

**MINUTES OF ZONING BOARD OF APPEALS PUBLIC HEARINGS AND MEETING
HELD AUGUST 11, 2004**

Present: Donald Mordue, Chairman William Henry
Patrick Beaton Anthony Muscolino
Michael Haley

Others Present: Jane Brizee Shaw Hearing: Eileen Manion Cooley, Jane Brizee Shaw, William Shaw, Duane Lynn, Judy Romeiser, Debbie Close, Craig Record, Sue Beetle.

Absent: None

Recording: Rita J. Gurewitch, Deputy Clerk/Treasurer

The public hearing was called to order at 7:30 PM by Chairman Mordue. First hearing is Ms. Jane Brizee Shaw of 35 North Avenue requesting a use variance to raise two (2) pygmy goats on her property that does not meet village code Section 100-29BB of the Village of Manchester Zoning Ordinance which states no lot may be used or occupied and no structure may be erected, maintained or used for the raising, harboring or housing of...goats etc.

The Legal Notice was read as published in the newspaper, The Daily Messenger.

After a thorough discussion the following resolution was offered by Chairman Mordue, seconded by Michael Haley, who moved its adoption:

WHEREAS, Jane Brizee Shaw, of 35 North Avenue, filed on July 21, 2004, an application for a use variance of Section 100-29 BB, of the Zoning laws of the Village of Manchester to allow them to raise pygmy goats on their property within village limits; and

WHEREAS, those present voiced their concerns against such use; also see attached letter from Mary A. Manion firmly against granting any variance as it would diminish her quality of life; and

WHEREAS, to raise goats can have an adverse affect to health, safety and welfare of the community; and

WHEREAS, the members of this board are familiar with said premises and the conditions and circumstances under which said variance is requested would change the character of the neighborhood; and

WHEREAS, economical hardship to the applicant has not been proven and other options are available; and

NOW, THEREFORE, BE IT RESOLVED, that this board hereby **DENIES** the use variance to Jane Brizee Shaw to raise goats at 35 North Avenue.

BE IT FURTHER RESOLVED, that Ms. Shaw has two weeks to remove said goats from 35 North Avenue.

The resolution was duly put to a roll call vote, which resulted as follows:

Donald Mordue	Voting	“AYE”
Patrick Beaton	Abstained	
Michael Haley	Voting	“AYE”
Tony Muscolino	Voting	“AYE”
William Henry	Voting	“AYE”

The resolution was thereupon declared duly adopted.

The second hearing on tonight’s schedule is that of Craig Record of 65 South Avenue for an area variance to create a building lot that does not meet village code Schedule 1 of the Village of Manchester Zoning Ordinance which would require a lot to have 100 ft width road frontage. Application shows only 80 ft instead of the required 100 ft.

The Legal Notice was read as published in the newspaper, The Daily Messenger.

After a thorough discussion the following resolution was offered by Michael Haley, seconded by William Henry, who moved its adoption:

WHEREAS, Craig Record, of 65 South Avenue, filed on July 06, 2004, an application for an area variance of Schedule 1 of the Zoning laws of the Village of Manchester to allow him to have a non-conforming lot within village limits; and

WHEREAS, the Zoning Board of Appeals stated that Mr. Record owned enough surrounding land to create a conforming lot; and

WHEREAS, economical hardship to the applicant has not been proven and other options are available; and

NOW, THEREFORE, BE IT RESOLVED, that this board hereby **DENIES** the area variance to Craig Record to have a non-conforming lot at 65 South Avenue.

BE IT FURTHER RESOLVED, that if Mr. Record draws plans to conform the lot to the 100' frontage he need not return and only to seek Code Enforcement Officer, Steve DeHond for approval.

The resolution was duly put to a roll call vote, which resulted as follows:

Donald Mordue	Voting	“AYE”
Patrick Beaton	Voting	“AYE”
Michael Haley	Voting	“AYE”
Tony Muscolino	Voting	“AYE”
William Henry	Voting	“AYE”

The resolution was thereupon declared duly adopted.

The meeting was adjourned on motion at 8:45 P.M.

Respectfully Submitted

Rita J. Gurewitch
Deputy Clerk/Treasurer