

MINUTES
TOWN of DIX - ZONING BOARD of APPEALS
MEETING #2014.06.07

Date: June 7, 2014

Present: Steve Stephany, ZBA Secretary
Dominick Smith, ZBA Member

Richard Husted, CEO

Robert Hartman, Applicant

Meeting Called to Order: 7:30AM

Old Business: None

New Business:

Noted:

- Public notice of this hearing appeared in The Review and Express on 5/28/14.
- Appropriate signage notice of this hearing was erected on or prior to 5/28/14.

Review of Applications: The following Application(s) were submitted to the ZBA by the Code Enforcement Officer:

Moultrup/Hartman 1596 State Route 414, Watkins Glen, NY 14891 – Request for Use Variance to allow commercial use of noted property.

Discussion:

It was noted that this property had been in use for over 30 years as a commercial property until its sale to the current owners. The property is currently zoned RR-S

Criteria considered for granting of a Use Variance is addressed as follows:

1. Applicant states that the property was bought as and intended for commercial use property. Substantial funds have been expended to improve the property for ongoing commercial use.
The ZBA determines that a reasonable return cannot be realized from this property without a Use Variance allowing commercial use.
2. Applicant states that the alleged hardship relating to the property and requiring a Use Variance is unique and does not apply to a substantial portion of the district or neighborhood. The applicant's property is the only property within 1 mile on SR 414, other than KOA, that has recently been in use as a public access, commercial property.
The ZBA agrees with the applicant in that the applicant's proposed continued use of the property as a commercial business is unique and does not apply to a substantial portion of the immediate area.

3. Applicant states that granting a Use Variance for the property will not alter the essential character of the neighborhood.
The ZBA agrees with the applicant that there is no significant potential to produce undesirable change in the character of the neighborhood since its use as a commercial property would only be a continuance of prior use of the property.
4. Applicant states that the alleged hardship relating to the property and requiring a Use Variance has not been self-created in that the property will only continue to be used as it had for years prior to the effective date of The Town of Dix Zoning Law, 1/26/2007.
The ZBA concurs with the applicant's assessment.

Decision for Use Variance: Approved by unanimous vote of ZBA members present.

Meeting Adjourned: 7:40AM

Respectfully Submitted,

Steve Stephany, Secretary