

Town of Gorham

4736 South Street
Gorham, New York 1461

ZONING BOARD OF APPEALS

Thursday, May 16, 2024 7:00 p.m.

MINUTES—Approved

The minutes are written as a summary of the main points that were made and are the official and permanent record of the actions taken by the Town of Gorham Zoning Board of Appeals. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions.

Board Members Present: Mike Bentley, *Chairperson*
Alan Bishop
Steve Coriddi
Charles Goodwin
Victor Lonsberry
Mary Ellen Oliver, *Alternate*

Board Members Excused: Tom Amato

Staff Present:
James Morse, Town of Gorham Code Enforcement Officer

Applicant Present:
Adam Larrabee, 3776 Meadow View Drive
Meg Larrabee, Meghan Larrabee Designs
David Bayer, Bayer Landscape Architecture PLLC
Mark Bayer, Bayer Landscape Architecture PLLC
Wendy Meagher, Meagher Engineers
Lynn Klotz, 4554 Lake Drive
Mike Klotz, 4454 Lake Drive

Others Present:
Nancy Bloom, 3774 Meadow View Drive
Alan Cohen, 3774 Meadow View Drive
Jarred Coon, Hanlon Architects
Ed Chapman, 4558 Lake Drive
Jessica Chapman, 4558 Lake Drive
Jack Thomann, 4546 Lake Drive

Via Zoom:

Greg & Amanda Slisz, 3770 Meadow View Drive
Alan Knauf, Knauf Shaw Attorney at Law

1. MEETING OPENING

The meeting was called to order at 7:06 p.m. by Mr. Bentley.

Mr. Bentley stated I am the Chairperson for the Zoning Board of Appeals for the Town of Gorham. This is the meeting for the month of May 2024. Minutes of each meeting are recorded and the vote of every member is recorded as well. The jurisdiction of the ZBA is limited to appellate review only. Before we can make a decision or hear an application, there must be first determination made by the Zoning Officer. Town Law 267-B says that we can reverse, modify or affirm any decision of the Zoning Officer. There's five questions that each of you have submitted on your application that we will go over before any determination is made and just for the record that if four out of those five are a yes the application will be made for a motion for denial and the application will be denied based off of the Town law. The ZBA in the granting of area variances shall grant the minimum variance that it shall deem necessary if a variance is granted and it is written to protect the character of the neighborhood, health, safety, and welfare of the community. In attendance tonight is Steve Coriddi, Victor Lonsberry, Mary Ellen Oliver, Alan Bishop and Charles Goodwin.

2. APPROVAL OF MINUTES OF APRIL 18, 2024

■ A motion was made by MR. LONSBERRY, seconded by MS. OLIVER, that the minutes of the APRIL 18, 2024, meeting be approved.

Motion carried by voice vote with all present voting aye.

3. LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by and before the Zoning Board of Appeals of the Town of Gorham on the 16th day of May 2024 commencing at 7:00 p.m., Eastern Daylight Savings Time, at the Gorham Town Hall, 4736 South Street, in the Town of Gorham, Ontario County, New York 14461 to consider the following application:

ZBA #49-2024: LYNN & MICHAEL KLOTZ 7456 EAST MAIN STREET, LIMA, NEW YORK, 14485: Requests an area variance in accordance to Article IV Section 31.4.10 of the Town of Gorham Zoning Local Law. The applicant is requesting relief to the maximum allowable lot coverage of 25% with a variance to allow a lot coverage of 40.8%. The property is located at 4554 Lake Drive and is zoned LFO Lake Front Overlay and R-1 Residential.

All persons wishing to appear at such hearing may do so in person, by attorney or other representative.

Michael Bentley, Chairperson
Zoning Board of Appeals
Published May 9, 2024

4. CONTINUED PUBLIC HEARING

**ZBA #48-2024: MARK BAYER c/o BAYER LANDSCAPE ARCHITECTURE
PLLC 19 NORTH MAIN STREET, HONEOYE FALLS, NEW YORK, 14472:**

Requests an area variance in accordance to Article IV Section 31.4.10 of the Town of Gorham Zoning Local Law. The applicant is requesting relief to the maximum allowable lot coverage of 25% with a variance to allow a lot coverage of 28.75% and is also requesting an area variance for a front setback of nineteen (19) feet where thirty (30) feet is required and a rear setback of twenty seven (27) feet where thirty (30) feet is required. The variance is to allow the construction of a single family residence. The property is located at 3776 Meadow View Drive and is zoned LFO Lake Front Overlay and R-1 Residential.

Mr. Bentley said last month we asked, based off the plans that were submitted, for some changes to be made to reduce the variances. I saw that you did do that. So if you could please present those changes for us.

Mark Bayer said thank you for having us back. Adam and his wife Jesse want to build a new house. It originally started off as a potential rehab but all signs pointed to new construction. We brought it in last time and we were originally asking for three area variances. A roadside setback, a lakeside setback, and lot coverage. I generally sensed that the Board liked the direction but had some good feedback and made good comments to us on trying to make some improvements and reduce things as much as we possibly could. We listened very carefully and we took that to heart. We went back and we revised the plans and as a result of that we were able to reduce lot coverage further from today's lot coverage of 31% to what is proposed as 27.25% reduced from the last meeting by 1.5%. We did that by taking out some hardscape, the building footprint shrunk a little bit, and we were able to take about another 364 feet of impervious out of the project. We looked at the roadside porch, since there was a number of comments and questions about that, so we did reduce the porch. We also went in and reduced a little bit of the interior space and by doing that we were able to eliminate the roadside or rear setback. We are now at thirty feet to the roadside porch. So we do not need that roadside variance at this point. We are now at the thirty feet to the roof line. We reduced the lakeside setback by about one foot two inches. We condensed that open terrace and brought that in a bit and we are further from the mean high water mark by one foot two now. Also, based on Jim's comments about concern with the outdoor kitchen, we had previously, we eliminated that as well. Jim mentioned that he was looking at it as a structure and it would have had to have been setback compliant so we took that off the plan. To recall a few of the other points that we had made, right now the existing footprint, the envelope of the building out there now is about 389 square feet larger than what we are proposing. The building envelope, of the proposed house, is now fully within the setbacks. The existing structure is not compliant on any setback. The site is much greener under the proposed solution. The lot coverage today is at 31% and we are proposing to be at 27.25% so we are reducing lot coverage by 3.75% from what is there

today, about 917 square feet greener than the current condition. As we mentioned last time, we have done a lot with stormwater management to help improve conditions on the site. We have three rain gardens proposed and 125 feet of infiltration trench to manage stormwater on the site where there is none now. We have dramatically improved the sight lines. The house is considerably further back with the exception of the open terrace roof. The building envelope itself is considerably further back from the existing structure. We have proposed to eliminate the gazebo which is on the embankment of going down to the lake. We are necessarily removing a large tree that is in the patio on the lakeside, which is a considerable tree in terms of light and sight lines. In terms of looking up or down the lake, this house the way it is designed and the way it's positioned and the way everything is laid out is a big improvement to the existing structure. The house as proposed, I think anyone who looks at it would say it is a dramatic improvement in character in the neighborhood that it will bring and lakeside character. The other thing I would say is the site design is extremely consistent with the neighborhood context. If you look at the aerial of Meadow View this project is very much in keeping with the neighborhood character, the way the lots are configured, and the conditions of what we are proposing is consistent with the neighborhood. You can see the development pattern and you can see this is very much like what else is out there. The one other thing I wanted to point out is that if you look at all the lots, this lot in particular is a parallelogram. The east and west ends are turned at an angle to the north and south sides. Every single building, more or less, along Meadow View you are closer to the northwest corner for most of the buildings. We are here as well just by the nature of the shoreline and the nature of the lot configuration being a parallelogram. It's a condition we have done our best to mitigate everything that we have done but it is something that is inherited with this parcel.

Mr. Bentley said from what you are presenting here today, it looks like both neighbors to the north of you are actually across the lot lines. Am I reading that correctly?

Mark Bayer said that is an aerial photograph so that is not accurate.

Mr. Bentley said there are lots that have variances for encroachments which are neighboring. So this was a shocker for me to see the property was actually over so I'm glad you were able to clarify.

David Bayer said the property directly to the north is six feet plus or minus from the setback according to our survey.

Mark Bayer said in the neighborhood there are a lot of noncompliant setback situations. The bigger point is our proposal is fully compliant in terms of building envelope and there are many others, now I haven't gone out and measured them, to the north for sure that have gotten conditions that are not complaint. That is neither here nor there right now, but the bigger point is what we are proposing is consistent with the character, lot configuration, or anything. We have done everything we can to make this way better on every front than the existing house.

Mr. Bentley said but you said it was six feet?

David Bayer said I may be incorrect, but this is what our survey map shows.

Mr. Bentley said it should be 6.3 feet.

David Bayer said yes six feet rings a bell.

Mr. Bentley said do you have anything else you want to add?

Mark Bayer said the only other thing I would say is that we did take the time to go meet with Mr. Cohen and Ms. Bloom. We shared our plan with them based on wanting to bring them as much clarity as possible for the project. We showed them where the open terrace will be and explained that it is not going to obstruct like the existing footprint which is opaque. This is an open structure. We also spoke with Pierre to the south. Adam wanted to make sure he went and talked to Pierre and showed him the plans. Pierre was very supportive of the project as was Mr. Fox. I just wanted to let you know that we have made an attempt to talk to the neighbors as well.

Mr. Bentley said does anyone have questions for the applicant?

Mr. Coriddi said I think you did a nice job laying this out. It's nice to see where everything is clearly.

Mr. Bentley made a motion to reopen the public hearing on this project and that motion was seconded by Mr. Lonsberry. All present voted Aye. Motion carried.

Mr. Cohen of 3774 Meadow View said just a couple of things, very quickly. I would like to state that the statements from the neighbors are all from the south as opposed to the north. From my understanding their view would not be obstructed by any means. Also, to the best of my understanding our existing home was built as a remodel and to the existing footprint. To my knowledge, at the time, I believe it was built to the approval Zoning Board or whomever needed to make that decision. That's all I really have to say tonight. I have asked Greg Slisz one of my neighbors to the north to come and speak and our attorney Al Knauf.

Mr. Slisz of 3770 Meadow View said the only comment I have is that we had a renovation and addition on our property in 2015 and in the spirit of the Planning Board, the Zoning Board and the Town we wanted to do a couple of things that we couldn't get done. For example, we wanted to have our roof line a little taller for architectural look and we presented it and it was rejected. I am 100% with the board. I think it is good for the lake. You guys have set standards and you live with them and when you start deviating from standards and then you get people getting away with stuff. I know when we did it we followed it and built it to the rule of the law at the time. We met code and the project turned out nice at the end and we were able to move forward. Just in general I'm concerned when we have these things and we start deviating from the rules and regs.

Mr. Knauf said I am the attorney from Alan Cohen and Nancy Bloom who live next door at 3774 Meadow View. As you know my clients oppose the variances. We think if they want to remove the house and build a new one it's an opportunity to conform to the requirements of the code. We haven't seen a good reason not to uphold the code

requirements. I submitted a letter and I will bring up some highlights. As you know the law states when you remove an existing structure you should conform to the lot coverage requirements even if you have variances allowed then you need to have an engineer plan the development strategies. Then the new house won't obstruct our clients' view to the south, block sunlight in particular in the winter because they are yearlong residents. We appreciate that the outdoor kitchen was scrubbed. That really never should have been in the plan. We appreciate that an effort was made to meet with our clients. Our understanding is that the new house was moved back one foot. So it really wasn't anything substantial. On April 10th, the County Planning Board recommended denial and they are basically saying they are opposed to these lakeside variances that have negative impacts on a community wide basis. One variance is not an impact but everyone doing all down the lake it is a huge impact. The County Board said that the ZBA is encouraged to grant only the minimum variance necessary to allow on a reasonable lot. So even if a variance was granted they all feel that this is the minimum that would be necessary. Looking at the five factors and weighing them we think that it would be a detriment to neighbors and the whole community with this type of variance and it outweighs the benefit to the neighbors. Quickly going to the five factors the undesirable change again is the obstruction of sunlight and the community impact of variances like these. The covered open terrace we feel is problematic and if I understand correctly it is the principal reason for the variance. We are concerned that yes maybe today they are not going to enclose it but years down the road the structure is there and somebody is going to enclose it. Whether the benefit can be achieved by some other method, this house the footprint is 2237 square feet and it is two stories and for one it could be made smaller and we could avoid this if it wasn't such a large house. The covered terrace could be made smaller or it could be pushed back eleven feet. That would make the rear setback variance but that isn't that big of a deal as a lakefront variance. It doesn't have an impact on views and sunlight. It's just less of an impact. At \$300 a foot you are talking close to \$1.5M and they stated that it does not make any sense financially to renovate but we don't have any dollars and cents to prove it. Can this be done for less than \$1.5-\$2M and what will be the resulting value of the property? We don't have any of that information. Whether the variance is substantial, it is clearly 9 feet 10 inches is substantial especially next to a lake. Lot coverage is a smaller ***inaudible*** community wide and protecting the lake we feel it is substantial. Adverse impacts, as I previously stated, obstructing views and sunlight and negative impact on Canandaigua Lake and setting a precedent for future applications because it is a very large setback variance. This was self-created. It was purchased for \$1.45M last year and then was transferred in March to the LLC. There was some justification due to an internal water break in February but the Larrabee's already owned the property at that point and I don't think that was really a justification. We feel that the Town and the ***inaudible*** got prior notice to these situations and there is no reason in this case ***inaudible***.

Mr. Bentley said I do appreciate your comments but I do want to respond to a few of your comments for the transparency of the group. So you made the comment that the house was only moved back one foot and that is inaccurate. The house in the corner you are concerned about was moved back six feet and it is one foot further out today than the current residence that is there. Just for clarity and I don't need any feedback. Secondly to address the concern with sunlight for your clients, in my opinion, I think that they are going to get more sunlight because that tree is coming down. I personally feel that because we have been very diligent in this process that the restructuring of what has been presented is a

phenomenal job. That is the purpose of the ZBA. We can make decisions that against that of the Code Enforcement Officer and that is the reason for the process of the ZBA. I just wanted to clarify as I read through your letter and for transparency because the public has not read that letter. We are all very transparent and what is said is that it is a foot further than the current residence not a foot moved in, it is moved in approximately six feet from where it was prior. Thank you for your comments.

Mr. Cohen said I guess I am a little confused about the six feet. Would it be possible for you to show me?

Mr. Cohen then approached the Board and Mr. Bentley reviewed the proposed layout with him.

Mr. Cohen said I guess what I don't understand is the setback is to that point.

Mr. Bentley said understood, but what I am talking about is the current house. Your concern is that it is going to obstruct your view and the current house is a solid structure and this is a pole and it is one foot further than the corner of the current house.

Mr. Cohen said so they backed up the pole but the roof.

Mr. Bentley said the roof is a pergola, am I understanding that?

Mark Bayer said the structure is open but the roof is solid to keep rain out, but the terrace is completely open.

Mr. Bentley said I am going to address that momentarily. I just wanted to clarify that it is one foot further than it is currently.

Mr. Larrabee said it is better than its current state.

Mr. Cohen said I will toss it back to Mr. Knauf in a minute, but I guess where I am confused, is if this structure is built can it be enclosed? My understanding is that once the structure is there it can be enclosed or screened in.

Mr. Bentley said that is correct. I am going to address that momentarily.

Ms. Bloom said I have a question about the trees because trees come and go. If they knock down trees then they can put up something else right? Structures don't, so I was just a little confused by your comment because on a temporary basis yes that would be the case with the trees but permanently something else can go there.

Mr. Bentley said I'm not following you.

Ms. Bloom said yes the trees are open for this owner at this time his plan is to remove the trees but something else could go up, we don't know.

Mr. Bentley said like what?

Ms. Bloom said arbor vitae or something else can go up.

Mr. Bentley said I can't control that.

Ms. Bloom said I can't either but here you have the ability to control structures which are more permanent.

Mr. Bentley said I'm going to address a little further. I just wanted transparency because your attorney said it moved in a foot and that is not factual. It moved in five feet and there is a foot further than it is today.

Mr. Knauf said let me clarify what I meant. My understanding was that the original proposal was the nineteen feet last month and now this month shows the twenty feet two inches. That is what I was talking about.

Mr. Bentley said that is the high water line, so it is based off the angle and to your point that line goes northward and eastward on the high water line. You have to measure it from the high water line and that six/five feet was nineteen feet from the mean high water line. Now it is moved in and because of that angle it is now 20.2 feet. Does that make sense?

Mr. Knauf said that was the foot I was talking about. I wasn't trying to compare it to what is there now.

Mr. Cohen said I guess I would ask Mr. Knauf to comment further on whether the standards should be on the building as it exists today or the regulations that exist today.

Mr. Bentley said I will tell you if that is the analogy you want I will give it to you because the way the building is today it is completely nonconforming. There is probably six variances on this page today. Our job if we grant an area variance it's to minimize the variance that we grant. I think from what was presented and what is there today we had hardscapes pulled out. The biggest thing that applicants will try to do that really goes against the grain of everything is that they remove hardscapes and then increase the size of the house. Which is in my opinion a way around my lot coverage went down but the size of the house went up. In this case the house goes down in size and the area variance goes down and the hardscapes go down.

Mr. Cohen said my understanding is the current footprint is about 2000.

Mr. Bentley said 2626 so it is going down about 20%. It is going down 400 square feet. When I was reading the attorney's letter that is all the things that are in the letter is that it is getting bigger and it's not. It is actually going down by about 20%.

Mr. Bentley said he will leave the public hearing open while the board goes through the deliberation process.

Mr. Bentley said I have a couple questions. I thoroughly applaud what you have done. I think, in my opinion, that you heard the concern of the neighbors. Removing the tree, I

can't tell you what to do with the tree. You heard their concern of the view and the sunlight and I think, from my perspective, you did a phenomenal job bringing it in. I just have one question that I really want to understand. I am not going to tell you that you can't have an open terrace that's not my position, but could you get away with not having a roof on that? As I stated in the beginning, there are roll out sunshades and many other alternatives and, in my opinion, we can eliminate a complete variance. I don't see the need for that because there are so many other alternatives if you want a covered porch. Then to ask for a 33% variance just for that post because if you remove that and you do an alternative it will still give you shade there. I heard you loud and clear that if you are sitting out at night and you want cover you will still have cover. So that is my concern. We have minimized and you have done a phenomenal job but I think we can eliminate that variance in its entirety. If we remove that roof we remove that complete variance and that's a 33% variance on the lakeside. It's not like it's two feet or four feet, it's ten feet. There are other alternatives in my opinion that you can achieve what you want to achieve without having that roof.

Mr. Larrabee said it does make sense but I would be concerned with the architectural look of it and the long term durability of what we would use in replace of a fixed structure and the cost associated with replacing that. Whether it is an awning that comes out that would still effectively obstruct the neighbors view.

Mr. Bentley said no disrespect to anybody I'm not addressing the neighbors view I am addressing the variance because in my opinion I think you can do something different to achieve the same result.

Mark Bayer said I understand the point but from our perspective one of the things that is very important about that space is this is lake living. It is the "room", it doesn't have walls, that they are going to spend the most time in. It's a one story low pitch roof.

Mr. Bentley said do you have elevation drawings?

David Bayer said the roof allows us to have lighting and fans, so it does allow us to have some things that you can't have with an awning.

Mark Bayer said it is a low pitch one story roof. It is just to give a little sun protection, rain protection and to have a ceiling fan to be able to enjoy lake living.

Mr. Bentley then verified with Mr. Cohen that he had seen the elevation drawings.

David Bayer said it is not screened and there is no foundation connecting under it. It's just pavers.

Mr. Bentley then asked for questions or comments from the board.

Hearing none, Mr. Bentley then closes the public hearing.

A letter from the Fox Family was read and will be placed on file with these minutes.

Mr. Bishop said my thought is, when the neighbors were talking about moving it back it would totally obstruct the view because of the house to the south. I think where they have located it on the parcel seems to be about right.

Ms. Oliver said I feel that the roof on the patio is essential and it will make the house look more appropriate from the lake. It will also shield them from the sun and the weather. They could sit out there in the rain and put a fan there. I feel that it is an important part of the construction.

Mr. Coriddi said as I said before they have done a great job addressing all the concerns we had last time they were here and putting it in plain English. I think it is a big improvement. I walked around the house today and it will be a huge improvement.

Mr. Lonsberry said I concur with the other Board members comments.

Mr. Goodwin said I have also gone down there and looked over the site. This house was abandoned for about three or four years and it was a mess. I think the corrections that have been made since our last meeting they have done an excellent effort to comply with the rules. I am also thinking about what Mike said about eliminating one variance if we could take the roof off of that corner. I think there are ways to do that with umbrella tables and sun shields. You can't have a ceiling fan but there are other ways of doing that, Mike is right. You have done an excellent job in complying with many of the rules.

Mr. Bentley then asks the following five (5) proofs:

(1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance –
6 NO / 0 YES

(2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance -
2 NO / 3 YES

(3) whether the requested variance is substantial –
4 NO / 2 YES

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district –
5 NO / 0 YES

(5) whether an alleged difficulty is self-created –
0 NO / 6 YES

Mr. Bentley said this application did go to the County and it was denied, so we have to have a majority plus one which means we need five.

Mr. Bishop made a motion to grant a 2.2% lot coverage variance to allow 27.25% lot coverage and a 9 foot 10 inch front setback variance to allow a front setback of 20.2 feet. Mr.

Lonsberry seconded the motion and the motion was carried with 5 voting Aye and 1 voting Nay.

5. NEW PUBLIC HEARING

ZBA #49-2024: LYNN & MICHAEL KLOTZ 7456 EAST MAIN STREET, LIMA, NEW YORK, 14485:

Requests an area variance in accordance to Article IV Section 31.4.10 of the Town of Gorham Zoning Local Law. The applicant is requesting relief to the maximum allowable lot coverage of 25% with a variance to allow a lot coverage of 40.8%. The property is located at 4554 Lake Drive and is zoned LFO Lake Front Overlay and R-1 Residential.

Wendy Meagher from Meagher Engineering presented the above application.

Ms. Meagher said I would like to go over the existing conditions first. The lot itself is substandard. It is about half the standard lot size. The existing cottage sits over the variance granted in the 80's or 90's. It also has a detached garage that is nonconforming that is about less than a foot from the side setback and 2.2 feet from the rear, which is the roadside. Some of the other nonconformities is obviously lot coverage but I think the reason that it is over from what was granted for is because I think it is to the building verses the overhang. We currently have granted variances for side setbacks of ten and twelve feet. This evening we are looking for lot coverage only but as you can see there is several nonconformities with the existing lot. The age of the cottage is about 127 years and it's seen it's life. It's time to put a new structure there for a retirement residence. A lot of the improvements that we have made to make it more conforming is we have included the overhangs with the setbacks, we have removed the detached garage to add an attached garage, we have reduced the driveway because there is a lot of pavement currently, but we have also introduced some pervious pavement to help with the maneuverability to the garage. In a small narrow lot you have to have a little more turnaround space but we wanted to reduce that. The other thing that we have done is we have introduced three bioretention ponds that will be very inconspicuous, basically like a depressed lawn area, but it will have filtering components to help with the water quality and quantity. The existing having 50.1% lot coverage, which is a lot, but it has no stormwater management whatsoever. With us reducing the lot coverage by 20% we are also introducing stormwater management for quantity and quality of the stormwater. The lot coverage is currently 50.1% and we are reducing it to 40.8%. Again, the hardship is the size of the lot and putting an average home on it of about 2500 square feet of living area. We are minimizing the paved area but we did do a lot of work to introduce some stormwater on the lot as well.

Mr. Bishop said for the side setbacks what are you asking for because on your drawing here you say the minimum side setback in LFO is twelve feet and it is fifteen.

Ms. Meagher said yes.

Mr. Bishop said and I don't see any measurements here of what the side setbacks are.

Mr. Bentley said it is fifteen but you are asking for ten on both sides.

Ms. Meagher said we are asking for ten and twelve which are preexisting setbacks that were granted and grandfathered with those setbacks.

Ms. Klotz said those were granted to a previous owner in 1989. It is apart of the documents that we "FOILed".

Mr. Bentley said that was the first one in eleven years.

Ms. Meagher said so legally we are only asking for the one variance. The existing cottage with the detached garage with the detached garage being less than a foot from the side setback the rear setback of 2.2 feet and we are taking that detached garage and removing that entirely. We are adding an attached garage to make the setbacks in compliance with the current code and granted variances prior. We are also reducing the lot coverage by 20% being that it is 50 down to 40.

Mr. Bentley said let me go back, you said you took the garage that is nonconforming and you are making conforming.

Ms. Meagher said correct.

Mr. Bentley said I am completely confused by this drawing and I will tell you why and you can probably answer probably a lot of them. What is the current footprint of the house?

Ms. Meagher said the current footprint of the house and square footage is 1645.9

Mr. Bentley said so 1646 and what is the size of the garage?

Ms. Meagher said the size of the garage I don't have that broken down.

Mr. Bentley said I got it, it's on the first page. So actually you are going to add 235 to that for 1871 as the size of the house because it's the overhangs, right? It says 1645 plus 234.

Ms. Meagher said that's overhangs.

Mr. Bentley said so then that's 1871. There's a gravel path and the patio is 823 square feet?

Ms. Klotz said there are two patios, one in the front and one in the back.

Mr. Bentley said the retaining wall is 201 square feet, is that correct?

Ms. Klotz said yes.

Mr. Bentley said so that is 50%. So that's 2696 plus 201 is 2897. This is the first time I've seen anything like this so I appreciate it.

Ms. Meagher said I apologize for it lacking color.

Mr. Bentley said so we want to go up in the size of the house, so the current is 1910 and you want to go up about 14% in the size of the house. The proposed lot coverage for the driveway is 881 and you are at?

Mr. Klotz said 1133.

Mr. Bentley said so you are going down which is where you get my attention and then you are taking out the retaining wall?

Ms. Meagher said so we are actually building the house the finished floor, the main lower level, up about five feet so we are bring the whole house up. If you look at the adjacent house to the north it sits up considerably. So we are looking to raise it to make it conform to the neighboring property.

Mr. Bentley said when did you buy this house?

Ms. Klotz said 2013.

Mr. Bentley said so 394 for the deck and there is currently no deck.

Ms. Klotz said we don't have any decks, we just have a lot of patio. We have 823 for patio.

Mr. Bentley said so you have 823 for patio and you are going down 400, so that makes me feel a little better.

Ms. Meagher said so the nonconformities as is the lot size, both side and rear setback because they are .4 feet, 8.6 feet and 11.1 feet. The rear setback is 2.2 feet currently and we are making all of that into compliance. Again, we are just requesting lot coverage which I understand seems like a lot because of the fact that it is such a small lot. Also, there is no stormwater practices in place.

Mr. Bentley said but your stormwater management is not part of your lot coverage, right?

Ms. Meagher said it is not but I guess my point is that even though we are over lot coverage we are taking excessive stormwater from the impervious and we are treating it both for quantity and quality. So we capture all of it and treat it before it goes to the lake.

Mr. Bishop said so in your existing lot coverage calculations and your new ones, does that include the garage on both of those?

Ms. Meagher said yes. It includes the garage and anything impervious.

Mr. Bishop said the existing you don't have the garage listed out separately, so that is included in there?

Ms. Meagher said I think we put both buildings together.

Ms. Klotz said it is twenty six by twenty.

Mr. Bentley said the house today is 1600?

Ms. Meagher said it is about 1871.

Mr. Bentley said is this even correct because you have a framed garage to be removed that is 540 square foot that isn't even on here.

Ms. Meagher said it's included in that.

Mr. Bentley said it can't be if the house is 1871.

Ms. Meagher said that is both buildings. Both buildings are 1645.9 square feet, house and garage. We are proposing house and garage and on the other one we put both house and garage square footages together.

Ms. Klotz said we love the cottage. We love the location. We are invested in the community. We are invested in the Town and we would like to retire here.

Mr. Chapman of 4558 Lake Drive said my wife Jessica and I are the Klotz's immediate neighbors to the south. The Klotz's are of good character and good judgement. They are great neighbors and we would encourage you to grant their variance. They take great pride in their stewardship of the lake and their lake front property. We have reviewed the site plans and have had conversations with them. We think their finished project vision will benefit not only their property but their neighborhood as a whole. I wanted to weigh in on the positive side to grant their variance for lot coverage.

Mr. Thomann of 4546 Lake Drive two houses north. They showed me their plans and I have no problems with it.

A letter from the Carol Haisch was read and will be placed on file with these minutes.

Mr. Bentley summarized the letter as a letter of support for this application.

Mr. Bentley then asked for any other further questions or comments from anyone present or on Zoom. Hearing none, he then closed the public hearing.

Mr. Bishop said Jim, can you clarify the existing variance?

Mr. Morse said the existing variances are forever and that is the only time I like to use the term 'grandfathered in'.

Ms. Oliver said and they are to the property not the structure?

Mr. Morse said they stay with the property indefinitely.

Mr. Lonsberry said so we have an existing variance of twelve feet. Is that what you're telling me?

Mr. Bentley read the following from the previously granted variance:

“Now therefore it be resolved that the application #98-159 of Douglas S. Riker, owner of property 4554 Lake Drive for an area variance to the Town of Gorham Zoning Ordinance to build residential additions be approved: A motion was made to grant a 3 foot variance for a setback of 12 feet on the north side and a 5 foot variance for a 10’ setback on the south side”

Mr. Lonsberry said the footprint of the house here that you have displayed includes the eaves?

Ms. Meagher said it does. The dashed lines show the overhangs and we have kept those overhangs within those setbacks.

Mr. Bentley then asks the following five (5) proofs:

(1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the variance –
5 NO / 0 YES

(2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance -
4 NO / 1 YES

(3) whether the requested variance is substantial –
5 NO / 0 YES

*Mr. Bentley said I’m going to clarify that the requested variance is not substantial by the fact that the variance is being reduced to the current lot coverage because the variance is substantial based off the guidelines of this Board.

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district –
5 NO / 0 YES

(5) whether an alleged difficulty is self-created –
0 NO / 5 YES

Mr. Bentley made a motion to grant a 15.8% lot coverage variance to allow 40.8% lot coverage. Ms. Oliver seconded the motion and the motion was carried with 6 voting Aye and 0 voting Nay.

6. NEXT MEETING

The next regular meeting of the Zoning Board of Appeals will be held on Thursday, June 20, 2024 at 7:00 p.m. at the Gorham Town Hall, 4736 South Street.

7. ADJOURNMENT

■ A motion was made by MR. BENTLEY, seconded by MR. LONSBERRY, that the meeting be adjourned.

Motion carried by voice vote.

The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

_____ L.S.
Michael Bentley
Chairperson of the Zoning Board of Appeals