

Village of Canton

Zoning Board of Appeals Meeting

January 11, 2022
Zoom Virtual Meeting
7:30pm

Members Present

Chairperson Conrad Stuntz; Caitlin Gollinger; Andy Whittier; Mike Snow; Barb Beekman
Recording Secretary Jeni Reed

Members Absent

None

Others Present

Code Enforcement Officer Tim Nolan; Peter Csikos; Amber Davis; Rebecca Weld

Public Hearing

Chairperson Conrad Stuntz called the public hearing to order at 7:34pm by explaining the process of the public hearing.

The Code Enforcement Officer Tim Nolan was invited to discuss the application and why it was denied:

Based on the Village of Canton zoning code, lot coverage is limited to a maximum of 25%, and the request for an addition on the existing home would put the lot in question over that maximum percentage, so it was denied and appealed to the ZBA.

The applicant, Peter Csikos, was called on to explain his application for the appeal of the Code Enforcement Officer's decision on their original permit application:

The applicant would like to put an addition on the current home because it is a very small structure (approximately 1200 square feet, of which 600 is the ground floor). Due to concerns regarding aging of the homeowners, they would like to add a bedroom and bathroom on the lower floor to improve accessibility in the home, and allow them to remain in their home as they age.

Several clarifying questions were posed by Chairperson Conrad Stuntz:

- What type of foundation is under the existing home?
 - It is a poured foundation with a crawl space underneath.
- Maximum coverage allowed by code would be 1350 square feet based on lot size, what is the size they are looking for?
 - The final structure would be about 1640 square feet, so they need a variance for approximately 300 square feet.
- The addition would be built almost straight off the back of the house, and is just a single story addition with a pitched roof and a window on the South side of the structure?
 - This was confirmed.

- What is the size of the current deck on the back of the house?
 - Approximately 14x10; about 165 square feet.
 - When the deck is removed, the addition would result in about 518 additional square feet of lot coverage.
- Some additional numbers were clarified by architect Rebecca Weld from Renew Architecture regarding the current structures on the lot:
 - The house on the ground is only 737 square feet (impervious surface coverage), which includes the shed and garage; leaving the actual living spaces particularly small.
 - The 1200 square feet of current lot coverage includes roof lines.

Chairperson Conrad Stuntz then presented the public the opportunity for open discussion of the request:

- Ken Williams (College Court, Canton) - indicated he lives next door, and that the Csikos' had given them a tour of their lot and the proposed addition outline in the backyard.
 - Mr. Williams stated that he does not have any problems with the request; in fact, he will be in a similar situation with wanting to add a potential addition for accommodative purposes in the future.
- Brain Burke (College Court, Canton; via email) - Mr. Burke indicated that he has no concerns with the Csikos' request.
- Rebecca Weld (architect) - wanted to share that the lot overall is substantially undersized for the zone it is in, as it is nearly half of what is the general lot size which the 25% lot coverage numbers are based on. Also, all setbacks have been taken into consideration so variances would not be required in this instance.

As there were no additional questions or public comment, the public hearing was closed at 7:56pm by chairperson Stuntz.

Call to Order

The meeting of the Village Zoning Board of Appeals was called to order at 7:56pm by chairperson Conrad Stuntz.

Agenda Items

1. Discussion of area variance for 9 College Court

- Chairperson Stuntz explained the process of the area variance and the five questions required of all ZBA boards in New York State.
- The final vote determines if the board feels that any benefit gained by granting the area variance would outweigh any detriment created.
- Five Questions:
 - Would the variance create an undesirable change in the neighborhood?
 - It doesn't appear that it would make a huge impact in the neighborhood.
 - Would the benefit sought by the applicant be achieved by a feasible alternative to the variance?
 - This is an "age-in-place" request for single floor living; is there any alternative on this parcel to meet this goal?
 - It doesn't appear that this would be possible in any other way.
 - Some questions were asked of the applicants involving their ingress/egress and traffic flow on the parcel.
 - There may be a possibility to drop closets or "squish buildings" but these alternatives are not particularly feasible.
 - Is the variance requested substantial?
 - They are moving from 25% coverage to 30% coverage which is about a 20% increase - is this substantial? What is the definition of substantial?

- Because the lot is undersized, the request is more substantial than it would be if it were a normal sized lot.
 - Would the variance have an adverse impact on the environmental conditions or physical conditions of the neighborhood?
 - No board members felt this variance would have an adverse impact.
 - Is the alleged difficulty self-created?
 - By self creation, what needs to be examined is whether this situation was entirely out of the applicant's control.
 - There is nothing that appears to be of specific concern for the variance.
 - Noted by chairperson Stuntz:
 - Due to the adoption of the new zoning code in the Village of Canton, this lot will be rezoned to residential multifamily which changes the lot coverage requirement of 25% maximum, to an impervious surface maximum of 35%.
 - This vote of the board will be under the current zoning codes; however if the variance is turned down at this time, the permit could be reapplied for once the new zoning code is in place and it would be approved under the new impervious surface calculations.
 - At this time the board took a vote regarding the five conditions and if the overall benefit of the variance would outweigh the detriment (aye vote approves the variance; nay vote denies the variance):
 - Mike Snow - Aye
 - Caitlin Gollinger - Aye
 - Barb Beekman - Aye
 - Conrad Stuntz - Aye
- Based on the vote, the variance passes with no conditions added by the board.

Other Items

No other items were addressed at this time.

Adjournment

The meeting was adjourned by chairperson Conrad Stuntz at 8:15pm.

Respectfully Submitted,
February 14, 2022
Recording Secretary Jeni Reed