

Town of Athens
Zoning Board Meeting
Wednesday, 2/09/22, (7:00 P.M. at the Firehouse)
Agenda

- Double Eagle Tactical Training, Inc.; Mark Nazi, applicant
Tax ID #: 104.00-1-3 & 104.00-1-4.1
Issue: Proposed Target Training Range, 144 Old Green Lake Road.
- Nolan and Susan Pazin - Tax Map ID 121.00-4-24 275
Howard Hall Road
➤ **Issue: Proposed Celebrating Venue in Barn on residential property.**
- The December 8, 2021, revised minutes were not approved and are held over to February. Supporting documentation was sent to the Chairman identifying remarks made C. Pfister in his email and highlighted in the corresponding revised minutes. Also, the January 2022 minutes were revised and resent to the Members for approval.

Town of Athens – Zoning Board of Appeals
Meeting Minutes (as revised by ZBA)
February 9, 2022

A meeting of the Town of Athens Zoning Board of Appeals was held on Wednesday February 9, 2022, at 7:00 P.M. in the 3rd Street Athens Firehouse with the Chairman Eric Nelson presiding.

The Town Zoning Board Representatives Present: Eric Nelson, Chair, Chris Pfister, Helen Ihde, Christian Ames, and Renee' Meryman Secretary. Member James Morabito was absent. A "Sign in" sheet for the public was provided and is available in the Town Clerk's office.

The Chairman opened the meeting at 7:01 with the Pledge of Allegiance. The Chairman then proceeded with the first case on the agenda:

Double Eagle Tactical Training, Inc. (Use Variance):

The Chairman announced that the Public Hearing for Double Eagle was closed at the prior meeting of January 12, 2022. Therefore, the Chairman asked for a vote on the Double Eagle Tactical Training application. The Chairman excused the newest member (Mr. Chris Ames) of the Zoning Board from the vote at this his first Zoning Board meeting. The three eligible members present then began to discuss the four (4) criteria or tests for granting or denying a "Use Variance". The Chairman took the criteria in order and asked each voting member to give their opinion and votes which were recorded.

The four tests are listed as follows:

1. Economic Use/Reasonable Return
2. Uniqueness
3. Character of the Neighborhood
4. Self-Created Hardship

Each voting member gave their opinion on each separate "test" and the results are as follows.

Test # 1: Discussion took place regarding the "Economic use and potential reasonable return". Member Pfister voted "No", Member Ihde voted "Yes", and the Chairman voted "No".

Member Pfister noted that lack of return was not demonstrated for a residential/ dwelling on the property, which is an allowable use for 'OS' District.

The Chairman agreed and noted that the property had been sold three times in the past fifteen years, accruing in value with each sale.

Test # 2: Discussion took place regarding the “Uniqueness” of the property.

Member Pfister voted “Yes”, Member Ihde voted “Yes”, and the Chairman voted “Yes”.

The Chairman noted that the fact that there is an abandoned quarry on this property is a unique feature of the property and sets it apart from the surrounding properties as well as the steepness and amount of elevation change on three sides of the property.

Test # 3: Discussion took place regarding the “Character of the Neighborhood”. Member Pfister voted “No”, Member Ihde voted “Yes”, and the Chairman voted “No”.

The Chairman notes that the proposed use – an exterior live fire range and tactical training center – was not a ‘complimentary land use’ – given the existing residences immediately across the street from the proposed entrance of to the facility, and that, it is reasonable to conclude that approval of this Use Variance would impact the character of the neighborhood.

Test # 4: Discussion took place regarding “Self-Created Hardship”. Member Pfister voted “No”, Member Ihde voted “Yes”, and the Chairman voted “No”.

Member Pfister noted this was a self-created Hardship, as the proposed use did not conform with allowable uses at the time of the purchase.

On a motion Made by Member C. Pfister and seconded by the Chairman E. Nelson, the three eligible voting members were split on the motion with one member for approval and two for denial. The final vote was 1 (for) -2 (against) with one excused and one absent.

The next case was **Nolan & Susan Pazin:**

The Pazin’s are requesting a Use Variance for a portion of their residential property on Howard Hall Road for the purpose of creating a “Celebrating Venue” within their existing Barn. The applicants were not present February 9th and were contacted by Code Enforcement (2/10/22) for the next meeting to be held on March 9, 2022, which will include the mailing to residents within 500 feet.

Review and Vote on prior minutes:

On a motion made by C. Pfister and seconded by E. Nelson, the December 2021 minutes were approved as edited unanimously (3 – 0).

On a motion made by E. Nelson and seconded by H. Ihde, the January 2022 minutes were approved unanimously (3 – 0).

New formalized procedures for the Zoning Board and related applicants:

The Chairman gave copies of proposed procedures which were reviewed by the members over the last month. The Chairman requested any input from the members and subsequent review, followed by a request for a motion to approve.

On a motion made by C. Pfister and seconded by H. Ihde, the new formalized procedures for applicants to the Zoning Board were adopted unanimously with a vote of 4 – 0.

Motion to Adjourn:

On a motion made by C. Pfister and seconded by C. Ames the meeting was adjourned at 7:40 P.M.

Please note that the next Zoning Board meeting will be held on Wednesday March 9, 2022, at 7:00 P.M. with location to be determined.

Respectfully Submitted,