

TOWN OF EAST BLOOMFIELD

Zoning Board of Appeals Minutes

June 22, 2016

Zoning Board of Appeals Members Present, Art Babcock, Mark Thorn, , Tim Crocker.

Absent: Sonja Torpey, Mike Long

Others Present: Kim Rayburn (Secretary) John McKinnon (Applicant), Donald and Constance Olsen

Babcock opened the meeting at 7:30 pm, Babcock waived the reading of the Public Hearing.

- I. **Area Variance Review TV1-16**, Polly Sack, (Owner) John McKinnon (Agent) of **2288 County Rd 39** tax map # 53.00-1-51.520 has applied for an Area Variance, to erect a 24 x 34 addition onto existing attached garage. A 13 to 14 ft Variance to the side lot line is requested as she will have 36.9 ± feet were 50 is required. Per Schedule I.

Rayburn reviewed the neighbor notifications, all neighbors within two hundred (200) feet were notified of the proposed project. Babcock asked McKinnon to go over the proposal; McKinnon stated his client Polly Sack would like to erect an addition onto her existing attached garage, she would like to use the existing space as an exercise area and storage, the addition would be used for a 2 ½ car garage, a dog washing area and a bonus room. Sack would like to encroach on the fifty (50) foot setback by fourteen (14) feet and erect a thirty-four (34) foot structure. The addition would match the house, siding and roof. It will look very nice; the garage doors will face the West not facing the road, and the driveway will mostly remain the same with some width added for the swing to enter the garage.

Babcock asked about the exact linear footage of the Variance that is being sought, McKinnon stated that it is fourteen (14) feet. Babcock then stated that the Variance is for a minimum side yard relief from the setback, the proposed meets the front setback. Babcock asked if Hall had any concerns that he wanted Rayburn to pass onto the Board, Rayburn stated he did not.

Babcock explained that the Board has to weigh State mandated criteria for each Variance. There are five areas that need to be considered and the Board will go through each one. He also read the motion from the Planning Board stating they are in favor of the proposal with the exception that they feel the proposal is self-created, Babcock agrees. He then stated that the placement and position of the addition makes the most sense due to the way the house is laid out currently and with the existing driveway he can see why this spot was chosen. He commented that maybe the addition could have gone somewhere else, but you would have to go to a lot of expense and do some grading so from a minimalist standpoint it doesn't make sense. Thorn stated he also agrees its self -created, but the placement makes sense as any other spot would require a lot of additional cost and effort and would not allow for the garage to remain attached.

Babcock asked if the Board had any further questions or comments, Thorn asked about the driveway as it will get wider and be closer to the property line, he asked McKinnon if he knew how much wider the driveway would be. McKinnon stated that she will be able to swing into the garage without added too much as there is a large turn around existing now. There is a dumpster at the end of the driveway now that she wants to leave and an underground fuel tank that will not be moved so the driveway will not be significant at approximately sixteen (16) feet.

Babcock opened the Public Hearing and asked for public comment. Donald and Constance Olsen stated that they live to the South of Sack and they were interested in what the proposal was. There is approximately 100-150 feet in between their properties now, and her proposal does not sound like it will affect them. Constance asked about the time line of the project, McKinnon stated it would take about four to six months, she was pleased that the addition would be in harmony with the house, she had some concerns regarding the driveway as the property is on a bend and she wanted to make sure safety was a priority for the delivery trucks and workers, McKinnon stated his crew would take every precaution.

Babcock asked the Board members if they had any other input. There was none. Thorn made a motion to close the public hearing, Babcock seconded the motion to close the public hearing as there were no further questions or concerns from the Board or from the Public, motion carried unanimously.

The Board considered the five statutory factors: A Discussion was held the following was determined.

1. Undesirable change – The Board determined that given the architecture of the addition and that there is a natural buffer between the neighbors including a driveway turnaround, they don't feel the proposed would be an undesirable change.
2. Alternative method – The Board feels that there is seemingly no alternative method, and McKinnon gave good reasons why the placement of the addition should be where it is proposed, due to the position and size of the existing garage and the functionality as it applies to the existing house.
3. Substantial- thirty six (36 ±) plus or minus feet where fifty (50) feet is required, They do not feel that the requested fourteen (14) feet is substantial as there only asking for what is required for a two and a half (2 ½) car garage.
4. Adverse effect on physical or environmental conditions-does not create a detriment to the environment
5. Self-created- The Board feels it is self-created

Babcock made a motion and Thorn seconded the motion to declare SEQR a Type II no further action required, All Board members agreed.

ZBA Decision:

Thorn made a motion and Crocker seconded the motion to approve the Area Variance, TV1-16, Polly Sack, (Owner) John McKinnon (Agent) of 2288 County Rd 39 tax map # 53.00-1-51.520 to erect a 24 x 34 addition onto existing attached garage. A 13 to 14 ft Variance to the side lot line is requested as she will have 36.9 ± feet were 50 is required. Per Schedule I.

Whereas:

- 1. This is not considered an undesirable change**
- 2. The location chosen is seemingly the only logical location**
- 3. The Variance of 14 + feet is not substantial and required for the 2 ½ car garage**
- 4. There will be no detriment to the character of the neighborhood or environment**
- 5. Proposal is self-created**
- 6. There was no public concern or objection**
- 7. The Planning Board states the proposal complies with the Comprehensive Plan**

Record of Vote:

Art Babcock Aye

Mark Thorn Aye

Tim Crocker Aye

All Board members present voted Aye. Vote was carried unanimously.

II. Minutes of December 16, 2015

Thorn made a motion and Crocker seconded the motion to approve the minutes of December 16, 2015 as written. All Board members present voted Aye, Vote was carried unanimously.

III. Meeting Adjourned

Crocker made a motion and Babcock seconded the motion to close the meeting @8:10 pm. All Board members present voted aye, Vote was carried unanimously.

Respectfully submitted,

Kim Rayburn

Planning & Zoning Board Secretary