

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
April 20, 2017

PRESENT: Chairman Hoover Mrs. Oliver
 Mr. Johnson Mr. Bentley
 Mr. Amato

ABSENT: Mr. Airth 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 March 23, 2017, meeting. Mr. Bentley seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #17-021, David & Karen Lanning owners of property at 5102 County Road 11, requests an area variance to build a single family home. Proposed home does not meet the north and south side yard setback. The proposed new home exceeds lot coverage.

The application did go to Ontario County Planning Board. The County Planning Board made the following comment and findings: The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

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. Increases 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.

Final Recommendation: Denial

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

David Lanning was present and presented the application to the board.

Mr. Lanning stated that they now have a seasonal cottage that has no real foundation and has some structural issues. They would like to build a year around home. The proposed home is 6 feet behind the leading edge of the properties so they are not obstructing anyone's view. They have reduced the impervious surface from 47% to 41%. They have an issue with the rain water runoff. The rain water just runs down the wide driveway on the south so they are trying to reduce this to get more natural drainage. The height of the new home will not exceed the requirement of 25 feet. All the measurements on the site plan are to the roof overhangs. There is a one story frame building on the south side at the lakefront it has a storage area and a bunk area. It is 387 square feet and has no water or sewer in the building.

Chairman Hoover stated that he does not see a major change to the character of the neighborhood. The board does not discuss precedent on any one application because they treat every application individually. The board over the years has had multiple applications with 50 foot wide lots. The Zoning Board of Appeals has never granted a variance for a 30 foot wide house on a 50 foot wide lot. It is too much dimension on this lot. He went on to express his concern with this size home on this size of a lot and asked if they would consider shrinking the house down to 24 feet wide.

Mr. Lanning stated that was the challenge that they had. They did look at the total coverage because they know that is important. They are challenged to fit a reasonable size home and get a one car garage.

Mr. Johnson stated that the proposed home is smaller than the neighboring homes, but he does remember that in the past on a 50 foot home they granted variances for a 22 foot or 24 foot home.

Mr. Bentley stated that he has the same concerns as Chairman Hoover. He would be comfortable if it was reduced 4 feet down to 26 feet. This could reduce it down to two variances one side yard and lot coverage.

Mr. Amato stated that he also agrees. The proposed home is a little wide for the lot.

Chairman Hoover asked Mr. Lanning if he would like the board to adjourn the public hearing for him and his wife to discuss changes to the plan.

Mr. Lanning stated that they have worked hard to make this project work. They have eliminated a lot on the property to try and clean the property up. He is not against going and trying to reduce the house size. They have talked about removing the building that is at the lakefront.

Mrs. Oliver asked if it would be possible to shrink the house down and use some of the basement as livable space.

Chairman Hoover stated that he would not be able to have a walkout basement as this would put him over the height requirement.

Mr. Lanning stated that they did not want to have livable space in the basement. They would like the basement for storage only.

Mr. Lanning stated that to eliminate lot coverage he is willing to remove the building down near the lake.

After discussing the application Chairman Hoover asked if there were any comments from the public. Hearing none, the public hearing was adjourned to be re-opened on May 18, 2017.

Mr. Bentley made a motion to adjourn the meeting at 8:10PM. Mrs. Oliver seconded the motion, which carried unanimously.

Jerry Hoover, Chairman

Sue Yarger, Secretary