

**Town of Horicon
Zoning Board of Appeals**

**June 23, 2015
Minutes**

Present at Meeting: Gary Frenz, Chairperson
Cheryl Erickson, Vice-Chairperson
Pat Farrell
Thad Smith
Scott Olson, Alternate #1
James Dewar, Alternate #2

Also Present: Leah Everhart, Town Attorney, Jim Steen, Zoning Administrator, Timothy Hoffman, Bob Olson, William McGhie

Agenda Items: **File # 2015-08AV Timothy Hoffman, Tax Map # 36.12-1-63**

Pledge

Chairperson Gary Frenz called the meeting to order at 7:05 p.m.

Chairperson Gary Frenz announced that Scott Olson would be seated as voting member tonight in the absence of ZBA Board member Charles Lewis.

Review of Minutes: Chairman Gary Frenz stated that tonight's voting members for the review of the minutes would be, Gary Frenz, Chairperson, Pat Farrell and Scott Olson. Pat Farrell made a motion to approve the minutes from May 19, 2015 as written. Second by Scott Olson. ALL AYES.

Thad Smith recused himself from the Board due to the relationship with the neighbors of Timothy Hoffman.

Chairperson, Gary Frenz appointed Alternate #2, James Dewar to be seated as a voting member tonight for Thad Smith.

PUBLIC HEARING:

**File # 2015-08AV
Tax Map # 36.12-1-63
Timothy Hoffman
44 Lakeview Drive
Adirondack, NY**

Area Variance from Zoning Code 8.10 for rear property line setback of 14' where 50' is required to build an 8' x 10' porch on a pre-existing non-conforming structure.

Timothy Hoffman spoke on behalf of his proposal to build an eight (8) foot by ten (10) foot porch to his pre-existing non-conforming structure that was rebuilt due to a fire. The new proposed porch will sit on the south side of his house and will sit fourteen (14) feet from the property line.

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Cheryl Erickson, Vice Chairperson asked if there is a reason that the porch is on the south side of the house. Timothy Hoffman responded that it is the only entryway from the driveway and is considered the front of the house even though it is the rear of the house. There are no other doors with driveway and vehicle access.

Cheryl Erickson, Vice Chairperson asked if the previous porch was covered as well. Timothy Hoffman responded that it was.

Gary Frenz asked how long ago the new house was built. Timothy Hoffman responded that building was started in October/November 2012.

Cheryl Erickson, Vice Chairperson stated that the neighbors sent an email requesting the variance be denied and the setback regulations be strictly enforced regarding the proposed covered porch in order to maintain their privacy. Cheryl Erickson, Vice Chairperson asked how far away are the neighbors' houses from his house and Timothy Hoffman responded about 30 yards away from his house. Gary Frenz, Chairperson, stated that shrubbery can always be added to protect the neighbors' privacy.

Cheryl Erickson, Vice Chairperson stated the specs presented of the proposed porch will be an improvement and more aesthetically pleasing. Cheryl Erickson asked if this covered porch will be used for entertaining and Timothy Hoffman responded that this is an entryway porch only and not for entertaining.

Gary Frenz, Chairperson asked Zoning Administrator James Steen if this house was on the property before the Blue Sky Estates was subdivided. Timothy Hoffman explained the history of the house and indicated that this house was on the property well before Blue Sky Estates was created. This home has been owned by his family since 1973.

Jim Steen, Zoning Administrator stated that after the fire the current house was built on the original footprint therefore not requiring a variance.

Being no further questions or comments Cheryl Erickson, Vice-Chairperson made a motion to close the Public Hearing. Second by Pat Farrell. ALL AYES.

UNFINISHED BUSINESS:

File # 2015-08AV
Tax Map # 36.12-1-63
Timothy Hoffman
44 Lakeview Drive
Adirondack, NY

Area Variance from Zoning Code 8.10 for rear property line setback of 14' where 50' is required to build an 8' x 10' porch on a pre-existing non-conforming structure.

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Chairperson, Gary Frenz reviewed the Summary of Area Variance Criteria Balancing test with the Board members. The Board shall balance the benefit to the applicant with detriment to health, safety and welfare of the community. The Board shall also consider:

- 1) There will be no undesirable change to the character of the neighborhood or detriment to nearby properties as the proposed porch is consistent with other homes in the area and it will be an improvement to the neighborhood and make the house more aesthetically pleasing.

- 2) The benefits sought by applicant could not be achieved by any other means feasible because the new construction of the pre-existing non-conforming structure changed enough to warrant this covered entry porch. After the fire the house was rebuilt on the same footprint as the previous house and in order to get a foundation as per state building codes it was raised up three (3) feet above grade making the porch necessary. This is the main entrance to the house off of the driveway, an entrance on the other side of the home would not work with the layout and would also need a variance as the distance would be the same.

- 3) The requested variance is substantial; however, this proposed covered porch will be more conforming than the pre-existing non-conforming structure.

- 4) There are no adverse physical or environmental effects as the proposed covered porch will be constructed to allow a safer entry to the house. There will be no adverse environmental effects as there will be no tree cutting in order to install the proposed covered porch.

- 5) The alleged difficulty was not self-created because the original house and porch were burned down due to a lightning strike and the applicant was working with the existing conditions to create a more modern house.

- 6) This is the minimum variance necessary to install this proposed project. The proposed addition of the eight (8) foot by ten (10) foot covered porch is modest in size and nine (9) foot further away from the rear property line than the existing structure. One condition suggested by Gary Frenz, Chairperson, would be to plant shrubbery to address the neighbors' concerns for privacy.

Conditions: That on the east side of the building the applicant plant a shrub of at least three (3) feet that has the potential to grow between six (6) to eight (8) feet at maturity (e.g. Cedar, Arborvitae) in order to address the neighbors' concern for privacy.

Noting that this project is a Type 2 SEQRA action and therefore exempt from SEQRA review.

The Warren County Planning Department reviewed the proposed project and determined that the issues are of a local nature and there is no significant impact on County properties or resources. The Warren County Planning Department staff

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recommends no county impact based on the information submitted according to the suggested review criteria of NYS General Municipal Law Section 239 L applied to the proposed project.

Being no further discussions or questions, Pat Farrell made a motion to approve the rear yard setback variance with the condition that on the east side of the building a shrub of at least three (3) feet be planted that has the potential to grow between six (6) to eight (8) feet at maturity, (e.g. Cedar, Arborvitae) in order to address the neighbors' concerns for privacy. Second by Cheryl Erickson, Vice-Chairperson. ALL AYES.

PUBLIC COMMENTS: NONE

BOARD COMMENTS: Chairperson Gary Frenz introduced the new Alternate, James Dewar to the ZBA Board Members.

Being no further discussions or questions, Scott Olson made a motion to adjourn the ZBA meeting. Second by Pat Farrell. ALL AYES.

Meeting adjourned at 7:40 pm.

Next meeting: July 28, 2015

Respectfully Submitted,
Theresa Katsch, Secretary