

VILLAGE OF ELLENVILLE
ZONING BOARD OF APPEALS
FEBRUARY 24, 2011
MINUTES

Meeting called to order at 7:00 p.m. by Chairman Tennenbaum. Also present at that time was: Commissioners Ken Beck, James Pidel and Nate Shorter.

Also present was Attorney Peter Berger and Code Enforcement Officer Schug.

Robert Ramos – 11 – 11 ½ Maple Avenue – Use variance request.

Motion by Commissioner Pidel, seconded by Commissioner Shorter to open a Public Hearing in reference to a use variance request.

All in favor - Aye - motion carried

Mr. Schug reviewed with board members his memorandum dated January 24, 2011 which this parcel is located within the R-1 Residential District. As per the code of the Village, no apartments or apartment buildings are allowed within the R-1 district. Mr. Schug further stated that prior to October 16, 2002 the structure located on the parcel contained a total of three apartments. Two apartments were in the main house and a third was above the detached garage to the west of the main building. At that time and according to the Village Code they were considered legal non-conforming users. The Certificates of Rental Safety expired in 2003 and the owner did not attempt to renew them. Since all three apartments were vacant for more than one calendar year they were no longer entitled to the benefit of a legal nonconforming use.

Attorney Berger reviewed with commissioners the necessary criteria that a board must consider before a use variance is to be granted. That criteria is as follows:

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
2. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
3. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
4. That the alleged hardship has not been self created.

Mr. Ramos stated that their intent is to live at 11 Maple Avenue convert it to a one family home and rent the apartment above the garage. There was discussion in reference to the property bordering multi-family residences.

Commissioner Tennenbaum questioned if anyone from the public had a comment and Thomas Briggs, 20 Maple Avenue, discussed the history of when the Village did the rezoning of this area in the '90s and the purpose of this was to do away with multi family dwellings in this area. Mr. Briggs urged the Zoning Board to disapprove this request.

This variance request was reviewed by the Planning Board for an advisory opinion and they determined that the applicant does not satisfy the criteria necessary to grant a use variance.

After lengthy discussion between the applicant and the Zoning Board, Mr. & Mrs. Ramos withdraw their application for a variance.

Motion by Commissioner Beck, seconded by Commissioner Shorter to close the Public Hearing at 8:00 p.m.

All in favor - Aye - motion carried

Motion by Commissioner Shorter, seconded by Commissioner Pidel to adjourn the meeting at 8:00 p.m.

All in favor - Aye - motion carried

Respectfully submitted,

Noreen Dechon
Village Clerk