

DRAFT

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

January 11, 2017

Present: Diane Horning
Marty Gascon
Ed Bott
Steve Smith, CEO

Guest: Steve Engard

PUBLIC HEARING - ERHART

Diane Horning called the meeting to order at 7:30 p.m.

The criteria, which the Zoning Board of Appeals uses to make decisions regarding an area variance, were reviewed.

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.
- Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance.
- Whether the requested area variance is substantial.
- Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- Whether the alleged difficulty was self-created, in which consideration shall be relevant to the decision to the Board of Appeals but shall not necessarily preclude the granting of the area variance.

Joseph Erhart could not attend the Public Hearing. D. Horning called Mr. Erhart and explained the process of the Public Hearing and read the permitted action of the board. D. Horning stated that there was a quorum to go forward with the meeting.

D. Horning asked Steve Smith to explain why the application for the variance was denied by the Code Enforcement Officer.

S. Smith - Mr. Erhart is going to demo a cottage and put a modular home on a slab. The set-backs on the lake are 10ft. and he only has 5ft. on the north side.

D. Horning asked Mr. Erhart to explain what he was trying to do.

J. Erhart - I am asking for this variance to be granted because of the slope from the North to the South. A pad is not a suitable build, it would have to be put on a crawl space. The existing garage is about 7ft.-8ft. from the lot line, which was built about 20yrs. ago. What I am trying to do is line up the north side of the house with the north side of the garage. That would make the Northeast corner of the house 5ft. from the property line, instead of the required 10ft. The issue that I have is the over-land flooding. The water comes down over West Lake Rd. into my neighbors yard and then into mine. I am trying to keep the new home as far away from the gully as I can to minimize the over-land flooding. The second issue I have is the south side of my shoreline. I have a 10ft. wide beach access, where I get my boat and hoist in and out of the lake. I'm trying to keep 10-12ft. between that and the porch on the new home. The primary reason is the flooding. The house will be 27ft. wide and 48ft. long and on the gully side, there will be a 12ft. wide porch. If we did get some flooding, it would go under the deck.

D. Horning - Are you putting the porch on piers?

J. Erhart - Yes, the porch will be put on piers. The foundation of the house will be concrete block.

D. Horning - Is it really that important that you line the house up with the garage?

J. Erhart - It is not important at all. I just want the house as far away from the flooding zone.

D. Horning - OK, do any of the board members have any questions?

E. Bott - This barn that you have, was that just put up last year?

J. Erhart - Yes, that is a 10ft. X 12ft.

E. Bott - You put the barn in the area that you claim gets flooded all the time?

J. Erhart - There was no other place. I put it up on stone fill.

E. Bott - We are going to close the Public Hearing. There are two steps to this process. First we vote to accept the application as it stands. Then, we vote on the variance.

E. Bott made a motion to close the Public Hearing, M. Gascon seconded, all in favor.

E. Bott made a motion to accept the application as complete, M. Gascon seconded, all in favor.

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The secretary then read the legal notice published in the Daily Messenger on January 4, 2017.

Roll Call Vote to accept or deny:

D. Horning, **NO**, E. Bott, **NO**, M. Gascon, **NO**

Diane Horning - 1. Yes, 2. No, 3. Yes, 4. No, 5. Yes - **NO**

Ed Bott - 1. Yes, 2. No, 3. Yes, 4. No, 5. Yes - **NO**

Marty Gascon - 1. Yes, 2. No, 3. Yes, 4. No, 5. Yes - **NO**

The variance was denied with a quorum of 3 naves. Notification will be sent by letter to the applicant and the Code Enforcement Officer, Steve Smith.

Old Business

D. Horning made a motion to approve the minutes with the noted corrections from the December 14, 2016 meeting, seconded by M. Gascon, all in favor.

D. Horning made a motion to adjourn the meeting, seconded by M. Gascon, all in favor and adjourned at 8:00 p.m.

Respectfully,

Stephanie Seeley, Secretary