

**October 2, 2006
Town of Halfmoon
Zoning Board of Appeals
Meeting Minutes**

Chairman George Hansen opened the October 2, 2006 Town of Halfmoon Zoning Board of Appeals meeting at 7:30pm with the following members present: Mr. Rose, Mrs. Jordan, Mr. Tedrow, and Mr. Brennan. Also in attendance was alternate Mr. Burdyl. Chairman Hansen asked if the Board reviewed the September 4, 2006 Town of Halfmoon Zoning Board of Appeals meeting minutes.

Mrs. Jordan made a motion to approve the September 4, 2006 Town of Halfmoon Zoning Board of Appeals meeting minutes. Mr. Tedrow seconded. Motion carried.

John and Becky Lemieur, 48 Dunsbach Road-Area Variance

Mr. Greg Stevens, Director of Code Enforcement stated that Section 704, Part A of the Town of Halfmoon Local Law stated that the maximum height for an accessory structure is 20 ft in the R-1, Residential zone. He stated that the applicant submitted plans in June for an accessory building. The plans were reviewed and a building permit was issued on June 25, 2006. It did not come to the attention of the Building Department that the structure exceeded the maximum height permissible in the Town code by 3 ft 10 inches until the construction process was under way. It appeared that the structure had been purchased as a kit and there were workers from out of town working on the construction. At this time a stop work order was issued and a notice was sent to the applicant. Because of the amount of work that had been completed the Building Department thought that it would be prudent to continue the work on the structure and have the applicant seek an area variance for the difference in the height of the building. Mr. Hansen referred to the five tests in the Town of Halfmoon Local Law, Article XIV, section 1403, part B, number 2. Mr. Brennan stated that a height difference of 3 ft 10 inches does not seem to be a remarkable amount and would not pose an undesirable change to the neighborhood. Mrs. Jordan stated that because the building has been constructed there does not seem to be another method by which the applicant can achieve the benefit. Mr. Tedrow stated that the 3 ft difference in height is not significant. Mr. Rose stated that the proposed variance would not have an adverse effect to the environment. Mrs. Jordan stated that while the hardship was self-created, the applicant did follow the local ordinance when applying for the permit and it is not the applicant's fault that the Building Department made a mistake in not checking the height. Mr. Tedrow stated that whether the hardship is self-created or not, it is insignificant when viewed with the other factors in the review of this application.

Mr. Rose made a motion to approve the area variance for an additional 3 ft 10 inches in height for an accessory structure in a residential zone. Mrs. Jordan seconded. The vote was as follows: Mr. Rose-aye, Mrs. Jordan-aye, Mr. Tedrow-aye, Mr. Brennan-aye, and Mr. Hansen-aye.

Mr. Brennan made a motion to adjourn the September 5, Zoning Board of Appeals meeting. Mr. Rose seconded. The vote was as follows: Mr. Rose-aye, Mrs. Jordan-aye, Mr. Tedrow-aye, Mr. Brennan-aye, and Mr. Hansen-aye.