

**APPROVED - MINUTES
LAKE GEORGE VILLAGE ZONING BOARD MEETING
OCTOBER 3, 2012- 7:00 PM
VILLAGE ADMINISTRATION BUILDING
26 OLD POST ROAD - LAKE GEORGE, NY**

BOARD MEMBERS PRESENT: Ron Mogren - Chairman, Kevin Merry, Tom Sullivan

BOARD MEMBERS ABSENT: Dennis Barden, Ginny Henry

OTHERS PRESENT: Doug Frost (Enforcement Officer), Carol Sullivan (Secretary), Alan Miller

Ron Mogren opened the ZBA meeting and the Public Hearing 7:00 PM.

OWNER: INTERIM HOLDINGS LLC/CAPITAL SERVICING

APPLICANT: ALAN MILLER

TAX MAP: 264.06-2-31

ADDRESS: 35 DIESKAU ST.

ZONE: RESIDENTIAL MIXED USE

VARIANCE APPLICATION #V10-2012

Variance sought this evening is for a side yard property line adjustment for property located at 35 Dieskau St., tax map # 264.06-2-31. This side yard property line separates property located at 35 Dieskau St., and property located to the south at 35 Courtland St., tax map # 264.06-2-19. This southern property line extends through cottages located on lot 264.06-2-31. Application is made to move this separating property line to the south. Moving the property line to the south will require a variance for the side yard setback for 35 Dieskau St. (264.06-2-31). The side yard setback in the residential mixed use zone is 10 feet. The closest point to the proposed new side yard setback is 1.7 feet. Side yard relief sought is 8.3 feet.

Alan Miller explained the need for the variance to the Board. The property was held by one owner for a number of years. The property is now bank owned and there is a potential buyer for the single family home at 35 Courtland St., tax map # 264.06-2-19. Alan explained it is not feasible to meet the 10 foot side yard setback due to the proximity of the cottages to the tree line which currently exists as a natural boundary between the house and cottages. The home's driveway is also in close proximity. The potential buyer does not want to lose any of the property he is potentially buying. When considering the purchase the potential buyer believed the boundary to be the natural tree line and it wasn't until the property was surveyed it was discovered the property line ran through the cottages.

Both lots will meet the required minimum square footage for lots in this zone.

Carol mentioned Dennis Quirk had expressed some concerns about the pending use of the property. Dennis currently owns the single family home next door to the south. Carol explained to Dennis that in the recent past the home was used as a single family residence and at this point in time that is all it can be used for. The Residential Mixed Use zone does allow for businesses, however, any change would have to be approved by the Planning Board.

MOTION: Ron Mogren made a motion to close the public hearing.

MOTION 2ND: Kevin Merry

Ron Mogren	Dennis Barden	Ginny Henry	Kevin Merry	Tom Sullivan
Aye	Absent	Absent	Aye	Aye

Ayes = 4 Nays = 0. Motion carried.

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MOTION: Ron Mogren made a motion to approve the variance as applied for. This motion is based on the following Fact Finding items:

1. The benefit to the applicant as weighed against the detriment to the health, safety and welfare of the neighborhood or community is greater because there is no detriment. Approving the variance does not create a detriment and the house is in need of many repairs; when repaired it will be an improvement to the neighborhood.
2. The variance will not have an undesirable effect on the character of the neighborhood because there is no change except for what is seen on paper as the property line. Again, home improvements will be an improvement to the neighborhood.
3. The benefit sought by the applicant cannot be achieved by some other method feasible because the property line currently runs through the cottages and has to be moved. Other options were discussed but none are as feasible as what has been proposed this evening.
4. The requested area variance is not substantial because the relief is 8.3 feet, however, the property line must be moved and this is the most feasible variance when considering the single family home and cottages.
5. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood because this is moving a property line.
6. The alleged difficulty was not self-created.

MOTION 2ND: Tom Sullivan

Ron Mogren	Dennis Barden	Ginny Henry	Kevin Merry	Tom Sullivan
Aye	Absent	Absent	Aye	Aye

Ayes = 3 Nays = 0. Motion carried.

MOTION: Tom Sullivan made a motion to accept the September 5, 2012 minutes as presented.

MOTION 2ND: Ron Mogren

Ron Mogren	Dennis Barden	Ginny Henry	Kevin Merry	Tom Sullivan
Aye	Absent	Absent	Aye	Aye

Ayes = 3 Nays = 0. Motion carried.

MOTION: Ron Mogren made a motion to adjourn the meeting at 7:30 PM.

MOTION 2ND: Tom Sullivan

Ron Mogren	Dennis Barden	Ginny Henry	Kevin Merry	Tom Sullivan
Aye	Aye	Absent	Aye	Aye

Ayes = 4 Nays = 0. Motion carried.

Respectfully submitted,
Carol Sullivan
October 15, 2012