

**Present:**

Cheryl Erickson, Vice-Chair  
Carl Heilman  
Thad Smith  
Charles Lewis

**Also Present:**

Bill McGhie-Planning Board Member

John Hall

**Approval of Minutes:** Thad Smith made a motion to approve the January minutes, 2nd by Carl Heilman. All Ayes.

**Agenda Items: File #213-16AV Tax Map 55.1-1-4 Hall, John & Ann**

The regular meeting was called to order by Co- Chair, Cheryl Erickson at 7:00PM.

**Pledge:**

**Communications:**

**Public Hearing:** File #2013-16AV  
Tax Map 55.1-1-4  
Hall, John and Ann  
736 Palisades Road

Applicant seeking an Area Variance for shoreline setback for retaining wall which will sit 10 feet from shore where 100 feet is required and a roadway setback variance for 25 feet where 50 feet is required.

John Hall was present to present his application for a Shoreline setback and roadway setback variance. He stated that the variance is being requested for safety concerns. The preexisting retaining wall will be modified so that it is no more than 10 feet from the shoreline and the top of the retaining wall, because it is at a slope will be no more than 20-25 feet from the shoreline.

In addition the roadway setback variance will be no closer than 25-35 feet

**Carl Heilman made a motion to close the public hearing. 2<sup>nd</sup> by Thad Smith. ALL AYES**

The ZBA reviewed the criteria for granting variances for **SHORELINE SETBACK** from Section **11.24** of the Zoning Code regulations which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

1) There will be no undesirable change to the character of the neighborhood or detriment to nearby properties: this will be an overall positive change not only for the homeowner but for the neighborhood as well. At present the way the driveway and retaining wall are configured when heading north in order to enter the property the homeowner must drive into the southbound shoulder to gain access to property. In addition when adding to the existing retaining wall and driveway the grading will be altered so that the storm water runoff will be eliminated.

2) The benefits sought by applicant could not be achieved by any other means as the applicant lives on a county road where there is a blind curve and entry and exit are dangerous. The way the parcel is situated there is no alternative for a different location of driveway because of topography of lot. This is the most feasible location not only economically but the present driveway is at a good grade.

3) The requested shoreline variance is somewhat substantial as the applicant is expanding the entrance of the driveway by installing a retaining wall to allow for safe entry and exit. The variance is being requested as the pre-existing non conforming retaining wall will be rebuilt, modified and will be **no more than** 10 feet from shore. The top of retaining wall will be 25 feet from shore as the retaining wall is at a slope.

4) There is no effect or impact on the physical or environmental conditions in the neighborhood as this will overall be a positive improvement for storm water runoff, at present the non porous terrain does not filter the storm water but the grading of driveway and retaining wall will be altered to improve this. The applicant is building on to a preexisting retaining wall with dry laid stone. This will be virtually non-visible lakeside, and the applicant will have to do minimum cutting of vegetation. The shoreline where this parcel is located has similar boulders in place at present so this change will blend in.

5) The alleged difficulty was not self created as this home, driveway and retaining wall were built in 1964 and are the original. This is a pre-existing non conforming difficulty requiring remediation.

**Noting that this project is exempt from SEQRA**

An Area Variance should be granted because the applicant has proven practical difficulty in view of the manner in which the difficulty arose and considering the factual findings, the interests of justice will be served by allowing the variance.

Carl Heilman made a motion to approve the Area Variance for shoreline setback which will be no more than 10 feet from shore. 2<sup>nd</sup> by Thad Smith ALL AYES

The ZBA reviewed the criteria for granting variances for **ROADWAY SETBACK** from Section **8.10** of the Zoning Code regulations which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

- 1) There will be no undesirable change to the character of the neighborhood or detriment to nearby properties: This is a safety issue, you cannot enter the property without the driver performing a 180 degree turn. This property is on a blind curve and will be safer for the homeowner as well as traffic on Palisades road. This variance will allow for room at top of driveway for safe entry and exit.
- 2) The benefits sought by applicant could not be achieved by any other means as the applicant lives on a county road where there is a blind curve and entry and exit are dangerous. The way the parcel is situated there is no alternative for a different location of driveway because of topography of lot. This is the most feasible location not only economically but the present driveway is at a good grade for alteration
- 3) The requested setback variance is not substantial as this is a minimum variance to achieve the applicant's goal. The applicant will be making the roadway more conforming and will be significantly improving runoff to lake.
- 4) There is no effect or impact on the physical or environmental conditions in the neighborhood as this will overall be a positive improvement for storm water runoff, at present the non porous terrain does not filter the storm water but the grading of driveway and retaining wall will be altered to improve this. The applicant is building on to a preexisting retaining wall with dry laid stone. This will be virtually non-visible lakeside, and the applicant will have to do minimum cutting of vegetation. The applicant is maintaining the character of the shoreline.

5) The alleged difficulty was not self created as this home, driveway and retaining wall were built in 1964 and are original. There is a pre-existing non conforming difficulty requiring remediation.

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**DRAFT**

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An Area Variance should be granted because the applicant has proven practical difficulty in view of the manner in which the difficulty arose and considering the factual findings, the interests of justice will be served by allowing the variance.

Being no further questions or comments Thad Smith made a motion to approve the area variance for roadway setback variance for file # 2013-16AV. 2<sup>nd</sup> by Carl Heilman. All AYES.

**Public Comments:** None

**Board Comments:** Reschedule May ZBA meeting due to a grievance day conflict. Carl Heilman made a motion to reschedule the May meeting to the 22<sup>nd</sup> as the community room was not available on the 20<sup>th</sup>, 2<sup>nd</sup> by Cheryl Erickson.

**Next meeting date:** March 25, 2014

Carl Heilman made a motion to adjourn the February ZBA meeting 2<sup>nd</sup> Thad Smith. Meeting adjourned at 8:10 PM

Respectfully Submitted by

*Dorothy Johnson*

