

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
May 17, 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.
The minutes of January 18, 2007 were reviewed and the following changes made: Page 1 6th paragraph change the word "rescued" to "recused". Change the date on top of each page to 1/18/2007. Mr. Conley made a motion to approve the January 18, 2007 minutes as amended. Mr. Johnson seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #07-148, Elizabeth Coons, owner of property at 4550 Lake Drive, requests an area variance to build single family home with attached garage. Proposed home & garage does not meet the front and rear 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 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.

The applicant is requesting a 2'6" front yard variance for a setback of 27'4" setback, a 10' rear yard variance for a setback of 20' and lot coverage variance of 34.36%.

Sandy Kramer, Architect & Ms. Coons were present and presented the application to the board.

Mr. Kramer stated that there is an existing story and a half slab on grade cottage and also an existing car and a half garage on the lot. The proposal is to remove the story and a half cottage and the garage and construct a single family home with a two car garage.

The garage being attached to the home is setback 20 feet, which is allowed for a detached garage. If the garage was detached there would not be room for it to meet the 20 foot setback and the 10 foot separation between an accessory building and main building. The variance on the front is needed for the balcony off of the living room.

Mr. Kramer stated that a large part of the percentage of overage in lot coverage is the result of landscaping. There are some dry laid stone walls, stone stairs, stepping stones in the grass and the access to the garage. They are willing to handle the access to the garage with a mesh product which allows grass to grow completely.

It was discussed that if the house and garage was detached by a foot with a one hour fire separation between the house and the garage they could still achieve the required allowed setback.

The applicant agreed that they would be willing to move the garage one foot and meet the setback required.

Using mesh was discussed for the driveway to drop the lot coverage down to 29.9%.

Chairman Hoover asked the applicant if she would consider shrinking the house down to get closer to the 25% lot coverage.

Ms. Coons stated that she would not know how much she would have to shrink it down to achieve that.

Mr. Kramer stated that they would have to shrink it considerably. "They have actually shrunk it once. In the reality of the cost of the property, the cost of construction, the investment that the owner makes in the house and the landscaping it is a tough call. I can't answer that for them, but it would be a meaningful change to take square footage out of it."

Chairman Hoover stated that by shrinking the home down they could eliminate the front yard variance and build a conforming home. He also expressed his concern with doubling the size of the house.

Chairman Hoover asked if they have the ability to shrink the house enough to eliminate the front variance.

Mr. Kramer stated yes. "If I get rid of the balcony and move it back I can get there."

Mr. Johnson stated that if they could get rid of the front and the rear variances and get the lot coverage under 30% it would be better. "Realistically if you got rid of a half a dozen rocks you would pick up another percentage or two."

Decreasing the lot coverage was discussed.

Mr. Conley suggested adjourning the application for 30 days to see if they could get down to 26% to 27% lot coverage.

Mr. Blaker stated that he would agree to 28% lot coverage.

Mr. Lewis stated that 28% lot coverage is not unreasonable considering everything they have done. "It's a good plan, very professional and very tastefully done. I can live with 28%."

Mr. Schilbe stated that he can live with 28%, but would still like to see 25%.

Mr. Lewis stated that if they have the time why not come back like Dave suggested.

Mr. Kramer stated that they would like to get into construction documents for a permit in August.

Mr. Lewis questioned if it was unthinkable that they could take out 200 square feet without too much trouble.

Mr. Kramer stated that you probably look at it and say what is 200 square feet. "From my perspective, having drawn on this for 4 months. Unlike a lot of firms we do a lot of drawing and look at different options. Those are really linked to how Jeffrey and Elizabeth have described how the family lives and how they interact with their children and so forth.

Mr. Lewis questioned if 200 feet would change all of that.

Mr. Kramer stated that he believed it would change quite a bit. "We have laid out the furniture and we understand how the furniture going to work. We have shrunk it down. I think there is merit in the lot coverage variance. I don't think it is detrimental. I think this project overall is a really good project. I think it is a good model for how projects should be done. I think the board really has an opportunity to sort of look at what makes this project different. You could say the next project that comes along that says they want a lot coverage variance; I would challenge them to present as good a project and a sense of a project that contributes as well."

Mr. Lewis stated that they could shrink it down 200 square feet without even changing the size of the house.

Mr. Kramer stated that they want to respond to the board and do everything they can to keep moving forward.

The landscaping stone walls were discussed.

Mr. Kramer stated that he also has to look from the perspective of; is it a reasonably safe environment that he is designing? "Some of the landscaping issues here are addressing conditions that we were given to work with, with the sloping site. Everyone wants to get down to the water and we want to do it in some safe fashion."

Chairman Hoover asked if there were any 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 of 3% for lot coverage of 28%, eliminating the front and rear yard variances so that it meets the required setbacks of 30 feet on the front and 20 feet on the rear. Mr. Ebersol seconded the motion. Roll call was read with Johnson, Ebersol, Hoover, Blaker, Schilbe voting yes and Conley and Lewis voting nay. (5-2).

Mr. Schilbe made a motion to adjourn the meeting at 8:18 PM.
Mr. Blaker seconded the motion, which carried unanimously.

Jerry Hoover, Chairman

Sue Yarger, Secretary