

DRIFT

**ZONING BOARD OF APPEALS  
TOWN OF CANADICE**

Canadice Town Hall

June 14, 2017

Present: Linda Moorhouse, Chairperson  
Diane Horning  
Marty Gascon  
Ed Bott

Guest: Paul O'Leary  
Judith Welsh

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

L. Moorhouse introduced the Board Members and invited Mr. O'Leary & Ms. Walsh to come and sit before the board.

L. Moorhouse – Mr. O'Leary, why do you want a variance?

Paul O'Leary presented the Board members with a packet of color photos of his property.

P. O'Leary - I am prepared to argue a good case as to why I should be granted an area variance. But, I did want to ask if I really need a variance? There was some discrepancy when I talked to town officials, whether I needed a variance. The ultimate decision was that Ted Mayhood talked to the Town Attorney and then advised us that we should apply for a variance or change our plans. The CEO at the time, was of a completely different view and for a year led us down the wrong direction.

L. Moorhouse – OK, from what I understand, it is over the right of way, correct?

P. O'Leary – Yes.

L. Moorhouse -- The decision that we had made back in 2006 on a property was, if you owned both sides of the road, the request for a variance was not needed. Now, this was from the Attorney, Mr. Michael Jones. Here we are 11 yrs. later, there is a different attorney and she thinks a variance is required.

E. Bott – It's a set-back from the roadway.

P. O'Leary -- I own all the way to County Rd. 36. I believe when walking with my grandchildren and wife, I know of at least 2 buildings that were built in the last few years within that 20ft. set-back from the right of way, as I understand it to be, from Labella's Engineering plans for the water lines. So, if I use their plans and survey, lot lines, etc., it appears that quite a number of buildings, (permanent structures) have been built over those 11 years.

E. Bott – First of all, if someone builds a building on an existing foundation, they don't need to have a variance, if it is on the existing foot print.

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P. O'Leary -- When I asked Bob about this, he said because of the precedent, and because these buildings were under the size for Planning Board approval, he issued building permits.

E. Bott -- Two things, one if it is under 800 sq.ft., it doesn't go to the Planning Board. But, we still have to review the request for a variance.

P. O'Leary -- He felt a variance was not required.

D. Horning -- Wouldn't you rather have the variance and go on from there?

P. O'Leary -- I would be happy too, if I had the variance.

E. Bott -- The second thing is, there is no such thing as a precedent. It's my duty to state the legal aspects. So, state your case and we will go on from there.

P. O'Leary -- OK, the plans that I have are from Mr. Dutton, which shows the original building and the proposed building and indicates a 10.3 ft. set-back from the right of way. That is on the closest corner. The other corner of the property, from my own measurements, is about 13ft.

E. Bott -- We need that measurement included in this, because that is under the 20ft. also. We need to know all the corner measurements. That needs to be recorded. If you are granted the variance, these measurements need to be documented.

Mr. O'Leary and the board members discussed the measurements needed on the map.

P. O'Leary -- What we wanted was a home for ourselves. I have had a recent hip surgery and lost 80% of my left lung. I need a first floor bedroom and an attached garage. Otherwise, I would have to walk 70ft. to get my shovel to plow my walk back to the house.

E. Bott -- So, the part that is sticking out here is the garage?

P. O'Leary -- I worked with my neighbors a lot on this and only the middle portion will be two stories.

L. Moorhouse -- Is this going to be a year-round home?

P. O'Leary -- Yes, it will be. Not so sure if we will live in it year-round or not.

Mr. O'Leary and the board members discussed the map again.

E. Bott -- Is there public water and sewer?

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P. O'Leary – It will eventually be public water and sewer.

L. Moorhouse – Asked the board members if they had any other questions.

P. O'Leary – When should I have Mr. Dutton update the measurements on the map?

E. Bott – I don't want you to have the surveyor come back, we just need these measurements documented. This is for the property, not you. We have two votes the night of the hearing. The first is to accept the application and the second is to approve the variance.

L. Moorhouse – Just bring it with you on the night of the hearing. The Public Hearing will be held on Wednesday, July 12, 2017 at 7:30 p.m.

D. Horning – So, you are all set. We will see you in July.

P. O'Leary – My phone number is there if anyone has any questions between now and next month.

Preliminary concluded at 7:55 p.m.

The next variance request was tabled do to the fact that the owner, Mr. Thomas Strong did not show up at the meeting and the board had several questions that needed answers.

L. Moorhouse – Motion to table the application for Thomas Strong, E. Bott seconded, all in favor.

### **OLD BUSINESS**

D. Horning made a motion to approve the minutes from the January 11, 2017 meeting, M. Gascon seconded, all in favor.

E. Bott made a motion to adjourn, L. Moorhouse seconded, all in favor.

The meeting adjourned at 8:15p.m.

Respectfully,

Stephanie Seeley, Secretary