. Kight.....aye  
M. Roberts.....absent  
M. Shettleton.....aye  
M. Stephens.....absent

Resolution adopted.

Proof of notice having been furnished, the public hearing on an area variance for 514 State Street LLC was called to order. No one spoke in favor of or in opposition to the proposed action.

Board members confirmed that the proposed garage will measure 24’ x 30’ making it slightly larger than the existing structure (20.5’ x 28.5’). T. Kight questioned if the existing fence is on the property line. Darren Ashcroft, representing the applicant, stated that it was not. He estimated that the lot line behind the garage is 4.5’ to 5’ from the structure.

Members reviewed and responded to the SEQR for the proposed area variance. Motion by T. Heagle, seconded by M. Shettleton to make a declaration of negative environmental impact. Ayes-3, Nays-0. Motion carried.

The following resolution was offered by T. Heagle, who moved its approval, and seconded by M. Shettleton, to wit:

WHEREAS, the RACOG Cooperative ZBA has received an application from 514 State Street LLC for parcel number 86.41-1-2 for a variance of the V/Carthage Zoning Law; Schedule II – minimum rear yard setback, and

WHEREAS, in connection with such application, the Zoning Board of Appeals has received and reviewed an application and environmental assessment form, held a public hearing and received comments thereat; and

WHEREAS, after review, the Zoning Board has weighed the effects of the

requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

- A. The Board concludes the proposed construction would not produce an undesirable change in the character of the neighborhood or detriment to nearby properties.
- B. The Board concludes that the benefit sought by the applicant could be achieved by some method, feasible for the applicant to pursue, other than a variance.
- C. The Board concludes that the variance is substantial.
- D. The Board concludes that the variance would not have an adverse visual impact on the physical conditions of the neighborhood.
- E. The Board concludes that the alleged difficulty is self-created.

NOW, THEREFORE BE IT RESOLVED that the application from 514 State Street LLC, parcel number 86.41-1-2, for a variance of the V/Carthage Zoning Law; Schedule II – minimum rear yard setback is hereby granted with the following conditions:

- 1. A minimum rear yard setback of 5’ shall be maintained between the new construction and the property boundary line.

The foregoing resolution was duly put to a vote as follows:

T. Heagle.....aye  
T. Kight.....aye  
M. Roberts.....absent  
M. Shettleton.....aye  
M. Stephens.....absent

Resolution adopted.

Motion by T. Heagle, seconded by M. Shettleton to adjourn. The meeting adjourned at 7:38pm.

*Christina Vargulick*  
Christina Vargulick  
RACOG Cooperative ZBA, Secretary