

**Town of Groveland
Zoning Board of Appeals**

Public Hearing/Meeting

January 17, 2011

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

Also present: David McConnell

Chairman Ron Merrick opened the meeting at 7:00 PM

Review and approval of the 11/15/2010 ZBA meeting minutes. Motion by David Doty to approve the minutes as submitted; seconded by Phil Livingston. Motion carried.

Chairman read the public hearing notice for the application of David McConnell for a rear setback variance of 15 feet +/- to construct a 12' by 20' addition at property located at 4864 Maple Beach Road. The variance is needed pursuant to Article III, Section 24, F, 1 of the Zoning Laws of the Town of Groveland that requires a minimum of 30 feet for a rear setback.

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. McConnell addressed the Board and explained that the garage is currently 15 feet from the rear property line and the house is 27' from the rear line. The addition to the house would be in line with the garage. He explained that he owns about an acre of land; he stated that the land in the rear of his is woods and swamp and there is also a pond farther back. He said he tried to buy a ½ acre of the adjoining land but there was a mortgage on the land and the mortgagee would not release any of the land from the mortgage. He would like to use the addition for a laundry and utility room and also for storage. Mr. McConnell said Mr. Rhodes, the neighbor, does not have any concerns and had a letter from him signing off.

David Doty stated that this variance is a type 2 action and does not require SEQR.

The Board 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.
2. Could same benefit be achieved by a feasible alternative to the variance: No, applicant made an attempt to buy more land to avoid the variance.
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.
5. Was the alleged difficulty self-created: Yes, requesting substantial variance.

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Motion by David Doty to approve a rear setback variance of 15' to build a 12' by 20' addition to the existing house, seconded by Phil Livingston. All in favor.

Chairman stated that he and the Chairman of the Planning Board attended the January Town Board meeting and reported that the Town Board is going forward with the Zoning Ordinance draft and is in the hands of the Town Attorney for review.

The Town Board also discussed consolidation of the Zoning Board of Appeals and the Planning Board. They have confirmed that it is legal to do so and there will have to be a Public Hearing, possibly as soon as March.

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

Respectfully submitted,



Karol Thomas

Recording Secretary