

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

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

Chairman Hoover called the meeting to order at 7:30 PM. Mr. Johnson made a motion to approve the minutes of the October 16, 2008 meeting. Mr. Schilbe seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #08-260, Ayse D. Lewis owner of property at 4036 State Rt. 364, requests an area variance to build a single family home & garage. Proposed single family home & garage 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 SEQOR.

The variances requested are a south side yard variance of 14.1' for a setback of .9' a rear yard variance of 22.5' for a setback of 7.5'. The proposed exceeds lot coverage by 25% for lot coverage of 50%.

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

The Ontario County Planning Board made the following recommendations, findings and comments on the application:

Recommendation for the side setback and lot coverage variances is DENIAL. Recommendation for the rear yard setback is NONE.

**Findings:**

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increase in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.

5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.

6. Protection of community character, as it relates to tourism, is a goal of the CPB.

7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.

8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

**Board Comments:**

1. Due to the substantial existing development, the existing sewer easements and other factors, the Town is strongly encouraged to deny the request for increased lot coverage.

2. The Town is encouraged to grant only the minimum variances necessary to allow reasonable use of the lot.

Gene Laneri, Architect & Ayse Lewis was present and presented the application to the board.

The lot coverage proposed on the previous application was 52% and on this application it is 50%.

Mr. Laneri stated that they are proposing to eliminate half of the detached building and extend the driveway further off of the existing drive.

Mr. Laneri stated that they are willing to move the proposed attached garage off of the south lot line to make it in line with the new proposed home.

Chairman Hoover asked if they are adding to the existing house or is this a tear down and rebuild.

Mr. Laneri stated that it is probably going to be a tear down, because of the condition of the floors and the loading on the house is going to change with a full second floor. They are going to try to keep some of the foundation and build around it.

Chairman Hoover asked if there was any way they could shrink the footprint to get the square footage down to decrease the lot coverage. "The lot was designed for a seasonal cottage.

Ideally we would like to see that at a minimum, try to achieve the existing lot coverage."

Mr. Laneri stated that because of the garage scenario it is not going to help any. "The garage is going to be that size. If we made it 30' x 16' it would not help and there are not too many things we can do with that garage space. The house is a

rectangle pretty much and we have the constraints of the easement to deal with. In relation to that I did talk to Bill Wright again and this southern addition to the house I have a letter and approval from him to encroach into that space. In lieu of changing the shape of the house and the garage, if we were to remove the detached building totally, I have the figures on it and it comes out to 47% lot coverage. It is not a large house it is not a large footprint."

Chairman Hoover asked if there is any way to narrow the driveway up a little bit to achieve a little bit less lot coverage.

Mr. Laneri stated that it is a possibility; he would have to check with the engineer.

Chairman Hoover asked if they have the ability to maintain the existing 43% lot coverage.

Mr. Laneri stated that unfortunately he does not believe they can, because of the driveway.

Mr. Schilbe stated that they bought this knowing that it was a seasonal cottage. "It is very hard to grant these type of variances for something that was only suppose to be a seasonal cottage. Especially when you are going to tear it all down and start over."

Mr. Laneri stated that unfortunately the concrete patio is taking up quite a bit of the area.

Mr. Ebersol asked what the configuration above the garage was.

Mr. Laneri stated that they are going to put a bedroom and an open area. It will be a full two story garage.

Chairman Hoover asked what the proposed finish dimensions of the new home are.

Mr. Laneri stated that looking at it from the lake the 27.3' dimension is from the south corner to the north part of the house, along where the garage is it is only 20.67' and then front to back is 30', which is the existing house and then the garage 22'x 20.67'.

Chairman Hoover expressed his concern with a 2000 square foot house on a small lot and expressed that he would like to see what they could do with the layout of the house to keep the lot coverage to at least 43% or less.

Mr. Laneri stated that a 2000 square foot house is not a big house.

Mr. Blaker stated that lot is not big enough for a 2000 square foot home.

Chairman Hoover stated that he agrees that a 2000 square foot house is not necessarily a large house by today's

standards, but on a 6000 square foot lot it is a very large house.

Chairman Hoover asked if there was any way to remove some of the concrete patio and plant grass in its place. "We are asking that you achieve the 43% lot coverage, this is an option for you."

Mr. Laneri stated that he is just saying that the lot coverage issue is not just because of the size of the house. A lot of it is because of the concrete patio and driveway.

Mr. Freida stated that the proposed plan calls for a two foot overhang; they could cut it down to a one foot overhang and cut some off of the lot coverage.

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

A letter that was received in the Zoning Office from the Becue Family was read and will be kept in the file.

Mr. Johnson stated that if this is going to be a rebuild, do you really need the bump out on the south side of the property? Instead of being 2 foot off the lot line they would be closer to 6 or 7 feet off of the lot line.

Mrs. Fake stated that she has a concern with the size of the house compared to the lot size and a concern with the lot coverage.

Chairman Hoover asked if there were any more comments from the public. Hearing none, the public hearing was adjourned to be re-opened on December 18, 2008, at 7:30 PM in the Gorham Town Hall.

The meeting was adjourned at 8:10 PM.

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Jerry Hoover, Chairman

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Sue Yarger, Secretary