

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
September 21, 2017

PRESENT: Chairman Hoover Mr. Johnson
 Mr. Bentley Mrs. Oliver
 Mr. Amato Mr. Airth

ABSENT: Ms. Hoover-Alternate

Chairman Hoover called the meeting to order at 7:30 PM and explained the process of the Zoning Board of Appeals. Mr. Johnson made a motion to approve the minutes of the July 20, 2017, meeting. Mr. Airth seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #17-113, David & JoAnn Burley, owners of property at 4610 Bluebird Rd, requests an area variance to build a 10 x 20 shed. Proposed shed does not meet the rear yard setback and side yard setback.

The application did go to Ontario County Planning Board. Their final recommendation was that the CPB will not make no formal recommendation to deny or approve.

Chairman Hoover opened the public hearing and the notice as it appeared in the official newspaper of the Town was read.

David & JoAnn Burley were present, and presented their application to the board.

In the original proposal the shed was placed at the end of the driveway at 5.5' from the north and west property lines. The proposal has been changed for the shed to be placed 5.5' from the north and east property lines.

Chairman Hoover stated that when he visited the property he saw that there was a maple tree to the west of the proposed location of the shed. He asked if there were any other physical attributes that would prevent them from sliding the shed south and west to achieve the 10 foot setbacks.

Mr. Burley stated there is nothing other than the house.

Chairman Hoover stated that it looks like they would have about 14 feet between the shed and the house if they moved it to meet the 10 foot setbacks.

Mr. Johnson asked if the shed was going to be on blocks.

Mr. Burley stated that there will be some crushed stone and then on blocks.

Chairman Hoover asked why they changed the proposed location of the shed from the driveway to the northeast corner of the property.

Mr. Burley stated that they felt that would be a better place for the shed and give them more room in the driveway for parking and turning around. The neighbor to the back of them has since put up a stockade fence.

Chairman Hoover asked if they could move the shed 4.5 feet both ways to meet the setbacks and then a variance would not need to be granted.

Mr. Burley stated that the Maple tree would be an issue and also it would take away yard space. Their house is a small house and they need the storage.

Chairman Hoover asked if there is a way that they could move it either 4.5 feet from the north side or 4.5 feet from the east side to eliminate one variance.

Mr. Burley stated that if he had to move it he would rather move it south. The more you move south the more the lay of the land drops.

Chairman Hoover asked if there were any comments from the public, hearing none the public hearing was closed.

Mr. Johnson explained that he believes that all the setbacks could be met eliminating both variances by sliding the shed 4.5 feet in each direction.

Mr. Amato stated that he does not see a problem with where the applicant wants to place the shed. He believes it works best in the back corner. It would be an eyesore in the middle of the yard.

Mrs. Oliver expressed that she agreed with Mr. Amato.

Chairman Hoover asked if someone would like to make a motion.

Mr. Amato made a motion to grant a 4.5' rear yard setback for a setback of 5.5 feet and an east side yard variance of 4.5' for a setback of 5.5 feet.

The board discussed and reviewed the questions on the back of the application. There was a difference of opinion on whether the requested variance was substantial. Some board members thought the variance was substantial and some believed it was not substantial.

Mrs. Oliver seconded the motion. Roll call was read with Amato, Oliver & Bentley voting YES and Hoover, Johnson & Airth voting NAY. Motion did not carry. (3-3).

Chairman Hoover asked if there was another motion. Hearing none, Chairman Hoover made a motion [attached hereto] granting a 4.5' variance on the east side yard for a setback of 5.5 feet. The 10 feet will be met on the rear yard setback.

The board discussed and reviewed the questions on the back of the application. Mr. Johnson seconded the motion. Roll Call was read with Hoover, Amato, Oliver & Airth voting Yes and Bentley & Johnson voting NAY. Motion carried (4-2).

Mr. Johnson made a motion to adjourn the meeting at 7:54 PM. Mr. Amato seconded the motion, which carried unanimously.

Jerry Hoover, Chairman

Sue Yarger, Secretary