

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

July 8, 2020

Present: Diane Horning, Vice Chairperson
Ed Bott
Marty Gascon
Renee Boone
Steve Smith, CEO

Guest: Jody Patchen
Eric Brownell
Burch Craig, Virtual

Linda Moorhouse absent.

PUBLIC HEARING – PATCHEN

Vice Chairperson, Diane Horning called the meeting to order at 7:30 p.m. Vice Chairperson, Diane Horning introduced the Zoning Board of Appeals members and stated that a quorum was present to hear the application. 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.

Vice Chairperson, Diane Horning then read permitted action for the Zoning Board of Appeals.

D. Horning - Steve can you tell us what Mr. Patchen is asking for?

S. Smith - Mr. Patchen wants to put a 12 X 20 shed with a 5ft. set-back, where a 10ft. set-back is required.

E. Bott - You had a 10 X 20 in the original, the permit was 10 X 20. In the new drawing, it's 12 X 20.

S. Smith - Yes, it's a larger shed, but it is still the same set-back.

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E. Bott - You need to change the paperwork on that. Mr. Patchen, during the last meeting, we asked for some additional information detailing where the shed was going to be. Specifically, what the distance from the woods was going to be. I don't see any indication of that on this drawing. There's 88ft., I am assuming that's the distance from your house.

J. Patchen - That's the back side of the garage. I thought I wrote that down. The woods are on the other side of the shed. That was a reference point, the back side of the garage was 88ft.

There was discussion of where the reference points were on the drawing and where the woods began.

J. Patchen - The back of the shed is where the woods begin. So, that would be another 20ft. from the back of the garage. So, that would be 108ft.

E. Bott - And the last thing that we asked for was, if there was a neighbors shed, the distance from where that shed was located. You had referenced that the neighbors had a shed.

J. Patchen - I don't have that dimension.

E. Bott - So, it's not across the property line from where your shed is?

J. Patchen - Our shed would be closer to the woods.

E. Bott - Ok.

D. Horning - Is there some reason that you can't do the complete 10ft. from the lot line?

J. Patchen - The property is only 50ft. wide. Right behind the garage, the kids get these games going, I am just trying to scoot it over as much as possible, so it's out of their way. If I did 10ft., it's close to the middle of the property. The neighbor's shed to the south is 5ft. off the line. I had the property lines staked out, his shed is also 5ft. from the line.

D. Horning - Does anyone have any more questions?

E. Bott - No, I'm all set with that.

D. Horning - We will close this portion of the Public Hearing. 7:38 p.m.

E. Bott explained the 2 step process of the Public Hearing. Accepting the application, then voting whether to approve or deny the variance.

E. Bott made a motion to accept the application as it stands, seconded by R. Boone, all in favor.

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D. Horning - Now, we need to make a motion to vote on the variance.

E. Bott made a motion, seconded by R. Boone, all in favor.

Roll Call Vote to accept or deny:

D. Horning **YES**, E. Bott, **YES**, M. Gascon, **YES**, R. Boone, **YES**.

D. Horning - 1. Yes, 2. No, 3. No, 4. No, 5. Yes - **YES**

E. Bott - 1. Yes, 2. No, 3. Yes, 4. No, 5. Yes - **YES**

M. Gascon - 1. Yes, 2. No, 3. Yes, 4. No, 5. Yes - **YES**

R. Boone - 1. Yes, 2. No, 3. No, 4. No, 5. Yes - **YES**

D. Horning - Your request for a variance has been approved.

The Public Hearing concluded at 7:54 p.m.

PRELIMINARY HEARING - BROWNELL

D. Horning invited Mr. Brownell to come and sit before the board.

D. Horning - Eric Brownell wants a variance to build a pole barn and garage on his property.

E. Bott - You want to be 2ft. from the easement line?

E. Brownell - Yes.

D. Horning - Explain to him why.

E. Brownell - Explained the photos of the property and where the line was located. There is about a 4ft. drop off from the edge of the driveway. From the edge of that driveway, to where we want to put the barn is 24'.

They discussed the location of the easement line to where Mr. Brownell wanted to build the barn.

E. Bott - Ok, so that is 2ft. from the easement and the actual roadway is about 24ft. away?

E. Brownell - Yes. The whole easement is about 45ft. wide.

E. Bott - And you are quite a distance from the pond, right?

E. Brownell - Yes.

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E. Bott - The easement goes north/south?

E. Brownell - Yes, correct.

E. Bott - This is above the pond?

E. Brownell - Yes, the pond is below it.

D. Horning - Does anyone have any more questions?

E. Bott - I don't have any more questions.

D. Horning - Ok, so the Public Hearing will be August 12, 2020 at 7:30 p.m.

E. Brownell - Ok.

S. Smith - I will be out to put signs up 2 weeks before the Public Hearing.

S. Smith - I have a question for the board. Do you ever waive a preliminary meeting and go right to a public hearing if all the information is there?

E. Bott - No, we don't know if all the information is there. The preliminary is when we ask all the questions of what we need or don't need.

S. Smith - Ok, just asking a question.

Old Business

R. Boone made a motion to approve the minutes from the June 10, 2020 meeting, M. Gascon seconded, all in favor.

E. Bott made a motion to adjourn the meeting, D. Horning seconded, all in favor.

Meeting adjourned at 8:10 p.m.

Respectfully,

Stephanie Seeley, Secretary