

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
March 20, 2008

PRESENT: Chairman Hoover Mr. Schilbe
 Mr. Ebersol Mr. Johnson
 Mr. Blaker Mr. Craugh
 Mrs. Fake

Chairman Hoover called the meeting to order at 7:30 PM. Mr. Ebersol made a motion to approve the minutes of the February 21, 2008 meeting. Mr. Schilbe seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #08-002, Jeffrey & Elizabeth Fitch, owners of property at 3698 Nibawauka Beach, requests an area variance to build a single family home. Proposed home does not meet the north side yard setback, exceeds lot coverage and cannot exceed 25 feet in height.

Application was required to go to the Ontario County Planning Board. Determined to be a Type II action, which does not require further review under SEQOR.

The Ontario Planning Board made a recommendation for denial of the application.

The public hearing was opened, and the notice as it appeared in the official newspaper of the Town was read.

Mr. & Mrs. Fitch were present and presented their application to the board.

Mr. Fitch stated that he would like to ask a couple of questions. "On the blacktop removal that we discussed, did you say to leave one foot of asphalt on each side of the two car garage door?"

Chairman Hoover stated that he does not know if it was discussed what exactly the board would want to see. "Where will it take you down to on lot coverage?"

Mr. Fitch stated that he believes after last meeting that it was established that it would bring them down to just a little under 40%.

Mr. Fitch stated that the other concern that they had was a 3 in 12 pitch roof to stay within the 25 foot height. "We are ok with that as long as you can guarantee us that it is not going to get any ice damming. That is my main concern."

Chairman Hoover stated that more so than the Zoning Board it really comes down to your architect and the Zoning Officer working together to address this concern.

Mr. Freida, Zoning Officer, stated that the other thing is until they go to the architect and design the home they do not know what the pitch of the roof will be. "It depends on how high they raise the house out of the ground 18-24 inches and based on the ceiling height and what they use for floor joists."

Mr. Fitch stated that they did take the boards suggestion and look at there neighbor's new homes on Nibawauka Beach, one being 26' wide the other being 24' wide the only thing was one went 44' deep and the other one went 53' to 64' deep. "So obviously they have a lot more square footage than we are asking for. You asked us to try to get down to 26' wide. When my wife and daughter looked at the other ones, so much room is taken up by the walls and the hallways and the closets and the stairways and everything else, and if we are trying to make this handicap accessible, we are asking for 68 square feet more than the 26' wide. I know from building a garage you always need more than what you think you do. That aside, we are giving up over a 1000 square feet of blacktop and so I guess we would like to keep it 28' wide if at all possible, because we are only going back 34' deep. It does not change the vision to the lake because it is right behind the garage and you can't see it any way. If we are going to live there full time we are going to need the closet room. I know you are concerned about coverage of the lot, we are on clay soil and when it rains heavy it is just like blacktop anyway. Obviously we'll go with what you say if we have to go 26 we will go 26 but, we definitely would like 28 if at all possible. We are also not having any decks or porches to get as much grass as possible."

Mr. Johnson stated that he was not present when this application was discussed two months ago but wondered if it was mentioned moving the house to the south to try to get as far away from the north line as possible.

It was discussed if they moved the home to have a 15 foot setback on the south side it would get them 2 more feet off of the north side giving them a setback of 7 feet instead of 5 feet.

Mr. Fitch stated that the reason they wanted to leave it at the 5 feet is because there is shrubbery between our house and the one next to us and as you can see on the other side of that

line they're 5.8 feet from us. "Neither family really uses that other than possibly to walk around occasionally. We wanted to keep as much side lot as possible were we can have picnics and so on, so that is why we would like to keep it as close, it is there now we are not asking to go any closer."

Mr. Johnson stated that he is just trying to minimize the actual variance for the north side.

It was determined that with removing the asphalt it will get them down around 40% lot coverage.

Mr. Freida reminded the board that the setbacks go to the overhangs.

Mrs. Fake stated that she noticed in the letters from the neighbors it does specify 6 feet.

Mr. Fitch stated that they could have them change that but they did say 6', we told them where it was now and they said fine. "We can certainly get more letters or we can move it if you want us to move it."

Chairman Hoover asked the public if there were any comments on the application. Hearing none, the public hearing was closed.

After discussing and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mr. Johnson made a motion to grant a 10 foot north side variance for a 5 foot setback to the overhangs, and lot coverage of 40%. The new construction must be started within a year from this date and revised plans must be submitted to the Planning Board for site plan approval. Mr. Ebersol seconded the motion, which carried unanimously.

Application #08-016, John Swapceinski, owner of property at 4042 State Rt. 364, requests an area variance to build a single family home. Proposed home does not meet the south side yard setback, the rear yard setback and exceeds lot coverage.

Application was required to go to the Ontario County Planning Board. Determined to be a Type II action, which does not require further review under SEQR.

The Ontario Planning Board made a recommendation for denial of the application.

The public hearing was opened, and the notice as it appeared in the official newspaper of the Town was read.

David Healy, architect, Dad Swapceinski & Mom Swapceinski were present and presented the application to the board.

Mr. Healy stated that he has move the house back from the right of way 15 feet abutting up to the sewer easement on the lake side. There is 48.55 feet from the sewer easement to the right of way and the house dimension to 34 feet so the actual setback on north side will be 14.55 feet to the right of way. The dimensions in parenthesis are the dimensions to the overhangs. There is a 10 foot setback on the north side on the lake side and a 10 foot setback on the road side on the south side and it works out to 8.7' to the overhang. There is going to be a 3 inch overhang and a 5 inch gutter.

The variances requested are 7'8" variance on the south side, a 6'4" variance on the north side, a 14'3" variance on the rear and an 8' variance on the front and increasing the lot coverage to 32.7%.

It was discovered that the driveway was not calculated in the lot coverage calculation. When calculating the driveway into the lot coverage the proposed lot coverage will be 32.7%.

Mr. Healy stated that the height will be within the 25 feet allowed.

The driveway was discussed. It was suggested, to reduce some of the lot coverage, the driveway be replaced with a hollow core paver driveway that is filled in with top soil and seeded.

This would not be added to the lot coverage, bringing the lot coverage down to 28.7%.

Chairman Hoover asked if there son was ok with not having any decks, porches, patios, and sidewalks.

Dad Swapceinski stated that the important thing is to get enough interior space to make it practical and comfortable to live.

Mom Swapceinski stated that he plans on living there year around. "This will be his home and needs to be big enough to be a family home."

Mr. Freida asked if they are planning on having a basement. "The basement floor has to be at 693, according to our flood calculations."

It appears that there can only be a crawl space verses a basement.

Mr. Healy stated that he was not aware of the flood plain elevation. He did not plan on basement under the garage area only in the front part of the home.

Mr. Johnson stated that he has a concern with so many variances, all four sides plus area.

Mrs. Fake suggested that the house be shrunk down to 29 or 30 feet and move the house a couple of feet to the south, this would give them less of a variance on the north side.

Mr. Healy stated that he can't reduce the house anymore.

Chairman Hoover suggested that they reduce the home to a 28' x 34'. "It is an extremely small lot, and we are not trying to say that you can't build at all on there. It is a very small lot and to try to put that large of a structure on there is tough. It is a lot that was designed for a very small seasonal cottage, which you're trying to put a year around home on. We understand that there is really no way to put a new modern home on there without some sort of variance, but we are asking you to try to keep it to the absolute minimum."

Dad Swapceinski stated that when you consider the future use of the house and when you consider the surrounding. "Neighboring houses have far more coverage on their lots and a lot closer to their boundaries than this new one will be."

With putting in a hallow core driveway and shrinking the home down to 28' x 34' and moving the home to the south could eliminate a north side yard variance and meet the 25% lot coverage.

Chairman Hoover asked the public if there were any comments on the application. Hearing none, the public hearing was closed.

Mr. Healy asked the board if they could table their decision to give him time to talk to the applicant about his options.

Chairman Hoover adjourned the decision on the application until April 17, 2008.

Application #08-017, Roger A Carroll & JoAnne Pedro-Carroll, owners of property at 5100 County Road 11, requests an area variance to build an addition, an attached deck and a lakefront deck. Proposed building and decks do not meet the side yard setbacks and exceeds lot coverage.

Application was required to go to the Ontario County Planning Board. Determined to be a Type II action, which does not require further review under SEQR.

The Ontario Planning Board made a recommendation for denial of the application.

The public hearing was opened, and the notice as it appeared in the official newspaper of the Town was read.

Mr. Carroll was present and presented the application to the board.

Chairman Hoover stated that when he went out to look at the property he had a concern with the front deck on the house interfering with the neighbor's sight distance.

Mr. Carroll stated that he has talked with the neighbor and has showed him what he has proposed.

Mr. Freida stated that the neighbor has called the office and had seen the changes and appreciated the changes but had a concern with the close proximity of the stair way to the property line.

Mr. Carroll stated that he has a way to drop the height of the second story and gain a foot. If the roof is turned 90 degrees and because it is a 6 in 12 pitch we are gaining four feet, which would mean you would have 12 foot to the center so it would be two feet on each side, so two feet with a 6 in 12 pitch gives you a foot, so it will drop the ridge a foot.

Chairman Hoover asked Mr. Carroll if he could reduce the decks some.

Mr. Carroll stated that he could reduce the deck on the home to 12' x 28' with a proposed spiral staircase and reduce the lake side deck to 18' x 13'.

It was suggested that the driveway be replaced with hallow core pavers to eliminate some of the lot coverage. With this it was figured that the lot coverage would be around 25.7%. It was also suggested that he rotate the lake side deck to meet the side yard setbacks so no variance would be needed for that deck. The second story should not exceed the height of the existing second story.

Chairman Hoover asked if there were any comments from the public. Hearing none, the public hearing was closed.

After discussing and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mr. Ebersol made a motion to grant a variance on the north side of 8 feet for a setback of 7 feet, on the south a 2.4' variance for a setback of 12.6' setback for a 12' x 28' attached open front deck. A variance of 6' on the south side for a 9' setback and a 4.5' variance on the north side for a 10.5' setback for the proposed second story addition, and the lot coverage is not to exceed 26%. The new construction must be started within a year from this date and revised plans must be submitted to the Planning Board for site plan approval. Mr. Blaker seconded the motion, which carried unanimously.

Mr. Johnson made a motion to adjourn the meeting at 9:23 PM. Mr. Blaker seconded the motion, which carried unanimously.

Jerry Hoover, Chairman

Sue Yarger, Secretary