

**ZONING BOARD OF APPEALS
TOWN OF CANADICE**

Canadice Town Hall

September 12, 2018

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

Guest: Kim Malcolm
Mr. Craig

PUBLIC HEARING – MALCOLM

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 – Steve, can you tell us what it is that Ms. Malcolm is looking for?

S. Smith – 4 ft. side set back to the North, where a 10 ft. is required and a 16 ½ ft. set back to the right-of-way to Twin Bay, where a 20 ft. set back is required.

L. Moorhouse – There is a letter here from your neighbors?

K. Malcolm – Yes, they are all in favor of the addition.

L. Moorhouse – So, we are looking at two variances, one for the front of 3 ½ ft. and one on the North side of 16 ½ ft.

Page 2

E. Bott – So, what is the existing set back today on the North side?

K. Malcolm – 20.7 ft.

K. Malcolm and E. Bott discussed the pictures and drawings.

E. Bott – The rest of your property looks to be pretty flat.

K. Malcolm – Yes, it is.

E. Bott – The power line goes down through the middle of it?

K. Malcolm described the underground power to the structure, shed and the lake.

L. Moorhouse – Do you have a well?

K. Malcolm – I have no well.

L. Moorhouse – So there is no water there? Do you bring your water from the lake?

K. Malcolm – Yes.

L. Moorhouse – Are there any more questions from the board? NO

L. Moorhouse – I would like to entertain a motion to close the public portion of the hearing.

E. Bott - Motion to close the public portion of the hearing, seconded by D. Horning, all in favor at 7:35 p.m.

E. Bott – Okay, there are two steps to this process. The first is to approve your application as presented, then we vote to either approve or deny the variance. So, there are two separate steps.

E. Bott – Since there are no changes to the permit, I vote we accept the permit as it stands, D. Horning seconded, all in favor.

L. Moorhouse – Now, we vote on the variance.

Roll Call Vote to accept or deny:

L. Moorhouse, **NO**, D. Horning **NO**, E. Bott, **NO**, M. Gascon, **NO**.

L. Moorhouse – 1. Yes, 2. Yes, 3. Yes, 4. No, 5. Yes – **NO**

D. Horning – 1. Yes, 2. Yes, 3. Yes, 4. No, 5. Yes – **NO**

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

Page 3

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

L. Moorhouse – Your request for a variance has been denied.

Public Hearing concluded at 7:40 p.m.

Old Business

L. Moorhouse made a motion to approve the minutes from the August 8, 2018 meeting seconded by D. Horning, all in favor.

The board members filled out registration forms for training in Batavia in November.

E. Bott made a motion to adjourn the meeting, seconded by L. Moorhouse, all in favor
Meeting concluded at 8:15 p.m.

Respectfully,

Stephanie Seeley, Secretary