

Town of Canton

Zoning Board of Appeals Meeting Minutes

December 21, 2021
Zoom Virtual Meeting
6:00 pm

Members Present

Chairperson Matthew Scafidi-McGuire; John Taillon; Brett Thatcher; Dan Soulia; Jonathan Pinckney; Elisha Hurlbut
Recording Secretary Jeni Reed

Members Absent

None

Others Present

Code Enforcement Officer Michael McQuade

Call to Order

The meeting of the Village Zoning Board of Appeals was called to order at 6:02 pm by chairperson Matthew Scafidi-McGuire.

Approval of Minutes

Correction - Elisha Hurlbut absent member on 12/8. A motion was made by Jonathan Pinckney to approve the minutes for the December 8, 2021 Zoning Board of Appeals (ZBA) Meeting. The motion was seconded by Dan Soulia and carried.

Agenda Items

1. Discussion of Area Variance/Sub-Division for 5172 CR 27, Canton

This meeting is a continuation of the discussion begun on December 8, 2021 regarding the above mentioned parcel, which is located on the Canton/Russell Town border.

- The usage intent on for the lots is not currently known; per chairperson Scafidi-McGuire it is likely not pertinent to the decision of the Town ZBA in regards to the application.
- Code Enforcement Officer McQuade indicated that at the time of original purchase, the County had a road running at the back of the property - the owners used this and maintained it but did not take ownership of it. This parcel exists as lot C on the map.
- During the property survey, it appears that the surveyor conveyed lot C to the owners, but this was not accurate as the County still owns that portion of the property. The intent of the owner is to eventually pursue ownership of lot C from the County but that has not been completed. The expectation is once this is complete, lot C will be combined with lot B as identified in the maps.
- Due to the above, the parcel of land owned by the County should not be included in the conversation.

- It is anticipated that the new owners of lot B will use the property, but the sale will not happen until the situation with the County property has been resolved; at which time the County lot (lot C) will be combined with lot B.
- The variance being requested is to allow the existence of lot B at less than the Town minimum size of one acre.
- Questions were posed regarding the anticipated sizes of lot A and lot B upon completion of the sub-division; particularly whether lot A would also need a variance to exist under the minimum size - however lot A includes a significant amount of acreage across the Russell Town line even though the Canton only parcel may end up under one acre.
- Jonathan Pinckney indicated that the proposed parcel is only .13 acres under minimum, and the house already exists on the parcel so building issues are unlikely. He then approached the discussion in regards to one of the questions needing answering in order to grant a variance:
 - He stated that in some ways this is a self-created hardship, but at the same time it can be difficult at purchase of a property to know what future plans may entail.
- Continued discussion revolved around the separation of the house (on lot B) from the current horse barn (on lot A), and the question of lot sizes within the Town.
 - Elisha Hurlbut made note of the size of the proposed parcels and their current contents (including a house, horse barn, swale, and pond, as well as sewer and water infrastructure) and concern for the potential issues that may arise from any additional building on the lots. She contended that it would be beneficial to the process to understand what the ultimate intent for the properties is.
 - Per the tax map numbers, the division of parcels would come out to lot A being approximately 1.1 acres, and lot B approximately .87 acres.
 - There remained additional concern regarding the intended use of lot B - although there is an existing house, if a variance is granted to create this .87 acre lot does that open the potential for additional building or changing of the current structures that may cause issues with code requirements?
- Per the County recommendations, the subdivision would be approved for lot B at .87 acres; however there were originally concerns over lot C which came from a misunderstanding and do not apply in this situation.
- At this time, the Board reviewed the five questions required for consideration in an Area Variance request, per section 70-80 of the Town code:
 - Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
 - Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.
 - Whether the requested area variance is substantial.
 - Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 - Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but not necessarily preclude the granting of the area variance.
- It was determined based on discussion that all of the above conditions were met, and a vote was taken.

A motion was made by John Taillon to approve the requested area variance. The motion was seconded by Brett Thacher. Votes for 'aye' were made by John Taillon, Brett Thacher, Dan Soulia, and Matt Scafidi-McGuire. Elisha Hurlbut did not vote. Based on the vote, the motion carried and the area variance was approved.

2. Updates

The board was notified by Jonathan Pinckney that he will no longer be serving as alternate member effective December 31. Thanks were offered for his many years of service. He encouraged all members to take advantage of training opportunities and ask questions as needed.

Other Items

- No other items for discussion were presented by the board.

Adjournment

A motion to adjourn was made by Brett Thacher, and seconded by Dan Soulia. The motion was carried and the meeting was adjourned by chairperson Matthew Scafidi-McGuire at 6:32 pm.

Respectfully Submitted,
January 20, 2022
Recording Secretary Jeni Reed

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