

MINUTES
TOV Zoning Board of Appeals (ZBA)
Special Meeting
April 17, 2024

Call to order: ZBA Chairman John Pavelock called the meeting to order at 6:30 pm with the Pledge of Allegiance.

Attendance:

ZBA Members: Amanda Hewitt, Joshua O'Kay, Michael Taylor, Nathan Juby, and John Pavelock.
Others: Secretary Kathy Pavelock and applicant Patrick Enwright.
Liaison Darrin Smith and Zoning/Codes Officer Reay Walker were unable to attend.

Minutes Approval:

Amanda Hewitt made a **motion to approve the minutes for the March 27, 2024 ZBA Special Meeting**. Seconded by Josh O'Kay. Poll Vote: Josh O'Kay – Aye, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

Correspondence:

Secretary Pavelock summarized the correspondence since the last ZBA meeting including:

- Received an email and phone call from Chris Perry. Provided a copy of application Var2024-01 and draft 3/27/24 minutes. Explained the TOV variance process.
- Received a phone call from applicant Patrick Enwright stating he wished to change his plans. After conferring with Chairman John, cancelled the public hearing. Called Chris Perry to notify him of the cancelled public hearing.
- Received updated Var2024-01 application.

Public Hearings: None (The previously scheduled public hearing was cancelled. See correspondence.)

Unfinished Business:

VAR2024-01 Patrick Enwright requesting an area variance for Zoning Law Section 420 Schedule A. Location: 1027 NYS Route 49. Zone: SR.

Chairman Pavelock summarized the status of this application:

Original plans: Tax Map # 215.000-2-47.2

Codes Officer Reay Walker rejected a building permit for 20'x 40' 3-sided structure with a 15' side setback. Codes Officer reported a width of 400' requires a 60' (15%) setback in Zone SR.

Updated plans: Tax Map # 215.000-2-47.1

Codes Officer Reay Walker rejected a building permit for 20'x 45' 3-sided structure with a 20' rear setback. The updated plans for the structure (now 45'x20') to be constructed on the property owned by Matthew Enwright. Codes Officer reported a minimum 10% rear setback is required in Zone SR.

The ZBA members reviewed the updated application and a screen print from the Oneida County Tax Parcel viewer showing the lot size for 215.000-2-47.1 as 150'W x 300'L. The rear setback of 10% would be 30'. Mr. Enwright is requesting a rear setback of 20' on the updated application.

The ZBA reviewed Zoning Law section 420 schedule A, which states that the rear setback for Zone SR is 20' and not 10% as indicated by Codes Officer Walker. The ZBA drafted a letter to the Codes Officer based on their findings. The draft letter is attached to these minutes. It will be type by the secretary and reviewed/signed by the chairman.

Nathan Juby made a **motion to approve the letter to Codes Officer Walker as drafted at this meeting**. Seconded by Mike Taylor. Poll Vote: Josh O'Kay – Aye, Amanda Hewitt – Aye, John Pavelock – Aye, Mike Taylor - Aye, Nate Juby - Aye. **Motion Carried.**

The ZBA stated they will keep the application open until the applicant has an approved building permit in case there are other issues requiring a variance. The ZBA requested that any email correspondence related to this application be printed and placed in the VAR2024-01 file.

New Business: None

Amanda Hewitt made a motion to adjourn, seconded by Josh O'Kay. All in favor.
Motion Carried at 7:17 PM.

Minutes Prepared by:
Kathy M. Pavelock /s/
ZBA Secretary



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ONEIDA COUNTY, NEW YORK

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April 23, 2024

Reay Walker
Codes/Zoning Officer
Town of Vienna
PO Box 250
2083 NYS Route 49
North Bay, New York 13123

RE: ZBA Interpretation for Var2024-01 Enwright 1027 NYS Route 49

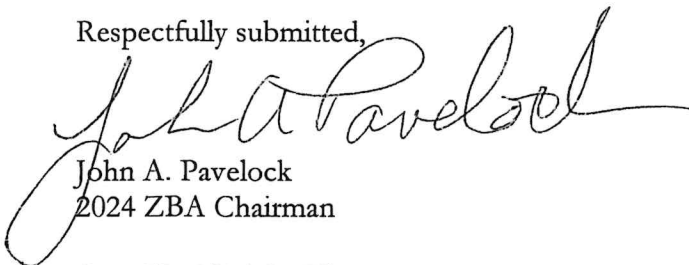
Dear Codes Officer Walker,

At a Zoning Board of Appeals (ZBA) special Meeting held on April 17, 2024, the ZBA reviewed the Application for Appeal of the Zoning Law VAR2024-01 for 1027 NYS Route 49; Tax Map # 215.000-2-47.1. The application was submitted by Patrick Enwright and updated on April 11, 2024 to appeal the Codes Officer denying a building permit based on the inability to meet a 10% rear setback in the Zone SR.

On April 17, 2024, Mr. Enwright measured the property from the road to a stake which is 35' from the rear lot line. Mr. Enwright is willing to remeasure and set stakes for the proposed location of a new structure.

It is the opinion of the ZBA that if Mr. Enwright meets the 20' rear setback in accordance with Section 420 schedule A, no variance is needed. The ZBA will keep application Var2024-01 open until the codes officer has determined that all setbacks will be met and a building permit for the proposed structure is issued.

Respectfully submitted,



John A. Pavelock
2024 ZBA Chairman

Cc: Var2024-01 File
Matthew Enwright (property owner)
Patrick Enwright (applicant)

