

ZONING BOARD OF APPEALS TOWN OF CANADICE

Canadice Town Hall

August 11, 2021

Present: Linda Moorhouse, Chairperson
Diane Horning, Vice Chairperson
Ed Bott
Jesse Hallett
Steve Smith, CEO
Marty Gascon - Absent

Guest: James Kober
Jeri Kober

PUBLIC HEARING – James Kober

Chairperson, Linda Moorhouse called the meeting to order at 7:30 p.m. Chairperson, Linda Moorhouse 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.

L. Moorhouse - The Kober's had gotten their plan approved by the Planning Board. What has transpired now, there is a question about a deck? The size of the deck?

S. Smith - I contacted Ted, from the Planning Board, the Chairman. You have the letter there that Ted wrote, saying that the proposed deck was never brought before the Planning Board.

E. Bott - It says here that it was penciled in, but he recalls, it was not part of the final plan.

S. Smith - I did reach out to Ted and asked him what went on, as far as the meeting they had for the Kobers at that time. It's still not really clear to me.

E. Bott - If it's penciled in, it was clearly on there. What he gave us here doesn't have that, it was

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the preliminary survey map.

S. Smith - The preliminary, it was not on there.

E. Bott - But, they have a ton of evidence showing they have everything, right down to architect drawings.

J. Kober - This was on the stamped site plan.

S. Smith - That was the site plan that you gave Ted, correct?

J. Kober - That was the one that was submitted.

L. Moorhouse - And this is the one they approved?

J. Kober - Yes.

E. Bott - That clearly shows the deck and the distance to the lake.

S. Smith - It's dotted, there's no measurements.

E. Bott - It's 28ft. from the lake.

L. Moorhouse - 26ft.

S. Smith - There are no measurements on the deck there.

E. Bott - That's irrelevant, if it has the distance to the lake.

L. Moorhouse - Exactly. My feelings are that the Planning Board approved this, without those dimensions on the deck. So, there should not be a question.

E. Bott - Providing they keep the same distance to the lake. The second part is dimension requirements. It's my understanding that there is nothing on the northern side of your property?

J. Kober - There is a structure on it now.

E. Bott - That was after you already moved. After you met with the Planning Board?

J. Kober - Yes.

E. Bott - So that's irrelevant. What about the south side?

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J. Kober - That was there and is still there.

S. Smith - When I was down there, I actually measured off of Spurling's home, before the new structure was built.

E. Bott - That's irrelevant.

S. Smith - It is relevant. Their house is there.

E. Bott - Not before the plan was approved. What they do after the fact is up to them. That's their choice.

L. Moorhouse - Spurling added a place, they had a house there.

S. Smith - Spurlings had a house there, they added a house where they removed a structure.

E. Bott - Which is the place immediately to the north?

S. Smith - It is now, but it wasn't there originally.

E. Bott - It wasn't there originally, so there was nothing there, logistically?

S. Smith - You still go to the north property that was there.

E. Bott - It says the average of the two immediate adjacent properties. That's not immediately adjacent, that's two houses away.

S. Smith - It's still the same property. Spurling's home and the new building are the same property.

E. Bott - They put two houses on the property?

S. Smith - No, they put a rec room, pavilion with a kitchen.

L. Moorhouse - Spurlings did?

J. Kober - Yes.

D. Horning - So, when this was approved in August of last year, that other structure was not there?

S. Smith - Right, but I still measured off Spurlings. Actually, the structure they put in is set back far enough and wouldn't involve it anyway. I still had to go from the north and the south no

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matter if it was a $\frac{1}{4}$ mile away and take the average.

E. Bott - Which is?

S. Smith - It was 55.

E. Bott - Their approved house is inside of that.

S. Smith - Yes.

E. Bott - My question is, this shows a distance of 27ft. from the corner of the house to the lake.

S. Smith - You have to measure 90 degrees to the lake.

E. Bott - 90 degrees is even farther away.

J. Kober - Right, how do you measure, do you go to the water?

E. Bott - We go by your drawings. It goes to the high water mark. So, this drawing on here shows 27ft. and the other one shows 28ft. from the deck.

L. Moorhouse - Right.

They discussed the measurements on the map.

L. Moorhouse - My understanding is, this was ok'd. And at this point if there were no dimensions on this deck and it was approved, I do not see a problem.

J. Kober - They also had pictures. The pictures clearly had the deck on the front of the house.

E. Bott - And all the drawings did too.

S. Smith - Well then you have to go back to the letter then.

E. Bott - Again, that doesn't match the actual evidence.

S. Smith - I pulled the minutes from the Planning Board meeting and there was no mention of a deck in the minutes. That is why I reached out to Ted to let me know what transpired.

E. Bott - All it says is the maps were reviewed by the Planning Board and it was determined that they met all necessary requirements.

D. Horning - I suggest we vote on the variance.

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E. Bott - I don't think there are grounds to even have the variance. But, to make sure we cover everything.

D. Horning - Yes

E. Bott explained the two step process of accepting the application and then voting on the variance.

E. Bott made a motion to accept the application, D. Horning seconded, all in favor.

Roll Call Vote to accept or deny:

L. Moorhouse **YES**, D. Horning, **YES**, E. Bott, **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**

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

J. Hallett did not vote for the variance, he observed the process.

L. Moorhouse - Your request for a variance has been approved.

James and Jeri Kober - Thank you very much.

The Public Hearing concluded at 7:55 p.m.

PRELIMINARY HEARING - Brian & Bailea Carey

L. Moorhouse - You folks want to put an addition on your house?

B. Carey - Our plan is to have part of the house taken apart and to build in the same footprint with a story on the side. That is what the variance is about.

E. Bott - Because you are going outside the existing footprint.

B. Barey - Not just because we are going outside the existing footprint, we are continuing the line of the existing house.

They discussed the drawings of the addition.

E. Bott - So, the set back is 34ft.?

S. Smith - They are asking for a 16ft. variance. The addition is going to be even with the front

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of the house.

L. Moorhouse - So, the variance is because they are going outside the existing footprint?

E. Bott - If they stayed within the existing footprint, it would be grandfathered.

L. Moorhouse - Correct.

E. Bott - As soon as you do that, that is why we are doing this now.

They looked over the plans of the house.

L. Moorhouse - We will have a Public Hearing on September 8th.

B. Carey - We actually have to be in school on the 9th. We teach in Queens.

E. Bott - I thought you lived in Rochester.

B. Carey - We have been in Queens for 23 years. It's very beautiful.

E. Bott - We could do it remotely.

S. Smith - They don't have to be present, do they.

E. Bott - That's why I say we could do it remotely. We've had people call in before.

S. Smith - We do have the set-up for Zoom meetings. We will just have to get someone to set it up for us.

L. Moorhouse - So, the Public Hearing will be on September 8th at 7:30 p.m.

S. Seeley - Verified their phone number.

E. Bott - Worst case scenario, we call you. Generally, no one shows up for the Public Hearing.

S. Smith - If you don't see a link on the web site, we will call you.

Old Business

L. Moorhouse read Jesse Hallet's letter of interest in becoming a board member.

L. Moorhouse motion to accept Jesse Hallet as a board member, seconded by D. Horning, all in favor.

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Welcome to the crew Jesse!

D. Horning made a motion to approve the minutes from the July 14, 2021 meeting,
L. Moorhouse seconded, all in favor.

L. Moorhouse made a motion to adjourn the meeting, D. Horning seconded, all in favor.

Meeting adjourned at 8:35 p.m.

Respectfully,

Stephanie Seeley, Secretary