

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

July 12, 2017

Present: Linda Moorhouse, Chairperson
Diane Horning
Marty Gascon
Steve Smith, CEO

Guest: Paul O'Leary
Janet Walsh
Janet Elman
Jerry Elman
Jaclyn Cuthbertson
Daniel Cuthbertson
Mark Gilbride

Board Member E. Bott - Absent

PUBLIC HEARING – O'LEARY

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.

Chairperson, Linda Moorhouse then read permitted action for the Zoning Board of Appeals.

L. Moorhouse – Mr. O'Leary we had one question for you from the Preliminary hearing.

P. O'Leary –Yes, you requested that my surveyor add both dimensions from each corner, which he has done.

L. Moorhouse – We also have a letter here from Mr. and Mrs. McGraw.

P. O'Leary - Yes, they are neighbors.

Page 2

L. Moorhouse – And they are in support of your variance.

P. O’Leary – Our other neighbors are also, but I could not get anything in writing at the last minute.

L. Moorhouse – That’s OK. This is just one variance, correct?

D. Horning – Yes, from the right of way.

The Board Members reviewed the measurements on the map with Mr. O’Leary.

L. Moorhouse – Do any of the Board Members have any questions?

L. Moorhouse made a motion to accept the application as complete, D. Horning seconded, all in favor.

Roll Call Vote to accept or deny:

L. Moorhouse, YES, D. Horning, YES, M. Gascon, 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**

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

L. Moorhouse – Mr. O’Leary, your request for a variance has been granted. I do want to say that **you** did a great job giving us the information required for your variance. Good Luck!

Public Hearing concluded at 7:40 p.m.

Preliminary Hearing – Strong

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

M. Gilbride – Mr. Strong could not make the meeting, so I will be representing him.

All the property owners involved were present at the meeting and asked to come and sit before the board. (Janet and Jerry Elman, Jaclyn and Daniel Cuthbertson)

The Board Members reviewed the map with the group and discussed where each house was located and the reason for the requested variance.

J. Elman – We don’t have any room to put anything, we have no garage and the Cuthbertson’s don’t have any lake front. We want to split this lot, so we both can have more room.

Page 3

D. Horning – You are aware that there is a right of way along the edge of the property?

J. Elman – That was moved. It is actually on the South side of the property now.

M. Gilbride – We actually own the right of way, it was moved to the South side of the property.

L. Moorhouse – Neither one of you plan to build anything on the property.

J. Elman – No, we might eventually want to put an attached garage on. That is not in our immediate plans.

There was more discussion regarding the location of the homes and which ones were seasonal and which ones were year round homes.

L. Moorhouse – There are no utilities there?

J. Elman – No, just the empty lot, that Mark has.

D. Horning – Should we put any restrictions on the property when we do the Public Hearing? It's only going to be 41ft. wide.

J. Elman – We have it worked out, that there is only one variance on the lake front.

L. Moorhouse – There would not be any utilities in the future?

J. Elman – No.

L. Moorhouse – I would want to put one restriction on the property, that no residence can be built on it.

J. Elman – That is fine.

L. Moorhouse – Do we have any more questions?

M. Gascon – No, I think you have answered all of them.

S. Smith – I do have one question, all the surveys I have here, don't show the right of way being moved from the North to the South side of the property. Do you have anything stating it was moved from the North to the South?

M. Gilbride – I don't have it, John Strong has it.

L. Moorhouse – How long ago was it moved?

Page 4

M. Gilbride – Probably 10-11 years ago.

L. Moorhouse – What is the pump house?

M. Gilbride – That belongs to the Look Out. It is still a usable pump house until the city water goes through.

L. Moorhouse – I would like Mr. Gilbride to find the information on the change of the right of way.

D. Horning – Did it ever get recorded?

M. Gilbride – I don't know if it got recorded with the County, but I know there was a legal document.

J. Elman – I will tell you that the people that owned it then, sold it and the new people know it is on the South side.

L. Moorhouse – They should have that indicated in the deed.

L. Moorhouse made a motion to accept the application as complete, seconded by D. Horning, all in favor.

L. Moorhouse – We will hold the Public Hearing on Wednesday, August 9th at 7:30 p.m. Steve will put signs up one week before.

S. Smith – Yes, I will put one on 36 and the other on the property.

M. Gilbride – Do I or Mr. Strong need to attend.

D. Horning – It would be a good idea, if we have any questions.

Preliminary Hearing concluded at 8:05 p.m.

Old Business

L. Moorhouse made a motion to approve the minutes from the June 14, 2017 meeting with seconded by L. Moorhouse, all in favor.

D. Horning made a motion to adjourn the meeting, seconded by M. Gascon, all in favor and adjourned at 8:25 p.m.

Respectfully,
Stephanie Seeley, Secretary