

**Town of Horicon
Zoning Board of Appeals**

**July 24, 2018
Minutes**

Present at Meeting:

Cheryl Erickson, Chairperson
Scott Olson, Vice-Chairperson
Gary Frenz
Pat Farrell
James Dewar
Rich Nawrot, Alternate # 1
Ross Schoembs, Alternate # 2

Also Present: Town Attorney, Justin Grassi, Tom Andress ABD Engineers, Rob Simon, Bob Olson, Bill McGhie, Carol and Tim Barber, Don Butler, Carrie Speshock, David Smith, Michael Raymond, Steve Ostrander, Doug Henshaw, Bret Winchip, Frank Hill, Terrence Lynch, Michael Smith and Zoning Administrator Jim Steen.

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

Pledge

Review of Minutes: Gary Frenz made a motion to accept the June 27, 2018 minutes as written. Second by James Dewar. **ALL AYES.**

NEW BUSINESS:

File 2018-13- AV
Tax Map #: 54.3-1-2
Tax Map #: 54.-1-58
Walter John McCullough Family Trust
Karen Sue McCullough Family Trust
Valentine Pond Road

Requesting variances from **Zoning Code 6.10** for Road frontage variances for each lot. Lot 1, currently Tax Map # 54.-1-58 is requesting a variance of 34' for road frontage of 216' where 250' is required and Lot 2, currently Tax Map # 54.3-1-2 is requesting a variance of 18.5' for road frontage of 231.5' where 250' is required.

Rob Simon was present to speak about this proposal as he is representing the McCullough Family Trusts. The current situation is there are two lots. The Walter John McCullough Family Trust owns tax map # 54.3-1-2 which is a one acre parcel with approximately 171' on the shoreline of Valentine Pond located in the R1A-3.2 acre zone. Both of the trusts, as tenants in common own, Tax Map # 54.-1-58, a 26.99 acre parcel adjoining parcel 54.3-1-2, with approximately 210' of shoreline on Valentine Pond portions of which are located in R1A-3.2 acre zone and the LC 10 acre zone. Both lots are vacant. This proposal is for a subdivision to combine and reconfigure the two lots creating two lots alongside each other. He stated that the parents want to divide the property and give it the kids so they will have equal lots. There is non-jurisdiction to the APA as evidenced by their letter of non-jurisdiction. When talking with Zoning Administrator Jim Steen it was determined that he would need road frontage variances.

Town Attorney Justin Grassi stated that the acreage is 26.99 acres on the large lot and other lot is a 1 acre.

Chairperson Cheryl Erickson stated the little lot is 1 acre. And the other lot is 26.99 acres.

Rob Simon stated that is correct and they are taking a tiny lot and making it bigger. They will end up with two decent size lots.

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Pat Farrell stated that he is not currently increasing the number of lots.

Rob Simon stated that is correct.

Chairperson Cheryl Erickson stated therefore the density is not the issue.

James Dewar asked if they will be hooked across the road.

Rob Simon stated yes they will both be hooked after the subdivision.

Being no further questions or comments Scott Olson made a motion to deem the application complete and set a Public Hearing for August 28, 2018. Second by Pat Farrell. **ALL AYES.**

NEW BUSINESS:

File 2018-14 AV
Tax Map #: 39.13-1-4.2
Tim Barber
22 Horicon Birches Extension
Brant Lake, NY 12815

Requesting after the fact variances from **Zoning Code 6.10** for a Shoreline setback for a retaining wall and patio to sit 6' from the shoreline where 50' is required and a side yard setback for a wall to sit 4' from the side yard where 15' is required.

Tim Barber and Tom Andress from ABD Engineers were present to speak about the proposed project. Tom Andress stated that the lot is a 1¼ acre lot that goes from Palisades Road across to Horicon Birches. They are dealing with the area to the lake. They got a building permit for the house that will be set more than the 50' setback required from the shoreline. Mr. Barber did the site work first by the lakeside because once you start building the house there is no way to access the lake at all. At that time the Zoning Administrator came by and said that the work that was being done was not conforming to the Town of Horicon Zoning Law. The work involved that Mr. Barber did was within the 50' shoreline setback, he built the dock, which was conforming, a wall along the frontage, which was in conformance, not exceeding two feet above the HWM; however, on top of that he built a random flagstone patio area set into sand which is a random design. During the construction there was a gravel drive coming down to the property that was at one time in the past a separate drive associated with the house to the south. More recently they made steps down to the lake that they are not utilizing. That lot was up for sale and Mr. Barber purchased that lot. A lot of stabilization work was done at the site to hold the deep slope. Further down where a shed was located a retaining wall was built and Mr. Barber utilized that for the patio. The work was done with natural boulders. In doing that there is a wall on the side that came to 4' of the property line which requires a 15' setback. The patio area is only 6' from the HWM. So they are looking for the associated variances with those two setbacks.

Chairperson Cheryl Erickson asked if they will need any variances for the house itself.

Tom responded no it sits much further back from the shoreline about 60' to 70' back and in line with the neighboring houses. It is a much better design. It is located by Horicon Birches Road.

Pat Farrell asked if the roadway he is referencing was pre-existing and he just improved it. He also stated that the work looks like it is right out of a magazine.

Tom Andress responded that Mr. Barber has a construction company and he knew what needed to be done with the property.

Scott Olson made a motion to deem the application complete and set a Public Hearing for August 28, 2018. Second by James Dewar. **ALL AYES.**

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PUBLIC HEARING:

File # 2018-10 AV

Tax Map # 36.3-3-5

Sand Point Beach Associates Inc. Steve Ostrander, President
219 East Shore Drive
Schroon Lake, NY

Requesting an Area Variance from **Zoning Code 6.10** for a Shoreline setback of 28' where 50' is required in order to renovate a 28' x 16' rental cottage (Cottage 11). Also requesting an Area Variance from **Zoning Code 6.10** for a shoreline setback of 31' where 50' is required in order to renovate a 28' x 16' rental cottage (Cottage 12).

Steve Ostrander was there to speak about his proposed project. Sand Point consists of 34 cabins on a 3 acre lot and half of the cabins are rented out weekly for the season. He wants to replace with new cabins number 11 and number 12 in order to meet the Property Maintenance Code for the County. He will need to increase the floor space to 50 square feet per bedroom occupancy. Five years ago they went through this when replacing another cabin. The intent is to maintain the same occupancy so they need to increase the square footage by doing a split level which will increase the height by 7 feet. Everything else remains the same on the footprint. The location from water is slightly larger floor area and a 7 foot taller structure. The existing structures require a 28' and 31' variances because they don't meet the required 50' Mean High Water mark setback.

Chairperson Cheryl Erickson asked if the footprint changed to encroach on the shoreline at all.

Zoning Administrator stated that Cabin 12 is actually further back.

Steve Ostrander stated that they are doing two cabins that are slightly a different size now and they are going to square them up.

Chairperson Cheryl Erickson asked if they have updated any already and/or plans to do more.

Steve Ostrander stated that cabins 6 and 7 were done and they came for a side yard setback on those cabins. He stated that intent is to replace one every two and one-half years.

Being no further questions or comments Scott Olson made a motion to close the Public Hearing. Second by Gary Frenz. **ALL AYES.**

UNFINISHED BUSINESS:

File # 2018-10 AV

Tax Map # 36.3-3-5

Sand Point Beach Associates Inc. Steve Ostrander, President
219 East Shore Drive
Schroon Lake, NY

Requesting an Area Variance from **Zoning Code 6.10** for a Shoreline setback of 28' where 50' is required in order to renovate a 28' x 16' rental cottage (Cottage 11). Also requesting an Area Variance from **Zoning Code 6.10** for a shoreline setback of 31' where 50' is required in order to renovate a 28' x 16' rental cottage (Cottage 12).

Chairperson Cheryl Erickson stated that the Warren County Planning Department project review was received and it indicated that the project will not create any significant-municipal or county-wide impacts.

There is no SEQRA review required for this project.

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The Board reviewed the Area Variance criteria:

Chairperson Cheryl Erickson stated that the Board would now go ahead and discuss the Balancing Test to balance the benefit to the applicant with detriment to the health, safety and welfare of the community.

The ZBA further finds:

1. The proposed project cannot be achieved by other means feasible to the applicant because they are basically redoing the cabins to improve them and bring them up to code. They are on a timed plan for all the cabins on the property and these cabins are being replaced on the same footprint.
2. There will be no undesirable change in neighborhood character or undesirable change to nearby properties because this project is an improvement in the neighborhood and is consistent with nearby properties.
3. This is not substantial considering the code requirements and is on the footprint of the non-conforming cabins.
4. This request will have no adverse physical or environmental effects on the property or to neighboring properties because the cabins will still have the same amount of occupants and no increase to bedrooms. The property has an updated septic.
5. This proposed project is not self-created because he is bringing them up to the Property Maintenance Code for the County and fire code which is driving this project. The cabins are ageing.
6. This is the minimum variance necessary because it is on the same foot print and there are no restrictions.

Scott Olson made a motion to approve File # 2018-10 AV requesting an Area Variance from **Zoning Code 6.10** for a Shoreline setback of 28' where 50' is required in order to renovate a 28' x 16' rental cottage (Cottage 11). Also requesting an Area Variance from **Zoning Code 6.10** for a shoreline setback of 31' where 50' is required in order to renovate a 28' x 16' rental cottage (Cottage 12). Second by Pat Farrell. **ALL AYES.**

PUBLIC HEARING: **FILE # 2018-11 AV**
 Tax Map 72.13-2-21
 Michael and Terri Smith
 1 Smith Lane
 Brant Lake, NY 12815

Requesting an Area Variance from **Zoning Code 6.10** for a Roadway setback from "Butler Loop" for a 20' x 28' garage will sit 25' from the road where 60' is required, a side yard setback of 2' where 15' is required and a variance from **Zoning Code 6.30 A** for a 36.8% coverage of the lot where 30% is the maximum lot coverage.

Michael Smith was there to speak about his proposed project. His intent is to remove three sheds and replace with a new garage. Mr. Smith stated that last month he told the Board that he was in the process of purchasing the lot that affects the side yard setback and the rear setback; however, that has not occurred yet. Even if he purchased this lot he would still have to apply for variances.

Chairperson Cheryl Erickson stated that it is a very small lot only 50' x 100'.

Michael Smith responded yes that is correct.

Scott Olson stated there are also similar lots next door about four of them.

Michael Smith stated yes and there is a road that divides them and they are all about the same size.

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Chairperson Cheryl Erickson asked if any other of the properties around you have garages.

Michael Smith responded no they have sheds.

Chairperson Cheryl Erickson stated that he will be removing 3 sheds and replaced with one garage.

Michael Smith stated yes, that is the proposal.

Chairperson Cheryl Erickson asked if the 2' where 15' is required for the garage is the next lot over.

Scott Olson stated that is a road.

Michael Smith stated that the 2' setback for the road variance and the 2' setback side variance are on the same of the camp. There is a gravel road that goes between his property and the neighbor's property. Michael Smith stated he misspoke and the 2' is the rear line and the side yard is 7' where 15' is required. Those 2 are on the same side.

Scott Olson asked if the road has been abandoned and is now part of the property you are looking to purchase.

Michael Smith responded that is correct.

Chairperson Cheryl Erickson asked if the 2' setback in the rear is up against the property you want to purchase.

Michael Smith responded yes, correct.

Chairperson Cheryl Erickson asked if there is anything on the lot at this time.

Michael Smith responded no.

Chairperson Cheryl Erickson asked where the well and septic system are located.

Michael Smith responded the well is in rear and septic system is a small beehive between the house and the Butler Loop Road.

James Dewar asked if the garage door will be facing Butler Loop.

Michael smith responded yes.

Being no further questions Scott Olson made a motion to close the Public Hearing. Second by Pat Farrell. **ALL AYES.**

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UNFINISHED BUSINESS: **FILE # 2018-11 AV**
 Tax Map 72.13-2-21
 Michael and Terri Smith
 1 Smith Lane
 Brant Lake, NY 12815

Requesting an Area Variance from **Zoning Code 6.10** for a Roadway setback from “Butler Loop” for a 20’ x 28’ garage will sit 25’ from the road where 60’ is required, a side yard setback of 2’ where 15’ is required and a variance from **Zoning Code 6.30 A** for a 36.8% coverage of the lot where 30% is the maximum lot coverage.

The Board members had a lengthy discussion regarding making the garage smaller and the fact that it is on a very small lot. They would like to see the next lot purchased already before granting any 2’ rear line variance. It will be a small two car garage and there is really no other place to put it on the lot. The Board want’s a smaller garage. He is over the maximum lot coverage size by 6% as well. The Board would like to see the garage moved closer to the house. The Board discussed approving the % and the side yard setback and not approve the rear line setback and the applicant was agreeable to that resolution.

The Board reviewed the Area Variance criteria:

Chairperson Cheryl Erickson stated that the Board would now go ahead and discuss the Balancing Test to balance the benefit to the applicant with detriment to the health, safety and welfare of the community.

The ZBA further finds:

1. The benefit can be achieved by other means feasible to the applicant if he made the garage smaller and moving it closer to the house. The applicant has no objections moving the garage closer to the house and pitch the roof so the runoff runs away from the house.
2. There will be an undesirable change in the neighborhood character and an undesirable change to nearby properties because the character will change due to the fact that they are all small tight lots but the applicant is willing to compromise by moving the garage closer to the house and that will be the least impactful way to achieve his goal and the goal of the Board members. He has the smallest lot in this area.
3. The 25’ where 60’ is required is substantial however it is a neighborhood of many small lots. The 36.8% lot coverage is larger than the 30% maximum lot coverage allowed but it is a small lot and the applicant will be removing three sheds and replacing with one garage which will make a nicer appearance. The 2’ rear setback where 15’ is required is substantial. It is too close to the rear yard and the Board will deny that request. The Board is requesting the 15’ setback be met.
4. There will be no adverse physical or environmental effect on the property or to neighboring properties because it will clean up the property and the applicant will pitch the roof to run away from the house.
5. The proposed project is self-created because he bought a small lot and put up small sheds and now he wants a garage on this tiny lot.
6. This is the minimum variance necessary if approved and the Board will impose conditions.

Being no further discussion Pat Farrell made a motion to approve the variance request for 25’ from the road where 60’ is required and the 36.8% lot coverage where 30% maximum lot coverage and the Board denied the rear line setback of 2’ where 15’ is required. Second by Scott Olson. **ALL AYES. With the following Condition:**

Condition is that the applicant can still build the garage as long as he moves the garage closer to the house and achieves the 15’ rear line setback.

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PUBLIC HEARING: **File # 2018-12 AV**
 Tax Map 36.12-1-70
 James Bombicino
 450 and 452 East Shore Drive
 Adirondack, NY 12808

Requesting an Area Variance from **Zoning Code 6.10** for Density variance where the proposed acreage is .327 acre where 1.3 acre is required for lot one and lot two. Roadway frontage variances for lot 1 and lot 2 where both log houses on each lot comprises 50' of road frontage where 100' is required. Side yard setback variances for lot 1 and lot 2 where both houses sit at 4.7' where 15' is required.

James Bombicino was at the meeting to speak about his proposed project. He refreshed the Board's memory with the request to separate (subdivide) two cabins on one lot that his parents originally purchased back in 1969 when Blue Sky first started. When the lot was first purchased it was about .66 acres with 2 cabins. Soon after the present cabins were built that have separate utilities, driveways and septic systems. He wants to draw a line down the middle for each family to have their own lot.

Chairperson Cheryl Erickson asked if there were any more questions regarding this project.

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

UNFINISHED BUSINESS: **File # 2018-12 AV**
 Tax Map 36.12-1-70
 James Bombicino
 450 and 452 East Shore Drive
 Adirondack, NY 12808

Requesting an Area Variance from **Zoning Code 6.10** for Density variance where the proposed acreage is .327 acre where 1.3 acre is required for lot one and lot two. Roadway frontage variances for lot 1 and lot 2 where both log houses on each lot comprises 50' of road frontage where 100' is required. Side yard setback variances for lot 1 and lot 2 where both houses sit at 4.7' where 15' is required.

The Board reviewed the Area Variance criteria:

Chairperson Cheryl Erickson stated that the Board would now go ahead and discuss the Balancing Test to balance the benefit to the applicant with detriment to the health, safety and welfare of the community.

The ZBA further finds:

1. The proposed project cannot be achieved by other means feasible to the applicant. Both properties have separate addresses and it is designed to be separate property. They only want to draw a line between the two homes.
2. There will be no undesirable change in the neighborhood character or undesirable change to the nearby properties because they have been that way since the 1970's and each have separate addresses already. This is just to separate in order for each applicant to own their own property.
3. The request does seem substantial; however, the impact it will have is unsubstantial as the density does not change. Nothing changes. Everything remains the same, driveways, septic systems, utilities and no address changes.
4. This request will have no adverse physical or environmental effects. Everything remains the same.
5. The proposed project is not self-created because the property was inherited, the cabins are already there and it pre dated the APA.

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6. This is the minimum variance necessary and there will be no conditions involved. This is an administrative change only.

Being no further discussion Scott Olson made a motion to approve **File # 2018-12 AV** requesting an Area Variance from **Zoning Code 6.10** for Density variance where the proposed acreage is .327 acre where 1.3 acre is required for lot one and lot two. Roadway frontage variances for lot 1 and lot 2 where both log houses on each lot comprises 50' of road frontage where 100' is required. Side yard setback variances for lot 1 and lot 2 where both houses sit at 4.7' where 15' is required. Second by James Dewar. **ALL AYES.**

PUBLIC HEARING:

**File # 2018-09
Tax Map # 55.10-1-12
Douglas and Marilyn Henshaw
18 Sand Beach Way 12815**

Requesting an Area Variances from **Zoning Code 6.10** for a shoreline setback of 18.5' where 100' is required in order to build a staircase, patio, retaining wall and house. A Roadway setback on Sand Beach Way for a garage and retaining wall to sit 28.5' where 60' is required, a Roadway setback on Sand Beach Point of 37.2' where 60' is required, a Northwest side yard setback of 3.5' where 15' is required and a Northeast side yard setback of 6' where 15' is required.

Douglas Henshaw was present along with Bret Winchip to speak about his project. Doug Henshaw provided the Board members with the new variances measurements that were requested at the previous meeting. It involved the rotation of the garage and by doing that it served to decrease two variances and increased one variance. This was re-noticed prior to this meeting due to the variance measurement changes. He stated that Bret Winchip will address those measurements in a minute.

Bret Winchip stated to the Board that the original garage was rotated more towards the lake and back further to increase the setback the original was changed to 37.2 from the road, one got a little larger to retaining wall which is 28.5' and the garage now is 48.8'.

The Board members had a lengthy discussion with Bret Winchip regarding the changes and the new setback numbers and clarification of all of the setback requests, as there are many of them. Bret Winchip explained that after last month's meeting and the rotation of the garage caused an increase in one variance which then needed to be re-noticed. They also discussed setbacks from the road and/or the side yard setbacks to clarify which setback

Zoning Administrator Jim Steen stated he made a determination. If you assume for one second this road does not exist, then this would be a sideline setback. It's a road and a sideline. It's a unique situation that you have two roads going through private properties as right of ways but that does not eliminate the fact that it is also someone's side yard. It can be challenged; however, it will delay the process another 2-3 months. Nothing is going to change as this is still 6' from the sideline and 3.5 from the side yard. Last month one was 1' from sideline and now is 3.5 from sideline. So it's further away from sideline than it used to be.

Bret Winchip and Scott Olson had a discussion regarding the most appropriate place for the retaining wall to sit because of the slope.

Chairperson Cheryl Erickson stated that they will be doing a fair bit of excavating there anyway.

Bret Winchip stated that the driveway will be cut into the bank as well as the house.

Town Attorney Justin Grassi stated that we can rely on 100% of Jim's determination on this and if anyone wants to challenge that determination they certainly can; however, he erred on the side of caution by asking for as many variances as possible.

Chairperson Cheryl Erickson asked Mr. Henshaw if he brought the profile comparing the old house to the new house.

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Doug Henshaw responded yes.

The Board members reviewed the pictures presented. The first picture is the original cottage, the second picture is the new house and the 3rd picture is a silhouette of the house and the neighbor's house. The Gardiners are on the left and you can see more house because of the roof line that runs perpendicular to the shore. There is no house visible from the road. He will be digging his new house into the hill keeping the house in character of the neighborhood.

Town Attorney Justin Grassi stated that the Board, if they find there could be a potential impact on the esthetic view from the lake put a condition for earthy tones and things like that.

Scott Olson asked if the variances requested are for retaining walls and for structures. Are the roadway setbacks proposed for the retaining walls or structure? Does the structure itself require any setbacks?

Doug Henshaw responded yes and so did Brett Winchip.

Bret Winchip stated both of those, retaining walls and garages are considered structures.

Zoning Administrator Jim Steen stated that if the retaining walls were not there the roadway setbacks would be 43.8' where 60' is required and 39.5 where 60' is required.

Chairperson Cheryl Erickson stated the Board should discuss each one of these setbacks separately.

Mike Raymond wanted to know the size of the garage.

Chairperson Cheryl Erickson stated the garage size is 30'x 28'.

Mike Raymond suggested that if you make the garage smaller you would be able to meet your sideline setbacks of 15'.

Doug Henshaw stated that since they are not having a basement they are looking for storage space and that is why he wants the garage. He stated that if the garage needs to be smaller he has no problem doing that but it is just a question to what degree they are talking about.

A discussion ensued between the Board members, Doug Henshaw and Bret Winchip regarding changing the location of the garage to gain more side yard setback.

Chairperson Cheryl Erickson stated that Mr. Henshaw mentioned a breezeway and she would like to see that on the plan.

Brett Winchip stated that the breezeway is included in the calculation and lot coverage percentage. Every bit of proposed structures are in the calculation and on the plan.

Zoning Administrator Jim Steen stated that the lot coverage is 24% of the maximum lot coverage of 30% now and that includes the breezeway, patio and staircase.

The Board members discussed the breezeway and moving the garage closer to the house because he would then he would get closer to the 15' side yard setback that is required.

Mike Raymond stated that he has concerns because they are constantly trying to accommodate new buildings and compromising side yard, rear yard and roadway setbacks. He is concerned about not following the Comprehensive Plan.

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Doug Henshaw stated that this is the last remaining original cottage and he has been coming here since 1950 and is cognizant of what's been done over time. The other homes around him are substantially bigger than this cottage and he is trying to do what everyone else has done to their cottages.

James Dewar asked if this proposal has been your intent for many years or just recently.

Doug Henshaw stated that he and his brother have been planning this for the past 30 years.

Chairperson Cheryl Erickson stated that the neighborhoods other lots are about ¼ of an acre which is the same as your lot size. The house size is substantially larger than other neighbors existing homes there. She believes his will be the only one with a garage.

Doug Henshaw stated that the Gardiners who are his next door neighbors have a garage and his neighbor on the other side, Mike Raymond has the approval to build his garage.

Chairperson Cheryl Erickson asked if he could give an update on the well.

Doug Henshaw has tried to contact Ms. Speshock. He emailed her once since last month's meeting, called her once and Mike Raymond has contacted her about the well.

Scot Olson asked if the well is on your property.

Doug Henshaw stated the well is on the Right of Way.

Scott Olson asked if that affects the septic.

Chairperson Cheryl Erickson stated when you start doing construction you will disturb the well.

Scott Olson said then she has a well not on her property?

Mike Raymond stated that there was no place on her property to place a well 100' from the septic so he let her put it on the Right of Way which he owns.

Mike Raymond stated that he located another place for a well and he has made an appointment to speak to Carrie Speshock about this.

A discussion ensued regarding well separations.

Zoning Administrator Jim Steen stated that is of Department of Health issue.

Chairperson Cheryl Erickson asked if there are any further questions or if anyone else is present to speak on this proposal.

Mr. Gardiner who lives next door to the Henshaw's stated he has seen the plans for the house and he thinks that it will fit in very well in the neighborhood. He has no objections to this proposal and he has a garage as well.

Town Attorney Justin Grassi stated that before they close the Public Hearing if the Board wants to ask for new plans then they should keep the Public Hearing open because it will have to be re-noticed with the plan changes.

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Scott Olson stated that his thought is rather than ask for another plan just let the Board set the variance requests for what the Board can approve and have Mr. Henshaw present that plan.

The Board members and Town Attorney Justin Grassi discussed setting new requests for what the Board can approve and give clear guidance to the applicant in order to come back next month with the new plans meeting those setbacks. They discussed whether or not they would like new plans presented.

After the discussion it was decided to keep the Public Hearing open and next month bring new plans with the breezeway included, move the garage by sliding in so that it falls 10' from the side yard on the North West side and the roadway will remain the same. Those are more reasonable variance requests. The North East side yard setback should be 11', the North West side yard setback should be 10' and the size of the garage will be reduced.

Zoning Administrator Jim Steen stated he does not like that idea and would rather see the engineer do another plan so that once approved it will be crystal clear what the approval was for.

Town Attorney Justin Grassi stated that the impacts can be reduced by moving the garage

Scott Olson stated that he wants the impact removed from the property line so just give us 10' for side yard setbacks and reduce the garage size.

After additional discussions with the Board members, Mr. Henshaw and Brett Winchip regarding setback measurements it was decided to keep the Public Hearing open. The Board advised Brett Winchip and Doug Henshaw to come back next month on August 28, 2018 with the new plan showing the side yard setbacks as specified and at this time it will not have to be re-noticed.

Communications: None

Public Comments: None

Board Comments: None

Being no further questions or comments Scott Olson made a motion to adjourn the meeting. Second by Gary Frenz. **ALL AYES.**

Adjourn: 9:00 PM

Next Meeting Date: August 28, 2018

Respectfully Submitted,
Terri Katsch, Secretary