

MINUTES  
TOWN OF GORHAM ZONING BOARD OF APPEALS  
February 15, 2018

PRESENT: Mr. Johnson                      Mr. Bentley  
          Mrs. Oliver                        Mr. Amato  
          Mr. Lonsberry

ABSENT: Mr. Airth

Mr. Bentley made a motion nominating Mr. Johnson as Acting Chairman. Mrs. Oliver seconded the motion, which carried unanimously.

Mr. Johnson called the meeting to order at 7:30 PM. Mr. Bentley made a motion to approve the minutes of the January 18, 2018, meeting. Mr. Lonsberry seconded the motion, which carried unanimously.

PUBLIC HEARINGS:

Application #18-005, John K. Holland, owner of property at 3910 State Rt. 364, requests an area variance to build a 10' x 29' covered porch. Proposed porch does not meet the north side yard setback, the front yard setback, and exceeds lot coverage.

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

The Ontario County Planning Board determined the application to be a Class 2. The Ontario County Planning Board made the following 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.

The County Planning Board made the following comment: The town should grant the minimum variances necessary. Final Recommendation: Denial.

John Holland & Daniel Long, Architect, were present and presented the application to the board.

Mr. Long stated that the owner would like to build a covered porch for two reasons. The windows that are facing towards the lake are facing west so in the afternoon you get a lot of reflective sun light off the water and also direct sunlight from the sun. The cottage is not really that large from a living space stand point so he would like to be granted relief from the zoning requirements so that they would have some outdoor space.

Mr. Johnson stated that on the plan it appears that the porch is going to be right on the ground. Is this correct?

Mr. Long stated that the porch will be built as close to the ground as they can. It will be on a pier foundation to minimize the impact on the ground.

Mr. Lonsberry asked if there was any feedback from the neighbors.

Gordon Freida, Code Enforcement Officer stated the he did get a phone call from the neighbor to the south stating that they did not have a problem with the application.

Mr. Lonsberry stated that it appears that the porch is going to block the south view from the northern neighbor and the north view from southern neighbor.

Mr. Long stated that is the reason they went with an open porch with a low pitch roof. The idea is to keep the porch low. They are trying to keep the porch roof at a 2 in 12 pitch. The homes to the north and south are elevated.

Mr. Johnson asked if they have given any thought to putting in pavers.

Mr. Long stated that they did think of that but it doesn't resolve the afternoon sun issue.

Mr. Bentley stated that on the application they are asking for a 10' x 29' porch but the house is only 26' in width.

Mr. Long stated that that is an error on his part. The porch is going to be under the 26' it will be about 25'.

Mr. Lonsberry asked what other issues have they looked at to mitigate the sun, such as awnings.

Mr. Holland stated that he believes they will have more of a problem with a retractable awning blocking the neighbors view.

Mr. Lonsberry stated that he was thinking more in line of metal awnings on the windows.

Mr. Bentley stated that looking at the application he can see many opportunities for them to eliminate 2 of the variances.

Mr. Long stated that he sees one variance that could be eliminated. The side yard variance, but he would have to consult with his client.

Mr. Bentley stated that he would like to see a new drawing eliminating some of the variances. He would like to see the side yard setback met. He also believes that the lot coverage could to be decrease to meet the 25%.

Mr. Long stated that they could possibly meet the side yard setback but doesn't know how he could possibly meet the lot coverage.

Mr. Amato asked Mr. Freida what the future possibility was of them enclosing the covered porch.

Mr. Freida stated that they would have to come back to the ZBA for another variance.

Mr. Long stated that the lot coverage will be at 26.1% if they eliminate the side yard variance and meet the required side setback.

Mr. Johnson asked if there were any comments from the public. Hearing none the public hearing was closed.

After discussing and reviewing the questions on the back of the application the following motion was made: Mr. Amato made a motion to grant a 5' variance for a 10' north side setback, 25' variance for a 5' front yard setback and 27.3% lot coverage. Mr. Johnson seconded the motion. Roll call was read with Amato & Johnson voting AYE. Bentley, Lonsberry & Oliver voting NAY. Motion did not carry.

Mr. Bentley made a motion [attached hereto] to grant 25' variance for a 5' front yard setback and 1.1% variance for a lot coverage of 26.1%. Mr. Amato seconded the motion, which carried unanimously.

Application #18-007, Carl & Michelle Raymond, owners of property on Maiden Lane, requests an area variance to build a single family home with attached garage. Proposed construction exceeds lot coverage.

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

Mr. Raymond and Brennan Marks, Engineer was present and presented the application to the board.

Mr. Marks stated that the proposal is to build a two story single family home with an attached garage. They are exceeding the lot coverage by 2.26%. The house is modestly sized at 29' x 45' with a walk out basement and attached garage.

Mr. Marks stated that it is being built on a small lot in Crystal Beach and feel that the size of the lot has created this hardship. This home will improve the aesthetics in the neighborhood.

Mr. Amato asked if they had elevations of the new home.

Mr. Johnson asked if they could decrease the size of the garage.

Mr. Marks stated that they are pretty crunched with the size that they are proposing. It is a single bay garage with some storage.

The board agreed that it was a two bay garage at the size of 22' x 24'.

Mr. Marks stated that he agreed that it is a small two car garage.

Mr. Raymond stated that the roof overhangs is what has put them over the lot coverage.

Mrs. Oliver asked if the garage could move into the house more.

Mr. Marks stated that they would then be losing square footage in the house.

The elevations were presented to the board.

Mr. Johnson asked if there were any comments from the public.

Four letters were received in the Zoning Office from Lori Stahlman, Phyllis Culkin, Frederick Rapp & Gail Underwood stating that they have no objection to the additional 2.26% lot coverage. These letters will be kept in the file.

Hearing no more comments, Mr. Johnson closed the public hearing.

After discussing and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mr. Lonsberry made a motion to grant a 2.26% variance for 32.26% lot coverage. Mr. Bentley seconded the motion, which carried unanimously.

#### MISCELLANEOUS:

Application #17-171, Lawrence & Cynthia Lovejoy, owners of property at 3798 State Rt.364, requests an area variance to build a single family home. Proposed home does not meet the north side yard setback, exceeds lot coverage and exceeds maximum height.

Mr. & Mrs. Lovejoy, Brennan Marks, Engineer and Rick Garrett, Contractor were present and presented the application to the board.

Mr. Marks went over the changes that they have made from what was proposed last month. They reduced the size of the garage. They have removed the request for a height variance. They are requesting two variances one for lot coverage and a north side yard setback variance. The lot coverage has been reduced to 40.23%. The existing lot coverage with the existing house is 46.6%. The overhangs have been reduced to 18 inches.

Mr. Marks stated that he is aware that there are some drainage concerns in the area. He will address the drainage during site plan approval with the Planning Board.

An elevation of the new home was presented to the board.

Mr. Garrett stated that what they did architecturally was to put gables in the center of the main part of the house so that it is not as high. And then put a low pitch roof coming off the corners. That is how they got the roof elevation down. It is down to approximately 29 feet.

Mr. Garrett stated that they are moving the proposed home further off the lake than the existing home.

Mr. Johnson asked if they could reduce the lot coverage a little more. There still is a pretty good size garage being proposed.

Mr. Garret stated that the proposal is to remove the existing detached garage. The existing home also has a garage attached so they are ending up with less garage space with the proposed than they have now. There is no basement in the proposed home for storage.

Mr. Lonsberry asked if the proposed storage garage had been reduced in size.

Mr. Garret stated that it has been reduced slightly but not a great deal.

Mrs. Lovejoy stated that currently in the existing detached garage they have a workbench and tools. They also store the outdoor furniture. It basically takes the place of a basement.

Mr. Lovejoy stated that this is going to be their primary residence and they have 3 children and 6 grandchildren and when they come we have water mats and things that they use so that storage area is not for just a lawnmower it is for lake toys for their grandchildren's.

Mr. Johnson asked if there was anyone in the public that would like to speak.

June Fisher stated that comments from her son Chris were given to the board.

Mr. Johnson stated that they did read her sons comments on the drainage and the drainage will be addressed during the review at the Planning Board.

After discussing and reviewing the questions on the back of the application the following motion was made [attached hereto]: Mr. Johnson made a motion to grant a 3' variance for a 12' north side yard setback and 15.23% variance for a lot coverage of 40.23%. Mr. Amato seconded the motion, which carried unanimously.

Mr. Bentley made a motion to adjourn the meeting at 8:49 PM. Mr. Johnson seconded the motion, which carried unanimously.

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William Johnson, Acting Chairman

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Sue Yarger, Secretary