

MINUTES  
TOWN OF GORHAM ZONING BOARD OF APPEALS  
January 18, 2007

PRESENT: Chairman Hoover            Mr. Schilbe  
          Mr. Lewis                    Mr. Johnson  
          Mr. Conley                  Mr. Blaker  
          Mr. Ebersol

Chairman Hoover called the meeting to order at 7:30 PM.

Mr. Lewis made a motion to approve the minutes of the December 21, 2006, meeting. Mr. Schilbe seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #06-207, Susan Lom, aka Susan Quick, owner of property at 4794 County Road 11, request an area variance to replace a 6 x 8 shed with a 12 x 20 shed. Proposed shed does not meet the front & side 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 SEQOR.

There were no comments from the Ontario County Planning Board.

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

Mr. Lewis rescued himself from the board due to the fact that he is right next door to the property and directly effected.

Fred Sapp, representing Ms. Lom was present and presented the application to the board.

Mr. Sapp presented pictures to the board showing the shed that they would like to replace.

Mr. Sapp stated that they are willing to cut the size of the shed down if necessary. They feel that the area that they have chosen to put the shed does not interfere with anyone with the hedge that is there now.

Chairman Hoover asked if there was a reason that they are moving the shed to the proposed area as opposed to putting it where the existing shed is.

Mr. Sapp stated that one problem is there is a creek that runs along the property line and the existing shed sets very close to the retaining wall. If the proposed shed was placed in the same location there would be very limited space to park a car. The driveway is very narrow. The right side of the property is really the only area they have to put the shed.

Chairman Hoover stated that he is going to ask if they would consider seeking a variance on the other side similar location where the existing shed is. "I agree that the shed at this time with the bushes there would not block anybody's view. My concern is the arborvitae probably at sometime may die off or be removed. My concern is allowing a variance for the permanent structure. Once we grant a variance that variance runs with the life of the land."

Mr. Sapp stated that the problem on the left side of the property is the creek; also he just put in a 500 gallon propane tank in that area. "NYSEG was \$5,300 to run the gas line down. That was not a feasible way to go for a seasonal cottage."

Chairman Hoover asked what size shed could be fit in the same general area as the existing.

Mr. Sapp stated probably not much more than is there now.

Chairman Hoover stated that he is very concerned with issuing a variance for an accessory structure to set ahead of the front line of a neighboring house.

Mr. Sapp stated that the reason they are placing the shed ahead of the front line of the neighboring house is for one the arborvitae are there, there is a fence there. "I can't move the shed back from the lake any further because I would not be able to get a car in there. That is about the only place that I can put it."

Mr. Schilbe questioned why it could not stay where the existing is.

Mr. Sapp stated that because the building that they are proposing to build is too big for that area. "The shed now is very close to the creek. I have also put a propane tank in that area. My real concern is putting too much weight against that creek wall."

Mr. Conley asked if it was going to be a shed or a garage.

Mr. Sapp stated that is just going to be a shed.

Mr. Conley stated that he feels that is too close to the lot line.

Mr. Schilbe and Mr. Ebersol both expressed their concern with setting the shed ahead of the neighboring house line.

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

Jon Lewis, neighbor to the east, stated that he is not against cleaning up the property, and expressed his concerns with the proposed shed being placed so close to the lot line. One concern that he had was with the arborvitaes that now block his view and when and if someday the arborvitaes come down the shed would block his view. He would love to see a smaller shed placed in the area of the existing shed. He does believe that anytime that a bunch of sheds are out front in the lake view produces an undesirable change and a detriment to the neighborhood. He does

believe that the benefit sought by the applicant can be achieved by some feasible method other than a variance by putting the shed in another area. He feels that the requested variance is substantial with the shed three feet from the property line. He does believe the difficulty was self created with putting the propane tank in before knowing if they would be allowed to put the shed where it is being proposed. He would like the board to come up with something where everybody wins.

Mr. Sapp stated that the reason the propane tank was put in on the left side next to the creek is because he had an engineer look at the concrete retaining wall and the more pressure that gets put onto that wall the worse that it is going to be. The propane tank was not put on the right hand side because we thought that would create more problems next to the lot line. "All I am asking the board to do is give me a simple variance to move the shed on the right hand side. I will cut the size down. I will move it back away from the line 5 feet. As far as the left side I feel there is a serious problem with that wall.

Chairman Hoover asked Mr. Sapp if he had a number either square footage or dimension for the minimum size shed that the homeowner was willing to accept.

Mr. Sapp stated that if they could get the shed on the right hand side of the property line "I believe that the smallest shed is probably 8'x10'. That gives me enough room to move that away from the property line and still have a fairly decent shed. The reason we did not run the gas line down is in order to dig the driveway up we needed a permit from DEC. The problem is that driveway is 8 foot 8 inches wide and Jon's property is on the right side and the creek is on the left. Propane is just a very easy thing for a summer home."

Mr. Schilbe stated his concerns with it setting to close to the property line and setting in front of the neighboring home. He feels it should be placed in the same location as the existing shed.

Mr. Ebersol asked if an 8 x 10 would fit in the area of the existing shed.

Mr. Sapp stated that possibly but the problem is getting in and out of the driveway. If the shed could be put on the right side of the property then a swing around could be put in place in the driveway. It is almost impossible to back out of the driveway.

The board and the applicant briefly discussed placing the shed in the area of the existing shed.

Mr. Conley stated his concern with granting a variance for a shed in the area of the existing shed without seeing it on the survey.

This was discussed and an as built survey will need to be provided to the zoning office at the time the shed is placed on the property.

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

After reviewing the back of the application the following motion was made [attached hereto]. Mr. Johnson made a motion to grant a variance on the west side of 7 feet for a setback of 8 feet, 33% lot coverage for an 8' x 10' shed to build within 12 months. All the concrete is to be removed. An as built survey is to be provided to the town. Mr. Blaker seconded the motion. Roll call was read with Johnson, Blaker, Hoover, Ebersol voting yes and Schilbe and Conley voting nay. (4-2).

Mr. Johnson made a motion to adjourn the meeting at 8:36 PM. Mr. Blaker seconded the motion, which carried unanimously.

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Jerry Hoover, Chairman

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Sue Yarger, Secretary