

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

September 11, 2019

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

Guest: James Freeman
Burch Craig

Linda Moorhouse absent.

PUBLIC HEARING – FREEMAN

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. Freeman is asking for?

S. Smith - Yes. Mr. Freeman is asking for a 9ft. area variance, the set back is 10ft. He is asking for a 1ft. set back on the north side of his property.

D. Horning - Mr. Freeman, can you explain what you are doing?

J. Freeman - I want to put up a storage shed, so we can put our kayaks in it, picnic table, grill, etc. So it is under cover when we are not there for the winter.

Page 2.

E. Bott - This is the only building on your property, right?

J. Freeman - Yes, but there is nothing there now.

E. Bott - You had an 8 X 8 shed before?

J. Freeman - Yes.

E. Bott - It was sitting right on the line, if I remember correctly.

J. Freeman - Yes, it was right on the line. I talked to the neighbor a couple weeks ago and she asked if I was going to move it and I said yes, a foot. She was in agreement with it when I talked to her.

E. Bott - The only reason they want you to be away from the side, is in case of a fire and you don't want to impede on your neighbors property. There was already a shed right on the line in this case. A 12 X 12 is not going to be like a full building, even if it did catch fire. That's why they have a 10ft. set back on both sides, so there would be 20ft. between houses. This is not a house.

D. Horning - Do any of the Board Members have any questions?

M. Gascon - You haven't changed anything since the last meeting?

J. Freeman - No, just waiting.

E. Bott asked Mr. Craig if he had any questions. No questions.

E. Bott made a motion to close the Public Hearing, R. Boone seconded, all in favor. Public Hearing was closed at 7:35 p.m.

E. Bott explained the two step process of the Public Hearing to Mr. Freeman.

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

D. Horning - Now, we vote on the variance.

Roll Call Vote to accept or deny:

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

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

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

Page 3.

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

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

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

D. Horning made a motion to close the meeting, seconded by M. Gascon, all in favor.

Old Business

E. Bott made a motion to approve the minutes from the August 14, 2019 meeting, R. Boone seconded, all in favor.

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

Meeting adjourned at 7:50 p.m.

Respectfully,

Stephanie Seeley, Secretary