

Town of Manchester Zoning Board of Appeals Meeting Minutes

September 3, 2024 – 7:00pm

Present: Chairman Kenneth Blazey; Board members Jessica Hemenway, Michael Blazey, Leonard Bolton, and Jacob Maslyn; Code Enforcement Officer Steve DeHond; and Secretary Laurel Pitcher.

Absent: None.

Also Present: Tammy Worden, Roger Worden, Scott DeCook, Steven Gardner Jr., Courtney Gardner, Todd Cummings, and Steven F Gardner Sr.

Application #4659-24: Consider Area Variance #4659-24 submitted by Tammy Worden who is requesting to build a pole barn 23' tall when code states only 18' tall on property located at 3041 Wilber Rd, tax map no. 3.00-1-16.300 in a RR district pursuant to Chapter 325 Section 325-20.6 Table 20-4.

Board member Leonard Bolton began by asking the applicants how much land they have and where they plan to put the barn. Applicant Tammy Worden answered that they have just shy of 6 acres, and they plan to put the barn on the East side of the pre-existing house. Neighbor Scott DeCook said he thinks this is a great idea, and he's fully in support of the project. Leonard Bolton also asked the applicant why they want the barn to be so tall, and they said that they have a trailer that requires a structure taller than the allowable height limit.

Board Member Michael Blazey asked for clarification on the location, asking if the barn will exceed the front of the residence. Tammy Worden said that it will not exceed the residence, they're just looking for the variance due to the height restrictions.

Chairman Kenneth Blazey asked if there were any further questions at this time. No further questions were had, so Kenneth Blazey and the Board Members reviewed the Area Variance Findings and Decision Form. Those questions are listed below.

1. Whether undesirable change would be produced in character or neighborhood or detriment to nearby properties; the Board answered no.
2. Whether benefit sought by the applicant can be achieved by a feasible alternative to the variance; the Board answered no.
3. Whether the requested area variance is substantial; the Board answered no.
4. Whether the variance would have an adverse impact on the physical or environmental conditions in the neighborhood; the Board answered no.
5. Whether the alleged difficulty was self-created; the Board answered no.

The Zoning Board of Appeals concluded that the benefit to the applicant DOES NOT impose a detriment to the neighborhood or community.

A motion was made by Jessica Hemenway to approve area variance #4659-24, submitted by Tammy Worden to build a pole barn 23' tall when code states only 18' tall on property located at 3041 Wilber Rd, tax map no. 3.00-1-16.300 in a RR district pursuant to Chapter 325 Section 325-20.6 Table 20-4. Motion seconded by Michael Blazey. All voted "Aye." Motion carried.

Application #4658-24: Consider Use Variance #4658-24 submitted by Steve Gardner who is requesting to service and sell used cars on property located at 1022 State Rt 21, tax map no. 20.00-1-47.111 in an Ag district pursuant to Chapter 325 Section 65.2.

Board Member Michael Blazey began by asking questions about the history of the property. Steve Gardner said that ash trees have been removed in the past, but he does not plan to remove any further trees from the property.

Chairman Kenneth Blazey asked about the history of Mr. Gardner's business. Steve Gardner said he used to rent in Newark but lost the lease he had there and currently doesn't have anywhere to operate his business. Steve Gardner also mentioned a study done by Cornell that says his property is not suitable for farming, despite being zoned for agricultural uses. Mr. Gardner also said that he tried to get a company to put solar panels on his land and was denied. Unfortunately, he was unable to find the documents for this.

Michael Blazey asked the applicant if he is planning to add any buildings to the property, and Mr. Gardner said no. There's already a barn on the property that he plans to use for all his needs with this endeavor. Michael Blazey also asked how many cars will be on the property, and Steve Gardner answered 10-12 at most. He also said that the cars will be stored on a pad and millings that are already on the property. No changes will be needed there.

Kenneth Blazey asked if Steve Gardner will have a sign located on State Rt 21, and Mr. Gardner said he will. Chairman Blazey also asked if the applicant will be doing repair work on the property, and he said

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no. He said he won't be doing repairs for the business on site, so he does not plan to get a repair license through the state either.

The Board asked the neighbors present how they felt about this, and everyone was in support of the project. Neighbor Todd Cummings said that there won't be any disturbed soil, and nothing is changing other than keeping cars there, so he fully supports this project.

Board Member Jessica Hemenway asked for dollar and cents proof that the applicant cannot realize a reasonable return under permitted uses. The applicant provided the letter from Cornell satisfying this requirement for agricultural uses; said he's waiting to hear back for residential proof; and he couldn't find the email from the solar application that was denied, which would be one commercial use. Jessica Hemenway said she'd like to see further proof of this inability to use the property as permitted. Code Enforcement Officer Steve DeHond mentioned that the property is not sufficient for other Ag Commercial uses such as an airport or playground. The Board Members discussed and said that it is not possible to provide proof of every permitted use and moved forward with the meeting.

No further questions were had at this time, so Kenneth Blazey and the Board Members reviewed the Use Variance Findings and Decision Form. Those questions are listed below.

1. Whether the applicant can demonstrate factually, by dollars and cents proof, an inability to realize a reasonable return under existing permissible uses; the majority answered yes.
2. Whether the alleged hardship relating to the property in question is unique and does not apply to the substantial portion of the district or neighborhood; the Board answered no.
3. Whether the requested use variance, if granted, will alter the essential character of the neighborhood; the Board answered no.
4. Whether the alleged hardship was self-created; the Board answered no.

The Zoning Board of Appeals concluded that the applicable zoning regulations and restrictions HAVE NOT caused unnecessary hardship. In addition, the Zoning Board of Appeals finds that the following conditions are necessary in order to minimize the adverse impacts upon the neighborhood or community:

CONDITIONS: non-transferrable; maximum of ten (10) cars on the property at one time; and hours of operation must be part-time.

A motion was made by Michael Blazey to approve the use variance #4658-24, submitted by Steve Gardner to service and sell used cars on property located at 1022 State Rt 21, tax map no. 20.00-1-47.111 in an Ag district pursuant to Chapter 325 Section 65.2. Motion seconded by Jacob Maslyn. Jessica Hemenway abstained. All other board members voted "Aye." Motion carried.

Previous Minutes:

A motion was made by Kenneth Blazey to approve the minutes from the last meeting which took place on December 5, 2023. Motion seconded by Michael Blazey. All voted "Aye." Motion carried.

At this time the meeting was adjourned at 7:45pm.

Respectfully submitted,

Kenneth Blazey
Chairman, Zoning Board of Appeals

Laurel Pitcher
Recording Secretary