

A regular meeting of the Town/Village of Lima Zoning Board of Appeals was held on Monday, August 26, 2024 at 7:00 PM at the Lima Town Hall 7329 E Main Street, New York 14485

PRESENT: Chairman Jim Van Dick (T), Vice Chairwoman Cindy DePuy (V), Members Duane Fuller (V), Andy Matthews (T), John Bailey (T) and Kenneth Gray (T)

ABSENT: None

OTHERS: Secretary Sharon M. Knight, MMC/RMC

VISITORS: Larry and Kim Checho

Chairman Van Dick called the meeting to order at 7:05 P.M. and everyone participated in the Pledge of Allegiance.

**RESOLUTION #2024-1 APPROVAL OF MINUTES DATED JANUARY 31, 2022**

On motion of Member Fuller second by Member Bailey the following resolution was ADOPTED AYES 6 NAYS 0

**RESOLVE** to approve the minutes of January 31, 2022 as presented by email and posted on the Town of Lima website.

**Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye, Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Aye, and Kenneth Gray - Aye**

**RESOLUTION #2024-2 APPROVAL OF MINUTES DATED AUGUST 17, 2024**

On motion of Member Fuller second by Member Bailey the following resolution was ADOPTED AYES 6 NAYS 0

**RESOLVE** to approve the minutes of August 17, 2024 as presented in draft form with amendments and request they be posted on our website.

**Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye, Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Aye, and Kenneth Gray – Aye**

**OPEN PUBLIC HEARING – LOT LINE ADJUSTMENT FOR TAX MAP NUMBER 47.-1-16.**

Chairman Van Dick opened the public hearing by reading the following legal notice as published in *The Sentinel*, posted on the Town Clerk’s bulletin board, and the Town of Lima website, and mailed to owners of parcels within 500 feet of parcel:

LEGAL NOTICE  
AREA VARIANCE APPLICATION  
NOTICE OF MEETING AND PUBLIC HEARING

NOTICE IS HEARBY GIVEN, pursuant to the provisions of the Code of the Town of Lima, that the Zoning Board of Appeals of the Town/Village of Lima will hold a meeting and public hearing at the Town Hall, located at 7329 East Main Street, Lima, New York at 7:00 p.m. on Monday, August 26, 2024, for the purpose a lot line adjustment.

The request for relief that relates to a Use Variance would permit an applicant lot line adjustment for the preexisting Golf Cart Path and part of the golf course to stay on the golf course property instead of being on the lot with a home. Lot would become 2.135 acres after the path and course parts are removed.

The subject property is located at 7428 Chase Road, Lima, New York, also being designated as Tax Identifier Map Parcel Number is 47.-1-16.

All people interested in said matter will be heard at said public hearing.

Dated: July 23, 2024

Publish: August 8, 2024

Sharon M. Knight, MMC/RMC

Zoning Board of Appeals Secretary

**DISCUSSION – LOT LINE ADJUSTMENT FOR TAX MAP NUMBER 47.-1-16.**

Chairman Van Dick the read sections of the Town Code 250 13 and 250 13A as it relates to the request for a variance.

The applicant addressed the Board stating the reason for the request is to bring the parcel into compliance with the current Town code. A portion of the parcel has been maintained and used as a part of the golf course. The parcel was originally split for a family member to build a home and now the home is expected to be sold.

The Board spent a lengthy time to review the two properties but could not identify a way to make the lot lines meet the current requirement of 2.5 acres. Both the septic and well are away from the lot lines and the minimum area variance was determined.

There was a lengthy discussion on the requirements that allow the Zoning Board of Appeals to approval an area variance. All of the criteria requirements were considered, including the following, noting not all five are required to be answered (no):

- Whether benefit can be achieved by other means feasible to applicant.
- Undesirable change in neighborhood character or to nearby properties.
- Whether request is substantial.
- Whether request will have adverse physical or environmental effects.
- Whether alleged difficulty is self-created.

It appeared the Board answered all questions no with the exception of whether alleged difficulty is self-created.

**RESOLUTION #2024-3 CLOSE THE PUBLIC HEARING LOT LINE ADJUSTMENT FOR TAX MAP NUMBER 47.-1-16.**

On motion of Member Bailey, seconded by Member Fuller the following resolution was ADOPTED AYES 6 NAYS 0

RESOLVE to close the public hearing for a lot line on tax parcel #47.-1-16.

**Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye, Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Aye, and Kenneth Gray – Aye**

**RESOLUTION #2024-4 APPROVAL OF LOT LINE ADJUSTMENT FOR TAX MAP NUMBER 47.-1-16.**

On motion of Vice Chair DePuy, seconded by Member Matthews the following resolution was ADOPTED AYES 6 NAYS 0

RESOLVE to approve the lot line request as drawn on the map dated June 7, 2024 by Gary L. Dutton, License Land Surveyor for tax parcel 47.-1-16 and request Code Enforcement Office prepare a letter and mail to the applicant.

**Vote of the Board: Chairman Jim Van Dick – Aye, Vice Chairwoman Cindy DePuy - Aye, Members: Duane Fuller - Aye, Andy Matthews - Aye, John Bailey – Aye, and Kenneth Gray – Aye**

**DISCUSSION – OPEN**

There was discussion regarding the effects of decisions of the Board. Each case before the Board is different. A benefit to the community to grant an application must be considered. A Use Variance must meet all four criteria as follows:

Cannot realize a reasonable return; substantial as shown by competent financial evidence. Alleged hardship is unique and does not apply to a substantial portion of district or neighborhood.

Requested variance will not alter essential character of the neighborhood.

Allege hardship has not been self-created.

If all four criteria are met the board may grant the minimum variance necessary and may impose conditions.

The meeting adjourned by motion of Member Bailey and seconded by Vice Chair DePuy at 8:35 P.M.

Respectfully submitted by:

---

Sharon M. Knight, MMC/RMC, Secretary