

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

August 12, 2020

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

Guest: Eric Brownell
James Kober, Virtual
Jeri Kober, Virtual
Birch Craig, Virtual
James Ruppert

Linda Moorhouse absent.

PUBLIC HEARING – BROWNELL

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.

D. Horning - First, we will go over the request from Mr. Kober. Maybe Steve would like to address that one.

S. Smith - Speaking to Mr. Kober. I received the letter from the engineer and the variance is not needed as long as the house is under 35ft. The engineer came back with a height of 30ft. 8in. After the house is moved over there, I will be down to measure it and make sure that the engineer is correct. If it doesn't meet the variance, there is going to be consequences.

J. Kober - I understand.

S. Smith - Ok, you are all set to go.

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J. Kober - We have to go to the Planning Board meeting too.

S. Smith - Yes, because it is over 800sq. ft., correct. You will have to provide a site plan for them.

J. Kober - Yes.

J. Kober - Is there anything else that Ted needs, other than the site plan?

S. Smith - Not that I am aware of. As far as I know, that is all he needs at this time. You were already approved on the contingency of just receiving the site plan. That's the way I understood it. Once Ted gets the site plan and approves it, you can get your permits and get going.

J. Kober - Is the meeting in 2 weeks?

S. Smith - It's the 4th Monday of the month at 7:00p.m. They start their meetings at 7:00p.m.

J. Kober - Thank you so much.

E. Bott - Good luck in your endeavor.

J. Kober - Thank you, we appreciate it.

D. Horning - We will do the Public Hearing next.

D. Horning - The variance consists of building a barn that will be 30ft. wide and 36ft. long. He needs a variance of 2ft., correct?

E. Brownell - 2ft. from the easement line.

D. Horning - We will open the Public Hearing at 7:30p.m. She read the permitted action by the Zoning Board of Appeals.

D. Horning - Are there any questions?

E. Bott - In my notes, I have a note here about the distance from the pond? I know we talked about that a little bit the last time. If I remember correctly, there is a pretty good drop off, right there.

E. Brownell - I can't remember the exact distance, but it has to be at least 75ft. from where the barn is going to be. It's probably 12ft. lower there.

E. Bott - In the picture here, there is a garden?

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E. Brownell - Yes, I just took that out.

E. Bott - The barn is going to consume that area?

E. Brownell - Yes.

E. Bott - It looks like it drops at a pretty good clip.

S. Smith - Yes, it does. I've been on the property.

E. Bott - It looks like there is a pretty good grade off what they are using as a right of way.

E. Brownell - Yes, it's pretty close to a 6ft. drop from that road to where we park.

E. Bott - Even though it says 2ft. from the easement line, your affected range is more like 20ft. from what they can actually use. They couldn't build that grade up anymore without encroaching on your property.

E. Brownell - There is a 45ft. easement all the way down through there for that private road.

E. Bott - I don't have any other questions.

D. Horning - Any more questions?

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

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

E. Bott made a motion, seconded by R. Boone, all in favor.

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. No - **YES**

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

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

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

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

E. Bott - Made a motion to close the Public Hearing, M. Gascon seconded, all in favor.

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The Public Hearing concluded at 7:49 p.m.

PRELIMINARY HEARING - RUPPERT

D. Horning - Mr. Ruppert, can you tell us exactly what you want to do?

J. Ruppert - Right at the base of the driveway, I want to put up a shed. It started out to be 10 X 10. It has to be 10ft. wide, because I want a roll up door. It is mainly for a snow blower, so I don't have to shovel the shed out, so I can use the snow blower. I started out looking at a 10 X 10, but for \$200.00 more, I can get a 10ft. by 12ft. It needs to be where it is, it is the only place I can put one other than on top of the road. It's at the bottom of the driveway and the bottom of the driveway is about 10ft. below the road surface. Looking down the driveway, I need to keep it on the right hand side, because the only access to the rest of the lot is off the end of that driveway. I can't block that.

E. Bott - I have an administrative question. I don't see a denial letter. I see the application to come here. Why does he have to come here?

S. Smith - Because he has 30ft. and he needs 50ft.

E. Bott - Shouldn't there be a denial letter for the building permit?

S. Smith - No, he doesn't need a building permit, because it is under 144sq.ft.

E. Bott - Ok, that's why I was asking.

S. Smith - This is just an area variance.

J. Ruppert - It's going to be 30ft. off the road, instead of 50ft.

D. Horning - He can't get 50ft.

S. Smith - No, he's steeper than Eric was.

They discussed the pictures and the placement of the shed.

D. Horning - You don't have a heck of a lot of room.

J. Ruppert - My biggest problem is, I have to order it and it is going to take 6-8 weeks to get it built. I want to get it in before the snow flies. Is there any way I can get an ok on that tonight, so I can order it?

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M. Gascon - We have to have the Public Hearing.

D. Horning - You won't be able to order it until next month, or take a chance and order it now.

E. Bott - Officially, we can't give you the approval.

Mr. Ruppert showed the board the pamphlet with pictures of the shed.

E. Bott - Like I said, we can't officially grant it, but I personally don't have a problem with it.

D. Horning - Neither would I.

J. Ruppert - Thank you.

S. Smith - We still have to have the Public Hearing.

J. Ruppert - Oh, I know that.

E. Bott - We still have to go through that and you can't install it until then.

J. Ruppert - If I ordered it now, I wouldn't have it by the next meeting anyway. It will take at least 6 weeks to get it here.

D. Horning - Ok, we will have the Public Hearing on September 9th at 7:30p.m.

J. Ruppert - Ok, thank you.

Old Business

E. Bott made a motion to approve the minutes from the July 8, 2020 meeting, D. Horning seconded, all in favor.

B. Craig - I have a question. On Kober, are you giving him a variance or not?

S. Smith - He doesn't need a variance according to his engineer's letter that I was sent yesterday.

B. Craig - Ok, that's fine. So, it is a mute issue right now?

S. Smith - Correct, as far as the height variance goes.

B. Craig - As long as it is not over 35ft.

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S. Smith - I am going to be measuring it.

D. Horning - According to the letter, it is only 30ft. 8in.

D. Horning - Since there is no other business, we will adjourn the meeting.

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

Meeting adjourned at 8:05 p.m.

Respectfully,

Stephanie Seeley, Secretary