

**VILLAGE OF PERRY
ZONING BOARD OF APPEALS MEETING
AUGUST 5, 2025**

Present:	Zach Kowasz	Chairperson
	Meggan Quartz	Member
	Joe Rebisz	Member
	George Smith	Member
	Tim Hatch	Alternate
Also Present:	Don Roberts	ZEO
	Christina Slusser	Zoning Secretary
Guests:	Kurtis Hulse	Applicant
	Richard & Marjorie Downs	
Absent:	Bethany Zerbe	Member

Chairperson, Zach Kowasz called the meeting to order at 6:32 pm and led in the Pledge of Allegiance. ZK appointed TH as a voting member in place of absent member BZ.

MINUTES

MQ made a motion to approve the minutes for July 1, 2025 which was seconded by JR and carried unanimously.

PUBLIC HEARING – VARIANCE FOR A DECK AT 40 DOLBEER STREET

Chairperson ZK opened the public hearing at 6:37 pm to hear comments on the application for a variance that was submitted by Kurtis Hulse of 40 Dolbeer Street. The request is for an existing pool deck to remain within 6” of the property line from the required 5’ minimum side yard setback.

Applicant, Kurtis Hulse, provided proof of notification to each of the neighboring property owners within 200 feet. He informed the ZBA that he met Don on site and worked through options and discussed what has been approved in the past in similar situations.

Richard and Marjorie Downs are neighbors of Kurtis Hulse on the same side as the deck. They have privacy concerns and recently planted some trees to act as a screen between the properties but Marjorie says they have a lot of growing to do before they become a sufficient visual barrier.

The ZBA discussed the following options:

- (1) to allow the variance as requested which can include stipulations
- (2) to allow a variance for a 3’ setback instead of 5’ which would align with the existing garage

(3) to deny the variance resulting in the applicant needing to remove/relocate the deck to the 5' setback which would not allow for stipulations to be set to address the neighbor's privacy concerns.

The applicant provided pictures from the yard with consideration to what the view would look like if the deck was relocated to a 5' minimum setback, with a clear view into the neighbor's yard. As it stands currently, there is also clear visibility into the neighbor's yard. If a 3' setback was granted, the applicant stated that he would extend the deck 20' back further to expand the usable deck space.

In an effort to appease both parties, the ZBA felt that it would be best to allow a variance to be able to set stipulations to address privacy. With no variance, relocating the fence to the 5' setback would not solve any of the neighbors' concerns with privacy.

Neighbor, Marjorie also stated that the deck is close enough to their fence that she would worry about kids falling over the fence. Marjorie wants to be able to enjoy her yard before the summer is over, so setting a timeframe to resolve the matter is important to her as well. Reconstructing and relocating the deck would take a lot longer than installing a privacy fence.

With no further comments from the public, the public hearing was closed at 7:14 pm.

GS made a motion to approve the variance for the deck at 40 Dolbeer Street to remain at its current setback as long as the following conditions/stipulations are met:

A 6-foot fence/privacy screen must be installed from the height of the deck within 30 days. The fence/privacy screen must be permanent in nature, not transparent, and repaired if it becomes damaged. The fence/privacy screen must be installed on any part of the deck that does not meet the 5-foot setback. This motion was seconded by JR and carried unanimously.

It was noted that if the current deck is destroyed for any reason, a new screen would be needed. If the property is transferred to a new owner it would need to be maintained the same as approved.

Applicant, Kurtis will consult with zoning officer, DR on an approved material. If products or materials are an issue with being readily available, the applicant can report this to DR and it will be addressed at the next meeting

SEQR review was completed (ZK abstained from participation). It was determined that the proposed action will not result in any significant adverse environmental impacts.

The next meeting is scheduled for 9/2/2025 at 6:30 pm.

At 7:35 pm, motion to adjourn was made by JR, seconded by GS and carried.

Respectfully submitted,
Christina Slusser,
Village Clerk/Zoning Secretary