

**Town of Groveland
Zoning Board of Appeals**

Public Hearing/Meeting

November 15, 2010

Zoning Board of Appeals members present: Ron Merrick, Chairman, David Doty and Phil Livingston

Also present: CEO Ron Maxwell, Jerome and Linda Beiermann

Chairman Ron Merrick opened the meeting at 7:00 PM

Review and approval of the 10/18/2010 ZBA meeting minutes. Motion by Phil Livingston to approve the minutes as submitted; seconded by David Doty. Motion carried.

Chairman read the public hearing notice for the application of Jerome and Linda Beiermann for two side setback variances on property located at 5603 West Lake Road for a pre-existing deck fails to meet the side setback requirements of no less than 6' pursuant to Article III, Section 27, F, 2 of the Zoning Laws of the Town of Groveland. To bring the property into compliance would require a 5' south side setback variance and a 1' north side setback variance.

The Chairman stated that the County Planning Board had no comments for or against the variance. No correspondence was received from the public for or against the variance.

Mr. Beiermann addressed the Board and explained that they were attempting to sell the property and zoning permits of record are part of the requirement of the sales contract.

Ron Maxwell said that he checked back for permits and found one in 1969 for an addition to the house to square it up and another one in 1972 for an addition to the front of the house for a kitchen. No additional permits were found.

Mr. Beiermann said they bought the property 15 years ago with the deck already existing and there was no mention of producing a permit for the deck at that time. He showed on a survey map dated 5/14/1987 & filed with the Zoning Application, the location of the deck and the steps and explained that the deck is less than a foot from the property line. He also pointed out a set of steps that are not attached to the deck that go right thru the property line. He is requesting the variance in order to keep the deck in place. They have done nothing additional to the deck with the exception of replacing pre-existing boards/railings. He also stated that the property at 5605 West Lake Road sold last year. The new owner does not have issues with the deck or the steps. The neighbor on the north side is rarely there but has never expressed an objection.

The Board discussed stipulations if the variances are granted. The stand alone stairs were discussed and the CEO stated that he does not issue permits for stairs.

They completed an area variance findings report. Results are as follows:

1. Would undesirable change be produced in character of neighborhood or detrimental to nearby properties: No, pre-existing deck.
2. Could same benefit be achieved by a feasible alternative to the variance: Yes, the deck could be modified.
3. Is the requested variance substantial: Yes
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: No, pre-existing.
5. Was the alleged difficulty self-created: No, pre-existing.

CEO stated that this is a type 2 action and does not require SEQR.

Motion by David Doty to approve a 5' south side setback variance and a 1' north side setback variance with the following stipulation: Any future structural modification to the deck, as shown on the survey map, dated May 14, 1987 and redated 1/22/1996, submitted with the application will require compliance with the current Town Zoning Ordinance.

Motion by Phil Livingston to adjourn the meeting at 7:40 PM, seconded by David Doty. Motion carried.

Respectfully submitted,

Karol Thomas
Recording Secretary