

**Village of Port Dickinson  
Zoning Board of Appeals Meeting  
May 25, 2021**

<b>Present:</b>	<b>Chairperson</b>	<b>Eric Backlund</b>
		<b>Paul Kallfelz</b>
		<b>David Robertson</b>
		<b>Robert Sherling</b>
	<b>Attorney</b>	<b>Nathan VanWhy</b>
	<b>Village Clerk</b>	<b>Susan Fox</b>
	<b>Building Inspector</b>	<b>John Broughton</b>

The meeting was called to order at 6:15 PM.

Motion by P. Kallfelz, seconded by R. Sherling to appoint David Robertson as Deputy Chairperson.

AYE: Kallfelz, Robertson, Sherling

NAY: None

Motion by P. Kallfelz, seconded by R. Sherling to approve the minutes of the 5/11/21 meeting

AYE: Kallfelz, Robertson, Sherling

NAY: None

**PUBLIC HEARING:**

No members of the public present

Applicant Comments:

Written response to Section 4 of the Application for Use Variance is now in file.

Applicant adds that this variance is requested as she has changed her business model due to COVID requirements and the addition of an online component.

Motion by P. Kallfelz, seconded by R. Sherling, to close Public Hearing

AYE: Kallfelz, Robertson, Sherling

NAY: None

Chairperson Backlund reports that the Affidavit of Mailing is now in file. The Planning Board has made a recommendation to approve the Use Variance.

SEQR referred to the Planning Board. Planning Board finds a negative declaration.

**ZONING BOARD REVIEW:** Use Variance is requested by the applicant to operate a yoga studio in her detached garage. Applicant proposes to convert 2 of the 3 garage bays to the studio.

4 tests to be met for approval:

1. The applicant cannot realize a reasonable return on his/her property - this inability must be substantial as shown by competent financial evidence.
2. The alleged hardship is unique and does not apply to a substantial portion of the district or neighborhood.
3. The variance will not alter the character of the neighborhood, and
4. The hardship is not self-created.

ZBA discusses 4 tests and agrees that the applicant meets each test. Limitations are discussed so as not to impact the neighborhood.

Motion by D. Robertson, seconded by P. Kallfelz, to grant the Use Variance as presented with the conditions as follows:

- limit to a maximum of 10 clients at any point in time
- limit the use of the space to a yoga studio
- limit operating hours from 7:30AM to 9:00PM
- operator of the studio must be the owner occupant of the home at the same address

AYE Backlund, Kallfelz, Robertson, Sherling  
NAY NONE

Motion by R. Sherling, seconded by P. Kallfelz to adjourn at 6:35PM

AYE Backlund, Kallfelz, Robertson, Sherling  
NAY NONE

Respectfully submitted,  
Susan E. Fox, Village Clerk