

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

June 14, 2023

Present: Linda Moorhouse, Vice Chairperson
Diane Horning
Carol Ann Joki
Kris Singer

Guest: Tony Porter
Shawn Porter
John Mistretta
Michael Telford
Zoom - Wayne Blackmer

Absent: Ed Bott, Jesse Hallett

PUBLIC HEARING – Michael Telford

Linda Moorhouse, Vice Chairperson 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 are as follows:

- 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.

L. Moorhouse - Mr. Telford, you want to put a deck on the front of your cottage?

M. Telford - On the front, facing the lake, yes.

L. Moorhouse - The deck that is there now, along the side, do you anticipate building into that also? Is that going to be separate?

M. Telford - No, what I would like to do, what I am asking to do is, so here is the back of my property.

Mr. Telford went over the map with the board members, to show what he is wanting to do.

M. Telford - There is an existing planter that is about 18ft., that is where I want to put the deck

Page 2

and I would like it to be 20ft. wide by 10ft. deep. The house is 22 ½ ft. wide. The deck that you are referencing is over here (pointing to the map), that at some point, I will be taking down to put an additional bedroom onto the house. I own from the house over 22ft. That is independent from this project, but I will be putting on a 11 X 18 or 12 X 18 bedroom over here. So, this will come down at some point.

L. Moorhouse - Ok.

M. Telford - Right now, I am probably the only person on the lake that does not have a deck facing towards the lake.

Mr. Telford showed the board members pictures of his house and where he wants to put the deck.

M. Telford - I am asking to put a 20ft. wide by 10ft. deep, free standing, not attached to the house. There are 3 sliding windows there, the center window would be bumped out and I would put a sliding glass door to provide access to the deck, straight out the back of the house, facing the lake.

L. Moorhouse - Ok, you said this is 18ft.?

M. Telford - The house is 22ft. wide, but that planter right now is 18ft. That is roughly where it is going to go, right there.

L. Moorhouse - Ok, so that is coming out.

M. Telford - That's coming out and that is where the deck is going to be, or where I am asking it to be.

L. Moorhouse - So, essentially, we are going out 10ft. and this way. So, 10 X 20?

M. Telford - Correct.

L. Moorhouse - So what I see here, it's too close to the lake?

M. Telford - Joe says I am too close to the lake, I believe it's 2ft., I'm not sure.

C. Joki - Is that too close to the lake, or too close to where the water comes?

L. Moorhouse - The water line.

M. Telford - From my last conversation with Joe is, he said that I wouldn't need a variance to do an 8 X 16ft. deck, but then it would end in the middle of this one window. That would kind of look silly. I would like it to look symmetrical to the house, if you follow what I am saying.

Page 3

L. Moorhouse - I am a little confused as to why.

M. Telford - That is what I can do now, without a variance.

L. Moorhouse - 8 X 16, ok.

K. Singer - It is supposed to be a 20ft. set back.

There was discussion about the distance from the lake with Joe Miller.

M. Telford - I am asking for the additional 2ft. deep by 4ft. wide. Basically to get the depth of the deck and to square it off to the house.

K. Singer - So, you are technically asking for 1.8ft.?

J. Miller - On the lake side, yes. On the neighbor's side, you are asking for ...

K. Singer - He is already within the footprint of the house.

M. Telford - Correct.

L. Moorhouse - So, that's not a problem, we don't need to deal with this. This is the south boundary?

J. Miller - Yes, that is the south boundary.

L. Moorhouse - So, this is the lake and we are 28ft. with this 10ft. deck?

J. Miller - No, you are 18ft. That is wrong, both of those diagrams are wrong. If I am correct, you measured from the edge of the lake, correct?

M. Telford - Yes, versus the yellow line.

J. Miller - The yellow is the high water mark.

L. Moorhouse - So, to the high water mark, is 18ft. and we need 20ft.?

J. Miller - Right.

L. Moorhouse - Are we talking about one on the side also? Are we looking at two variances here?

J. Miller - Yes, the south side, because it would be under 10ft. to the property line.

Page 4

K. Singer - The house is already 6ft. from the property line and he is just going to come to the edge of the house.

L. Moorhouse - So, we don't need a variance?

K. Singer - No, we don't need a variance, because it is staying within the footprint of the house.

L. Moorhouse - Ok.

D. Horning - So, he only needs 1 1/2ft. variance, if he goes 10ft. deep to the lake?

J. Miller - Correct.

L. Moorhouse asked the two neighbors in the audience if they had a problem with Mr. Telford's variance request. They both responded they did not have a problem with it.

Wayne Blackmer stated that he did not have a problem with the deck and didn't think anyone on the tract would have a problem.

M. Telford - Thank you Wayne for your support.

L. Moorhouse - Are there any more questions from the board members?

D. Horning - I think we have it figured out.

L. Moorhouse explained the process of accepting the application and voting on the variance.

K. Singer made a motion to accept the application, seconded by D. Horning, all in favor.

Roll Call Vote to accept or deny:

L. Moorhouse, **YES**, D. Horning, **YES**, C. Joki, **YES**, K. Singer, **YES**

L. Moorhouse - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

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

C. Joki - 1. No, 2. Yes, 3. No, 4. No, 5. Yes - **YES**

K. Singer - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

The Zoning Board of Appeals approved this variance.

Public Hearing concluded at 7:49 p.m.

PUBLIC HEARING – Anthony Porter

L. Moorhouse invited Mr. and Mrs. Porter to come and sit before the board.

L. Moorhouse - You have requested to put up a garage?

J. Miller - They need a land variance. Their property is on Francis Shores also and they want to put up a pole barn with some living space in a loft. They meet all the set backs, because there is going to be some living space upstairs and they can't subdivide it with a half acre. That is their only restriction, being able to build with an occupant.

L. Moorhouse - Are your children in college?

A.Porter - My one son, he lives with us.

L. Moorhouse - This is not to be connected to the sewer or water?

J. Miller - It is. They are asking for it to be a residence after it is built. Not a primary residence. It's just going to have some rooms in it.

K. Singer - Technically, it still could be to primary residences?

J. Miller - Correct.

K. Singer - They still have to go for a Site Plan Review with the Planning Board.

J. Miller - Correct. We had talked to Ted about that. We actually met with Ted first and he is the one that actually brought it up that in order for it to be a primary residence, it would have to be subdivided in the future. But, it can't be subdivided because it is less than half an acre. But, all the set backs meet, they have no one behind them.

K. Singer - You had the yellow building that was going to come down?

A.Porter - It's actually going to get moved.

L. Moorhouse - Your property goes up to West Lake Rd.?

A.Porter - Yes.

J. Miller showed the board members the plans for the pole barn. They are going to have regular siding, not the metal siding, to make it look better.

L. Moorhouse - How big is this?

J. Miller - 30 X 40

Page 6

A.Porter - It's 28 by 48.

J. Miller - But, then you have the 2ft. overhang.

The board discussed the plans and included the audience.

L. Moorhouse - We need to ok this or not to...

J. Miller - He needs the land variance to be able to move forward with the Planning Board. Otherwise, if he doesn't get the land variance, they would have to go another route.

K. Singer - That would be a use variance.

L. Moorhouse - There is no question about the size, it's the use we are talking about, right?

K. Singer - There are two variances, there is the use variance and an area variance coming from us. So, it is one of the two. It's going to be a use variance, because we are allowing you to have two principal structures on property that cannot be subdivided in the future to two lots. So, this is a use variance. So, it is going to be a use variance to allow two principal structures on a nonconforming lot.

J. Miller - Our code does say that preexisting, nonconforming lots can be built on as long as they meet the set backs.

K. Singer - The Planning Board is looking at the future subdivision, because of two principal structures.

J. Miller - Right.

D. Horning - There are other lots down there that have two buildings on them.

K. Singer - They were pre existing.

J. Miller - I think they are the only ones on the street that don't have anything over 800 sq. ft. on the other side of the road.

L. Moorhouse - They are able to hook into the sewer and the water?

J. Miller - I believe so. You spoke with the sewer department, correct?

A.Porter - I talked originally to the sewer department and they said we would be able to.

K. Singer - They would have to put a curb stop in for the water to.

L. Moorhouse - You spoke with the county?

A.Porter - Yes, we did.

K. Singer - They should have separate sewer and water.

D. Horning - The land is there.

K. Singer - It's not the set backs, it's the use. Two principal uses on one parcel, that cannot be subdivided.

S. Porter - This would just allow us to have room for our family. Right now we have a one bedroom, one bathroom home. We would love for this to be our permanent home in our retirement. It just doesn't afford us enough space right now.

D. Horning - It would be easier to build here than try to do anything on the lake side.

K. Singer - That is a very nice looking building that they designed.

A.Porter - We tried to make it look similar to the house. We didn't want a metal building. We wanted something that was going to be nice for the neighborhood.

S. Porter - And the goal would be to kind of match the aesthetic of this to the current house, so whatever colors we go with this, we would then paint the house and everything would look very uniform.

L. Moorhouse made a motion to accept the application, seconded by C. Joki, all in favor.

Roll Call Vote to accept or deny:

L. Moorhouse, **YES**, D. Horning, **YES**, C. Joki, **YES**, K. Singer, **YES**

L. Moorhouse - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

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

C. Joki - 1. No, 2. Yes, 3. No, 4. No, 5. Yes - **YES**

K. Singer - 1. No, 2. No, 3. No, 4. No, 5. Yes - **YES**

The Zoning Board of Appeals approved this use variance.

Public hearing concluded at 8:10 p.m.

Page 8

Old Business

K. Singer made a motion to approve the minutes from the May 10, 2023 meeting, seconded L. Moorhouse, all in favor.

C. Joki made a motion to adjourn the meeting, seconded by D. Horning, all in favor.

Meeting adjourned at 8:30 p.m.

Respectfully,

Stephanie Seeley, Secretary