

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
September 17, 2009

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

Chairman Hoover called the meeting to order at 7:30 PM. Mr. Ebersol made a motion to approve the minutes of the August 20, 2009, meeting. Mr. Schilbe seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #09-098, Susan Lom, owner of property at 4794 County Rd. 11, requests an area variance to build an 8 x 10 shed. Proposed shed does not meet the front yard setback, north side yard setback and exceeds lot coverage.

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

Charles Lom was present and presented the application to the board.

The proposed location of the shed is 3 feet from the side property line and 21 feet from the front property line. They are also proposing to remove enough concrete to reduce the lot coverage to 49%.

Chairman Hoover asked if they would be willing to erect the shed along the concrete retaining wall where the previous variance was granted for a shed.

Mr. Lom stated that he and his wife do not want to put a shed in that area.

Mr. Johnson asked what the problem was to putting it in that area along the concrete wall.

Mr. Lom stated that there is a propane tank buried in that area.

Mr. Johnson stated that there appears to be space between the propane tank and the home to put the shed.

Mr. Lom stated that they do not want a shed near the propane tank. In Pennsylvania about 30 miles from them there was a propane filling accident.

Mr. Lom stated that where they really would like to put the shed is where they first proposed it in July. Their second choice is where it is now up against the property line. Their

third choice is where it is being proposed now, which tries to accommodate everyone. The neighbor on one side has his shed on

the property line. The neighbor on the other side has their shed on the property line. They have about 30 feet between the front

door and the property line. That is why the proposed shed is 3 feet off of the property line, because any closer puts the shed in the middle of their only useable space.

Mr. Schilbe stated that the property is over developed and would hate to see anything more built besides what is already there. "I would hate to see anything closer to the lake than what is already there."

Chairman Hoover stated that when the variance was granted in 2007 for a 8 x 10 shed in the garden area all the concrete was to be removed to achieve a lot coverage of 33%. The proposed 49% is 16% over what was granted two years ago. All of the concrete would need to be removed to bring the lot coverage down to 33%.

Mr. Lom stated that they rejected what was previously granted.

Chairman Hoover asked if there were any comments from the public.

The Zoning Office received a letter from Jon Lewis, which was presented to all the board members. This letter will be kept in the file.

Mr. Lewis, neighboring property owner was present and presented the board with pictures. He was concerned with the shed blocking his view up the lake. If the shed is put near his property line he would like to see it at least 6 feet off of his property line.

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

Mr. Lewis asked to make one more comment. "I really don't mind if they wanted an 8' x 8' shed if it could 5 to 6 feet off of my property and back far enough so that I don't lose any view. I wouldn't complain about something like that, but it would have to be scaled down to fit in there."

Mr. Ebersol questioned if there had been any discussion last time on the utility trailer that is there.

Chairman Hoover stated that there has been discussion between the applicant and the Zoning Department. He believes that at this time there is nothing in the Zoning Ordinance that prohibits a utility trailer from being on the property. This might be something the Town Board needs to consider.

After discussing and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mr. Schilbe made a motion that the application be denied. Mrs. Fake seconded the motion, which carried unanimously.

The Zoning Board of Appeals suggested that the Planning Board and the Town Board take a look at a change in the zoning to eliminate utility trailers, boat trailers, camping trailers, etc. in front of the front line of the houses.

The meeting was adjourned at 8:05PM.

Jerry Hoover, Chairman

Sue Yarger, Secretary