

**Town of Horicon
Zoning Board of Appeals**

**June 27, 2017
Minutes**

Present at Meeting:

Thad Smith, Chairperson
Cheryl Erickson
Gary Frenz
Pat Farrell
Scott Olson
James Dewar

Also Present: Town Attorney Leah Everhart, Mike Raymond, Bob Olson, Carrie Speshock and David Smith.

Agenda Items: **File # 2017-09 AV Tax Map # 55.10-1-11 Shoreline Setback**

Pledge

Chairperson Thad Smith called the meeting to order at 7:05 p.m.

Review of Minutes: Scott Olson made a motion to **accept the May 16, 2017** minutes as written. Second by Vice-Chairperson Cheryl Erickson. **ALL AYES.**

PUBLIC HEARING: **File 2017-09 AV
Tax Map 55.10-1-11**
Mike and Sandra Raymond
12 Sand Beach Point
Brant Lake, NY 12815

Requesting an Area Variance for a Shoreline Setback from Zoning Code **Section 6.10** to place a 28' x 36' garage to sit 65' from the lake where 100' is required.

Mike Raymond stated that he previously received an approval for a variance to build a 24' x 36' garage to sit 75' from the lake where 100' is required by the Town of Horicon back in October 2016 and was within the 75' APA setback. Once they started prepping the land he realized that he cannot get the building in that parameter. When they filled the land they were closer to the lake than originally projected. He is now requesting a 35' variance relief from the Town of Horicon and 10' setback relief from the APA because the arc that the car has to take to get into the garage does not work which puts the garage closer to the water at one corner of the garage.

Vice-Chairperson Cheryl Erickson asked how the orientation is different now than what we approved in October 2016.

Mike Raymond responded that they painted the outline of the garage and tried to get the car in the garage and could not so he had to turn the corner of the garage slightly which puts it closer to the water on that corner. The fill brought up the height of the ground and the hypotenuse of the ground brought it closer to the water as well.

Vice-Chairperson Cheryl Erickson asked if his original proposal in October 2016 prevented the car from getting into the garage.

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Mike Raymond responded yes the net result would have been the same. The front corner is exactly where it was before and it's the back corner now that is encroaching on the setback from the water now.

Scott Olson stated that the garage was smaller at that time and the problem would be the same.

Pat Farrell asked Mike Raymond if he had not run into a ledge would you be able to place the garage further away.

Mike Raymond responded yes, we could put it further back.

Pat Farrell stated so actually the ledge is governing where you place the garage.

Vice-Chairperson Cheryl Erickson asked if the ledge is between houses.

Mike Raymond stated no it is up on the side 15' to 20' away from the houses.

Scott Olson stated so blasting is not an option?

Mike Raymond responded, no blasting is not an option due to the neighbor's homes.

Vice-Chairperson Cheryl Erickson asked if there are other options to place the garage.

Mike Raymond stated the septic system is on the other side and the driveway comes down the middle. Anywhere else it would make the garage closer to the lake.

Vice-Chairperson Cheryl Erickson stated so it would require major excavation that would affect the other neighboring homes.

Mike Raymond responded yes that is correct.

Vice-Chairperson Cheryl Erickson said if you decrease the size you would come back four feet which would still give you a greater variance request as last time.

Mike Raymond responded that he originally asked for a variance for a 36' x 36' garage in 2010 and then cut back the size and took out the bathroom. He then came in October 2016 for a 24' x 36' garage and it was approved by the Town and the APA. Once he drew it on the ground they discovered it would not work and the fill was put in it which made it closer to the lake.

Mike Raymond stated one of the reasons he wants to build this size (28' x 36') is to get his boat in the garage and the boat is 21' long so he needs a 28' garage. He would rather have a two car garage and not a three car garage. After he knew it would not work he came back for an additional 4' in order to accommodate the boat.

Neighbor Carrie Speshock was in attendance because she was curious about the project and she has no problems with the proposed project.

Pat Farrell made a motion to close the Public Hearing. Second by Gary Frenz. **ALL AYES.**

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Town Attorney Leah Everhart stated that we received the Warren County Planning Review statement which indicates no county impact for this proposed project.

Town Attorney Leah Everhart explained the SEQRA process for this proposed project. This is the same SEQRA action that was done in October 2016 just modified a little. There would be no need for the Board to review Part II of the EAF form if the Board considers the subsequent changes to the action now proposed warrant further SEQRA review. There are slight changes to the footprint and the amount of the variance. The garage will now be four foot wider and the garage will be oriented differently as one corner is now closer to the water which further extends into the setback. If the Board finds any new or different environmental impacts then no further SEQRA review is necessary.

Gary Frenz made a motion to adopt a resolution that this is a subsequent modification to a previously reviewed SEQRA action and that no new or different impacts are likely to occur and no further SEQRA review is necessary. Second by Pat Farrell. **ALL AYES.**

UNFINISHED BUSINESS: **File 2017-09 AV**
 Tax Map 55.10-1-11
 Mike and Sandra Raymond
 12 Sand Beach Point
 Brant Lake, NY 12815

Requesting an Area Variance for a Shoreline Setback from Zoning Code Section 6.10 to place a 28' x 36' garage to sit 65' from the lake where 100' is required.

Chairperson Thad Smith opened up the discussion by the Board on this proposed project.

Pat Farrell stated that Mike Raymond cannot blast the ledge which is a governing factor as to placement of the garage and the arc needed for the car to turn cannot be met so he has exhausted all other options.

Vice-Chairperson Cheryl Erickson stated that this was a much larger proposal in 2010 and came back in 2016 as a much more modest proposal and now needs an increase in size because they tried painting out the footprint and discovered it would not work therefore needing to increase the size.

Chairperson Thad Smith stated that the driveway cannot be moved further back due to septic system so this is the only location for the garage.

Gary Frenz stated that most of the properties in that cove are very close to the shoreline or on the shoreline so another structure being there will not change the character of the neighborhood.

Vice-Chairperson Cheryl Erickson stated that you may be able to see the garage from water and suggested maybe some vegetative planting.

Scott Olson stated that if a condition for vegetative screening is placed it should be very specific.

A lengthy discussion took place regarding vegetative screening from lake to the garage for visual screening. After much discussion on the visual screening it was determined that there are already many natural trees screening the garage from the lake and no additional screening will be necessary.

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Vice-Chairperson Cheryl Erickson stated that because of the ledge there is no way to avoid the requested setback.

Chairperson Thad Smith stated that it is not any closer to the lake than the other homes in the area.

The Board had a lengthy discussion on the fill that will be used and determined that the fill will not have any environmental physical effects. The fill will help with the rain runoff as well.

The Board reviewed the Area Variance criteria.

The ZBA finds that the Variance for a Shoreline Setback from Zoning Code **Section 6.10** to place a 28' x 36' garage to sit 65' from the lake where 100' is required 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.

The ZBA further finds:

- 1) The benefits sought by applicant could not be achieved by any other means feasible because he cannot blast the ledge, the arc necessary for the trailer to turn to get the boat into the garage would not work any other way and he has exhausted all other methods to achieve the goal. Originally this was a much larger proposal in 2010 and now has presented a much more modest proposal. Increase request now comes from painting the footprint out and finding that those dimensions do not work. The septic and driveway on the other side prevents placement of the garage in any other location.
- 2) There will be no undesirable change to the character of the neighborhood or any detriment to nearby properties because most of the properties in the area are close or directly on the shoreline and another structure being there won't change it much and there are trees at the lakefront for visual screening.
- 3) The requested variance is substantial but because of the ledge there is no way to avoid coming close to the setback requirements. It is not any closer to the lake than the other homes in the neighborhood.
- 4) There are no adverse physical or environmental effects because there will be no blasting done, the garage will sit at ground level, only one tree will be removed for this project and the trees at the shoreline will provide natural vegetative screening. Vegetative screening was discussed at length and it is determined there is sufficient natural screening to break up and obscure the garage from the lake.
- 5) The alleged difficulty was self-created.
- 6) The Board finds that this 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 the applicant has had the opportunity to test out the layout and found it not to work; therefore asking for a slightly larger dimension. This is the only place on the property to place the garage because of the ledge, placement of the septic and the driveway on the property.

Being no further questions or comments and based on the previous discussions, Pat Farrell made a motion to approve the Area Variance for a Shoreline Setback from Zoning Code **Section 6.10** to place a 28' x 36' garage to sit 65' from the lake where 100' is required. Second by Gary Frenz. **ALL AYES.**

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Being no further comments or questions Vice-Chairperson Cheryl Erickson made a motion to adjourn. Second by Gary Frenz. **ALL AYES.**

Communications: None

Public Comments: None

Board Comments: None

Adjourn: 7:47 pm

Next Meeting Date: July 25, 2017

Respectfully Submitted,
Terri Katsch, Secretary