

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
April 20, 2023

PRESENT: Chairman Bentley Mr. Bishop
 Mr. Lonsberry Mr. Goodwin
 Mr. Amato Mr. Coriddi

EXCUSED: Mr. Morris

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Amato made a motion to approve the March 16, 2023, minutes as presented. Mr. Bishop seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #23-023, Jaime Burns-France & Katherine France, owners of property at 5208 Long Point Road, requests an area variance to build a 14 x 16 boat shed. Proposed shed does not meet the side yard setbacks and does not meet the 10' separation between buildings.

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

The application was referred to the Ontario County Planning Board. The County Planning Board made the following findings and comments

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

Comments: 1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot. 2. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures. 3. Is there a plan showing proposed work? How much work will be done in steep slope area? Will there be erosion controls? Any special precautions since it is so close to the lake? 4. Says 2 sheds will be removed? I only see one existing. 5. Plans indicate that the boat shed is only 3.7' from deck? Are there any fire code (building separation) violations here?

Kiki France-Perry was present and presented the application to the board.

The shed is presently under construction.

Ms. France-Perry stated that there was a 30 year old shed there that they tore down and she thought that she was just replacing it and did not realize she needed a permit to replace it. The proposed shed is larger than what was torn down. The proposed shed is 5.4' from the neighbors fence on the southwest corner and 10.2' from the southeast corner.

Mr. Bishop asked when they stated construction on the shed.

Ms. France-Perry stated that it was in 2020. She explained that she did not realize that she needed a permit to build the shed.

Jim Morse, Code Enforcement Officer explained that once she found out that a permit was required she stop the work and started the process of getting approvals.

Chairman Bentley questioned the deck on the southeast corner of the house.

Ms. France-Perry stated that that was not a deck it is slatting that is covering the entry to the crawlspace to get to the plumbing.

Chairman Bentley asked how big the shed is that they are erecting.

Ms. France-Perry stated that it is 14' x 16'.

It was discussed that the proposed shed would be 6.5' to the house.

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

Mr. Lonsberry stated that he thinks the shed is too big and would like to see it reduced in size.

Mr. Bishop stated that he went to the site and the shed is wide open and the catamaran sailboat just barely fits in the shed. Making it smaller would cause difficulty for them.

Chairman Bentley explained that if a motion is made to grant the shed he would like included that the sides of the shed are fireproofed.

Mr. Amato expressed his concern that if the variances are granted and at a later date they choose to tear down the house to rebuild he has a concern with the shed remaining.

Mr. Morse stated that if they were to tear down and rebuild they would more than likely have to get variances to rebuild.

After discussing the application and reviewing the questions on the back of the application the following motion [attached hereto] was made: Chairman Bentley made a motion that the building is as defined on the application and reads as follows. As measured to/from the eaves, or overhang, of the structure as applicable, the southwest corner of the shed is 5.4 feet from the south property line and 22.5 feet from the mean high water line. The southeast corner of the shed is 10.2 feet from the south property line and 23.2 feet to the easterly property line. The northwest corner of the shed is 22.2 feet from the mean high water line and 3.7 feet to the deck. The northeast corner of the shed is 23.2 feet to the easterly property line and 3.8 feet to the deck. There is less than 10 feet separation between buildings. Mr. Morse, Code Enforcement Officer will need to validate as the shed has already been built. Also the south side of the building must be fireproofed before a Certificate of Compliance is given. Mr. Bishop seconded the motion which carried unanimously.

Chairman Bentley made a motion to adjourn the meeting at 7:30PM. Mr. Lonsberry seconded the motion which carried unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary