

Town of Groveland Zoning Board of Appeals

Public Hearing June 21, 2010

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

Also present: CEO Ron Maxwell and Councilman Burt Lyon, John Polito, L. William Benton and Chris Wegener.

Chairman Ron Merrick opened the meeting at 7:00 PM and read the public hearing notice.

Mr. Benton was present and explained his appeal for a side setback variance of 3 +/- feet and a front setback variance of 12 +/- to construct a 22' by 21' garage on property located at 6049 West Lake Road. Mr. Benton explained that there currently is a shed on the property and they would like to remove the shed and put up the garage in the same location. He submitted pictures of the house and paver tile sidewalk and a picture of the proposed garage. The only correspondence regarding the appeal was from Madeline Erickson, a neighbor, giving Mr. Benton permission to build the garage. There were no other comments from neighbors for or against the variances. Tim Sullivan, a resident residing on Barber Hill Road stated that he believed the garage could be build without a variance by moving the garage closer to the house and in doing so eliminate the need for the front and side setbacks. Mr. Benton explained that in order to pull into the driveway and make the turn it would be better to build it as he has proposed. He stated that if the garage was build without the variances, the garage would partially block the view from the front porch.

The Board considered the following questions:

1. Will an undesirable change be produced in the character or the neighborhood or will a detriment to nearby properties be created by granting the variance? Answer: no
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Answer: Yes, but the Board feels it would interfere with the aesthetics of the property.
3. Is the required variance substantial? Answer: yes.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Answer: no.
5. Is the alleged difficulty self-created? Answer: yes.

Motion by David Doty to approve a 3 foot side setback variance and a 12 foot front setback variance to build a 22' by 21' garage on property located at 6049 West Lake Road, seconded by Phil Livingston. All in favor, motion carried.

Chris Wegener, a contractor was present on behalf of Kwok Y and Lalman Wong, owners of the property, for a side setback variance of 4 +/- feet and a front setback variance of 40 +/- feet to construct a 22' by 24' garage on property located at 5893 West Lake Road. The Board asked Mr. Wegener about the electric service and he stated that the meter would be at the garage and underground to the house and that the line will be placed over the sewer line. The Board discussed the option of running the electric service overhead to the house. Mr. Wegener also stated that the homeowner signed and notarized an agreement with Livingston County Water and Sewer Authority regarding the water and sewer r-o-w allowing them a 10 foot variance. The agreement is on file in the Town Clerks Office. The Code Enforcement Officer

suggested that they have the boundary lines staked before construction to make sure of proper placement of the garage. Wegener stated that the garage will be set back 8 feet farther than the neighbor's garage. He also said they would only be requesting a 2 foot side variance. The Board has not received any written comments or complaints from the neighbors or the public. Tim Sullivan, a resident residing on Barber Hill Road stated he was opposed to the variances because it only leaves a 35' front setback and the water and sewer r-o-w is 20 feet. The Board discussed making the garage smaller but the variances would still be required. The Board considered the following questions:

1. Will an undesirable change be produced in the character or the neighborhood or will a detriment to nearby properties be created by granting the variance? Answer: no
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Answer: no.
3. Is the required variance substantial? Answer: yes.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Answer: no.
5. Is the alleged difficulty self-created? Answer: yes.

Motion by David Doty to approve a 2 foot side setback variance and a 40 foot front setback variance with the stipulation that the survey stakes are in place before construction commences, seconded by Phil Livingston. All in favor, motion carried.

John Polito, a neighbor was present to represent Charles McLaughlin for his renewal of a special dock and mooring permit for property owned by him located at 5675 West Lake Road. Mr. Polito had a map of the area and explained the layout of the docks. He stated that the neighbor on the south has complained in the past and Mr. Polito has tried to resolve the issues with him but they are still not completely satisfied. The Board has not received any other comments or complaints from the public.

Motion by Ron Merrick to approve the renewal of the dock and mooring permit at 5675 West Lake Road for a term of three years, seconded by Phil Livingston. All in favor, motion carried.

Review and approval of the 4/19/2010 ZBA meeting minutes. Motion by Ron Merrick to approve the minutes as submitted, seconded by Phil Livingston. Motion carried.

Review and approval of the 1/18/2010 joint meeting minutes. Motion by Ron Merrick to approve the minutes as submitted, seconded by Phil Livingston. Motion carried.

Motion by Ron Merrick to adjourn the meeting at 8:05 PM, seconded by David Doty. Motion carried.

Respectfully submitted,

Karol Thomas
Recording Secretary