

**Town of Horicon
Zoning Board of Appeals**

**April 24, 2018
Minutes**

Present at Meeting:

Cheryl Erickson, Chairperson
Scott Olson, Vice-Chairperson
Gary Frenz
Pat Farrell
James Dewar
Rich Nawrot, Alternate # 1

Also Present: Roger Daby, Ralph Bartlett, Bob Olson, and Jim Steen.

Chairperson Cheryl Erickson called the meeting to order at 7:00 p.m.

Pledge

Review of Minutes: Pat Farrell made a motion to accept the March 27, 2018 minutes with the changes as amended. Second by Scott Olson. **ALL AYES.**

NEW BUSINESS:

**File 2018-06 AV
Tax Map # 88.10-1-38**
Roger Daby
6584 State Route 8
Brant Lake, NY 12815

Requesting an Area Variance for a roadway setback for a 4' x 20' deck from **Zoning Code 6.10.** to sit 32' from the centerline of the road where 50' is required.

Roger Daby was present to speak to the Board members about his proposed project. He would like to install a 4' x 20' deck off of the end of his house in order to have a place to sit and as a secondary emergency exit from the house. This will primarily be for a sitting area that has southern exposure in order to take advantage of the sun.

James Dewar asked Roger if 4' is enough room for a sitting area.

Roger Daby responded that it is sufficient for him and his wife for a sitting area. He does not plan on putting any posts to support the deck. He will use a cantilever post to support the deck.

Pat Farrell asked Roger if he will be using the deck for an emergency exit there is no indication of a staircase from the deck on the plan.

Roger Daby responded that he plans on using a ladder or ships stairs for emergencies and does not want to install a staircase as it would block the house. For now he just wants to add the deck for sitting purposes. Roger said that he has one emergency exit from the house already and this could be a secondary exit if needed.

Chairperson Cheryl Erickson told Roger that if he planned to add the staircase he can revise the drawings and submit them for consideration at next month's meeting.

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Being no further questions or comments Scott Olson made a motion to deem the application for **File # 2018-06 AV** complete and set a Public Hearing for May 15, 2018. Second by James Dewar. **ALL AYES.**

NEW BUSINESS: **File 2018-07 AV**
 Tax Map # 55.-2-12
 Lawrence and Karen Meltzer
 7491 Route 8
 Brant Lake, NY 12815

Requesting an Area Variance from **Zoning Code 6.10** for a shoreline setback to continue to use the base of a pre-existing boathouse as a deck which extends 45' into the lake where a 50' shoreline setback for structures is required.

Board member Gary Frenz stated that he would have to recuse himself from this application because of his association with the Meltzer's.

Chairperson Cheryl Erickson told Gary he did not have to recuse himself tonight because he would only be viewing the application in order to deem it complete and he could recuse himself at the next month's Public Hearing on this application.

Ralph Bartlett who owns Stockfarm Construction is representing Lawrence and Karen Meltzer for this proposed project. The Meltzer's boathouse was destroyed due to the ice and inclement weather. It was not feasible for repair by the Meltzer's and they decided to have it demolished. Ralph stated that he did get a demolition permit in order to remove the roof and the walls from the boathouse and the remaining structure would make a nice dock for the Meltzer's. However, because it exceeds the allowable square footage and the dock width regulations (this structure is 10' wide where the maximum of 8' wide is required) this now has to be called a structure instead of a dock. This will need a shoreline variance because it is on the water's edge. Ralph went on to state that he is not 100% certain that the structure can be saved but he thinks it can be saved. It has been at that location for 30 years for as long as the house was there.

Scott Olson asked Ralph if he is not going to rebuild the Boathouse then is the reason for the variance because it is a dock.

Chairperson Cheryl Erickson asked Ralph if he is considering this a structure instead of a dock.

Zoning Administrator Jim Steen explained to the Board members that it cannot be called a dock because it exceeds the dock regulations square footage and width requirements so therefore the remaining platform needs to be called a structure. He called the APA for their opinion on what a Boathouse without walls, a roof and just the platform would require in the way of a variance. Their response was once you remove the roof and walls it is no longer called a boathouse and would be called a structure. In order to keep the structure that is left there a variance is necessary for a shoreline setback.

Ralph Bartlett stated that the platform is all wood built with 6 x 6s deep in the soil there. If they tore this out and installed a new dock that complies with the new dock regulations it would be more intrusive to the lake and more harmful. There are no cribs. It's all built with 6 x 6's which supported the roof structure for the Boathouse. This structure is already existing. This is similar to pylons and the left side is in worse shape than the right side. He thinks it will be able to be repaired by re-driving new 6 x 6's in order to level the structure. The Boathouse and support structure was built by Little and Flachbarth all those years ago and it would be a shame to lose that because of a little square footage.

Pat Farrell asked if the Meltzer's have a picture of the Boathouse before it was torn down.

Ralph Bartlett does not know; however, he did take pictures before he took it down.

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Chairperson Cheryl Erickson asked if he could submit those pictures at the next meeting on May 15, 2018.

Chairperson Cheryl Erickson asked Ralph Bartlett if it would be possible to just bring it to eight feet on both sides so that the project would not require a variance.

Ralph Bartlett hopes that the deck structure and the framing itself can be saved and that he will just have to level it up with new 6 x 6's where the damaged 6 x 6's are located. Taking out 6 x 6's and reframing would not be able to support the structure.

Zoning Administrator Jim Steen stated that he looked at the structure and it does look like a very solid structure in its current state.

Scott Olson stated that this structure is a pre-existing structure (deck) and all the Board has to do is to grant the variance for the shoreline setback.

Chairperson Cheryl Erickson stated that when you change definitions such as from a Boathouse which is allowable in the water without any variances and it becomes a structure (deck) then variances are necessary for shoreline setbacks.

Zoning Administrator Jim Steen spoke to APA and as much as they don't like these type of setback variances in situations like this they are more likely to approve it because it is a pre-existing base. It would help greatly to put a condition on the approval that if another Boathouse was to be built on this property that they use this existing structure for the base of a new Boathouse.

A short discussion ensued regarding situations that could come up such as building new Boathouses and not using the existing bases.

Ralph Bartlett stated that the Meltzer's most likely would have no objections to a condition like that being put on this proposal.

Being no further discussions or questions, Pat Farrell made a motion to deem the application complete and set a Public Hearing for May 15, 2018. Second by James Dewar. **ALL AYES.**

Being no further communications or comments Pat Farrell made a motion to adjourn the meeting. Second by James Dewar. **ALL AYES.**

Communications: None

Public Comments:

Board Comments:

Being no further comments or questions Pat Farrell made a motion to adjourn the meeting. Second by James Dewar. **ALL AYES.**

Adjourn: 7:30 PM

Next Meeting Date: May 15, 2018

Respectfully Submitted,
Terri Katsch, Secretary