

MINUTES
TOWN OF GORHAM ZONING BOARD OF APPEALS
June 23, 2022

PRESENT: Chairman Bentley Mr. Bishop
 Mr. Amato Mr. Morris
 Mr. Lonsberry Mr. Goodwin-Alternate

EXCUSED: Mr. Coriddi

Chairman Bentley called the meeting to order at 7:00 PM and explained the process. Mr. Goodwin-Alternate will participate and vote on all applications tonight. Mr. Bishop made a motion to approve the May 19, 2022, minutes as presented. Mr. Lonsberry seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #22-056, James Sanders & Carolyn Kubota, owners of property at 4280 State Rt 364, requests an area variance to replace two existing sheds. Proposed sheds does not meet the north yard setback.

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

Carolyn Kubota and Scott Harter, Engineer was present and presented the application to the board.

Mr. Harter presented the board with larger corrected maps.

He explained that the first drawing was done by the surveyor of record BME Associates. The second drawing was done by Professional Engineering Group showing the existing lot coverage. He also presented aerial photos to show that there really is no other reasonable place to put the sheds.

Mr. Harter stated that the intention is to rebuild the sheds in their exact footprint as they currently exist. There is no real improved location for the sheds to be constructed than where they currently are. They are here in front of the board for approval to rebuild the two sheds where they are currently on the existing footprint.

Mr. Harter stated that his calculation of lot coverage is about 25.2% they are however proposing to remove some of the slate items. They will then come in at about 24.6%.

Ms. Kubota stated that the sheds are about 90 years old. They had their contractor look at them and he recommended that they tear them down and rebuild them in the same location and the same footprint.

Mr. Bishop asked if a new pad was poured for the shed.

A new pad was poured over the old pad.

Chairman Bentley explained that he does have a concern with the 24.6% lot coverage, being so close to the 25%.

Mr. Lonsberry asked what the setback was from the sheds to the high water mark.

The setback from the high water mark was discussed and was found to be about 30 feet from the high water mark.

Mr. Morris asked what dimensions of the home was used to calculate the lot coverage. Was the calculation from the eaves or the siding?

Mr. Harter stated that he believes it was to the siding.

Mr. Morris stated that lot coverage must include the eaves.

Mr. Harter stated that the lot coverage would be a little greater based on the eaves.

Mr. Lonsberry asked if there was a reason the sheds could not be moved to a different location.

Ms. Kubota stated that she does not believe there is another place to move them.

Mr. Bishop asked other than the fact that there has always been two sheds what is the reason behind having two sheds.

Ms. Kubota stated that it is important to have the two sheds. They use them for storage. In the winter they have been storing the outdoor furniture in the garage but would like to start storing the furniture in the sheds.

Chairman Bentley asked if it was possible to move the sheds to the southwest corner and build one shed verses two.

Ms. Kubota stated that if she moved them anywhere it would be closer to the road so that it would not impact the view.

Mr. Amato stated that he doesn't like the fact that they are right on the property line and asked if they could be moved closer to the driveway to get them off the property line.

Ms. Kubota asked the board to take a step back and think about the criteria that was read at the beginning of the hearing. They do intend on building just the existing structures. There is a good argument that it wouldn't negatively impact neighbors or the character of the neighborhood.

Chairman Bentley stated that he does not have an issue with tearing down a shed and rebuilding it on the same footprint. "The opportunity poses itself that you got a permit for everything else but didn't get a permit for one of the most important things. And then the site plan the drawings don't match what's exactly there. It's the due diligence of the board to protect you and your neighbors."

Chairman Bentley asked if there were any comments from the public.

Tom Smith introduced his wife, sister, and brother in-law. They are the property to the north. "The sheds that are in question have been there our entire life and beyond. We've not had an issue with them being there. For a benefit it gave some privacy to the two families. I fully understand kayak needs. Our main concern is how much taller will it be? Right now the unit is taller. I'd hate to see a two story garage."

Chairman Bentley stated that it can't be. It can't be over 14 feet in height.

Tom Smith stated "If they are not allowed to rebuild the whole family agrees that will be a shame. Because the shed has been there. We are used to it. It does amount to a little bit of privacy for us and some for them."

Mr. Harter asked Mr. Smith if he would agree that that's the optimal location on the property.

Mr. Smith stated that he has no argument at all.

Chairman Bentley asked if there were any more comments from the public. Hearing none the public hearing was closed.

The board discussed with the applicant making the shed 5 feet smaller making it 5 feet from the property line. It was also suggested that they build one long shed five feet from the property line instead of two sheds.

After discussing the application and reviewing the questions on the back of the application the following motion [attached hereto] was made: Chairman Bentley made a motion that the two existing sheds if agreeable upon the applicant, are connected and the shed is no bigger than 360 square feet. Making it 5 feet off of the north property line in its entirety of the span of the shed. It can't exceed 14 feet in height. Granting a 10' variance for a 5' setback. The lot coverage must be maintain under 25%. A stamp drawing showing the lot coverage must be presented before a certificate of compliance is given. Any future altercations to the property must require a permit and a variance if lot coverage is going to be impacted. Mr. Goodwin seconded the motion, which carried unanimously.

Mr. Amato made a motion to adjourn the meeting at 7:53PM. Mr. Morris seconded the motion, which carried unanimously.

Michael Bentley, Chairman

Sue Yarger, Secretary