

**VILLAGE OF PERRY
ZONING BOARD OF APPEALS MEETING
OCTOBER 14, 2025**

Present:	Zach Kowasz	Chairperson
	Joe Rebisz	Member
	George Smith	Member
	Bethany Zerbe	Member
	Meggan Quartz	Member
	Tim Hatch	Alternate
Also Present:	Christina Slusser	Zoning Secretary
	Don Roberts	ZEO
Guests:	Jen Hall	Applicant
	Richard Downs	Village Resident

Chairperson, Zach Kowasz called the meeting to order at 6:30 pm and led in the Pledge of Allegiance.

MINUTES

Motion to approve the minutes for 9/2/2025 was made by JR, seconded by GS, and carried with all (JR, GS, ZK, BZ, MQ) voting aye.

PUBLIC HEARING – USE VARIANCE PROPOSED FOR BREEZEWAY INN & GARDEN STUDIO AT 137 N. CENTER STREET

At 6:33 pm BZ made a motion to open the public hearing for a use variance at 137 N. Center Street to be used as a country inn. GS seconded the motion and it was carried unanimously (by BZ, GS, ZK, JR, MQ). Zoning Officer, DR has reviewed the application. The Wyoming County Planning Board reviewed the application at their meeting on 10/6/2025 and approved it with comments. Letters of the public hearing went out to required neighboring property owners and proof of mailing was received.

The ZBA went through the use variance 4 part test at the last meeting and have since received new information in support of the application. With regards to the questions, the following documents that were attached to the agenda will serve as proof.

- 1 – Deed recorded at the county
- 2 – Original site plan showing a carriage house
- 3 – Competitive analysis put together by property owner/applicant
- 4 – Email from Zoning Officer, Don Roberts, referencing belief that the law regarding country inns was written incorrectly

See Application "Wyoming County Zoning Dept. Zoning Board of Appeals Use Variance Findings & Decision." Question 1: Yes; refer to document 3. Question 2: Yes; refer to document 4. Question 3: Yes; refer to document 2. Question 4: No; refer to documents 1 & 4. Determination of ZBA based on the above factors: "That the applicant has proven unnecessary hardship through the application of the four test required by state statutes. . ."

No comments were received from members of the public. At 6:44 pm, GS made a motion to close the public hearing which was seconded by BZ and carried unanimously (by GS, BZ, ZK, JR, MQ).

GS made a motion to approve the use variance for a country inn at tax parcel #88.15-1-5.1 as outlined in 490-49 Country Inn (see attached) with no conditions which was seconded by BZ and carried with all (GS, BZ, ZK, JR, MQ) voting aye. (The application will go back to the Planning Board for site plan review.)

FOLLOW UP ON VARIANCE FOR A DECK AT 40 DOLBEER STREET

A variance (permit #26-2025) was granted by the ZBA on 8/5/2025 for a variance for a deck with conditions that "a 6' fence/privacy screen must be installed from deck height 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' setback."

Zoning Officer, DR provided comments from the on-site inspection after installation of the privacy screen. The material was placed on the deck 6' high from post to post and you cannot see through it. DR stated that the material met the criteria for height and it is not translucent but it is not rigid or permanent (it pulls out like a movie screen horizontally). The screen was closed when DR was on site but it has been open since. DR mentioned that he had a conversation with the property owner of 40 Dolbeer Street that the screen meets most of the intent but needed to be up until snow.

Chairperson ZK stated that there was a timeframe given to get the privacy fence up and believes the applicant understood that it needed to be permanent. He mentioned for future approvals that the ZBA should consider a clause allowing the right to revoke the permit if conditions are not met. The ZBA confirmed that there was no mention of the screen being seasonal and that it is meant to be permanent and it is clear that the owner is in violation of what was granted.

DR stated that it is within the variance that "failure to meet obligations" provides the right to revoke the variance. DR said that the applicant came to his office with a picture of the material prior to installation, stating that the applicant is taking a chance by putting it up and it would be okay as long as it met all the conditions. DR did not know the material was retractable from the picture.

DR plans to go through the violation process to get the owner to comply with the conditions that were set. A letter was already sent certified but returned as "unclaimed." The ZBA

discussed a formal motion to proceed with the violation process. GS made a motion to request the Zoning Officer to issue a Violation Order to Remedy which was seconded by JR and carried with all (GS, JR, ZK, BZ, MQ) voting aye.

At 7:20 pm, motion to adjourn the meeting was made by JR, seconded by GS, and carried.

Respectfully submitted,
Christina Slusser, Village Clerk/Zoning Secretary

DRAFT