

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
October 20, 2016

PRESENT: Chairman Hoover Mr. Markell
 Mr. Bentley Mr. Farrell
 Mrs. Oliver Mr. Johnson
 Mr. Airth

ABSENT: Ms. Hoover-Alternate

Chairman Hoover called the meeting to order at 7:30 PM. Mr. Johnson made a motion to approve the minutes of the September 15, 2016, meeting. Mr. Markell seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #16-142, L. James Kull owner of property at 4840 Townline Road, requests an area variance to convert pole barn into a single family home. Proposed pole barn does not meet the minimum square footage of 950 square feet for a single family home. If renovations meet New York State Building Code, 864 square feet will be achieved.

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

Chairman Hoover asked Gordon Freida, Code Enforcement Officer to give some back ground on the application.

Gordon Freida stated that in 2012 Mr. Kull got a permit for a 24 x 32 pole barn. In 2013 he got septic system approval for a raised bed system from New York State Health Department for a proposed two bedroom single family home. A certificate of compliance was issued for a 24 x 32 pole barn in 2013. Since that time Mr. Kull has done some interior remodeling and has listed it for sale with 275 square feet of living space, classified as a single family home, this does not meet our minimum criteria of 950 square feet. In the process of talking to Mr. Kull and meeting him at the property he has gotten the square footage up to 864 square feet of living space. After the certificate of compliance was issued for the pole barn no building permits were applied for or issued for the remodeling of the inside the pole barn.

Mr. Johnson asked what the square footage of the pole barn was.

Mr. Freida stated that a permit was given for a 24 x 32 pole barn. The pole barn today is 24 x 32 with an 8 x 12 bump out on the side and an 8 x 24 lean too off the rear of the pole barn.

L. James Kull, was present and presented the application to the board.

Chairman Hoover asked Mr. Kull to address the board and tell them what he is trying to accomplish.

Mr. Kull stated that he bought the property a couple years back and then put the building up. At the time he had a residence in Canandaigua. He sold the place in Canandaigua and went south for the winter. While down south he thought of making a seasonal place on this property. It was never his intention to have anything but a seasonal place. When he came up north in the spring he got the approvals for a septic system. He made provisions when putting in the septic system that if he did build a single family home he would tie into the septic system. He made a carpentry shop on one side of the pole barn and put a divider wall up so that it is like an efficiency apartment. His intentions at that time were that he would build a full time residence there. Then he got hurt and the property became more than he can take care of and he decided to put it on the market. He was staying there seasonally. When he put it on the market is when the issue of obtaining a C of O came into play. He knows he got the cart before the horse and is now trying to correct everything he did backwards. His shop is totally insulated, sheet rocked, has a furnace and has surround sound. He was told that the overhead doors to the shop would have to be taken out so he has studded the walls where the doors were and put a big egress window in and a six foot patio door.

Chairman Hoover asked if the overhead doors were gone completely.

Mr. Kull stated that they are not gone. What he did was left them intact and framed the opening and put the metal exterior to it. It's an insulated 2 by 6 wall. At that time I had the final electrical inspection done. Then he sheet rocked the inside. It is all finished off in there now. When he put it on the market everyone that is interested in it will probably build a permanent home there and will probably want the garage back so the doors are still operable on the inside, but the wall is there. The dilemma under the current laws of the Town of Gorham is he is under the square footage.

Chairman Hoover asked Mr. Freida if permits were issued for the deck, bump out and lean too.

Mr. Freida stated no.

Chairman Hoover asked Mr. Kull if he would consider taking part of the lean too area and enclosing an 8 x 12 area to get the required square footage.

Mr. Kull stated that if he was willing to do that he would not be having a conversation with the board.

Mr. Kull stated that for someone looking at the place to buy, the lean too or covered brick patio is beautiful and something that they love. He would hate to lose this. He is trying to avoid enclosing in a beautiful patio.

Mr. Johnson asked if there was potable water and septic into the building.

Mr. Kull stated yes.

Mr. Johnson stated that the thing that bothers him is that the overhead doors are still there. Also if a variance is granted for an undersized single family home, that variance is not going to go away. The pole barn can be turned back into a garage and a smaller single family home can be built there.

Mr. Farrell asked why Mr. Kull left the garage doors there.

Mr. Kull stated that they are \$1000 a piece and he was thinking of a prospective buyer coming into the picture that wants to build a bigger single family home, but needs a place to live, they can live in this area without a problem and then later convert this back into a garage.

Mrs. Oliver asked if there were houses on the other lots near this property.

Mr. Frieda stated that there were houses on the neighboring properties.

Mrs. Oliver asked if there is a house that looks like a pole barn and three houses that look like houses, what does that do to the value of the properties around that house.

Chairman Hoover stated that what the board needs to look at is not the value but what does it do to the character of the neighborhood.

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

Chairman stated that they have 62 days to render a decision, so if there is a board member that did not get a chance to go out and see the property they can take the time and go to the property.

Mr. Farrell expressed his concern if a variance is granted for a smaller home that a person buying the property could convert the pole barn back into a garage and build a smaller than 950 square foot home.

Chairman Hoover asked if any board member would like to go to the property before a decision is made. Is there someone who is not comfortable making a decision without actually seeing the property?

No one had a problem in making a decision on the application.

After discussing the application and the questions on the back of the application the following motion was made [attached hereto]: Mr. Johnson made a motion to deny the application. Mrs. Oliver seconded the motion, which carried unanimously.

Chairman Hoover made a motion to adjourn the meeting at 8:24PM. Mr. Bentley seconded the motion, which carried unanimously.

Jerry Hoover, Chairman

Sue Yarger, Secretary