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Town of Groveland

Town of Groveland
Zoning Board of Appeals

Meeting
Monday, October 15, 2012

Zoning Board of Appeals members present: Ron Merrick, Chairman, Phil Livingston, Courtney Burnette, William Magee, Kevin Niedermaier and Patricia Johnston, Alt.

Also present: CEO Ron Maxwell and Arnold Dueppengiesser and Louis Brothers

Chairman Ron Merrick opened the meeting at 7:00 PM and read the public notice for the application of Arnold Dueppengiesser, Jr. for a side setback variance of five feet to install a detached 6' by 8' vinyl storage shed on property located at 5907 West Lake Road in the Town of Groveland and the application of Louis Brothers for the renewal of a conditional use permit to operate a retail business for the sale of used vehicles on property located at 7497 Route 63, Groveland Station.

Dueppengiesser variance:

The Chairman asked Mr. Dueppengiesser to explain his reason for the variance. He had a photo of his property showing where he wanted to place the storage shed. The photo showed an exhaust fan protruding over the boundary line from the adjacent property (Beachcomber Restaurant). Mr. Dueppengiesser said that he wanted to put the shed directly in front of the exhaust fan to block the view of the fan. The grill connected to the exhaust fan sits on a cement slab. Arnold said that when he bought the property in 1998 the cement slab was there but the grill was installed around 2000-2001. He said that the Beachcomber does not have an easement to clean the exhaust fan so in order to do so they would have to trespass on his property. He said the fan does produce heat and grease drips from it but he does not feel that the heat is not enough to damage the vinyl siding on the shed if it was located there. Kevin suggested checking with the Livingston County Health Department to see if a permit was ever issued to the Beachcomber to install the grill and for compliance with the NYS sanitation code. The Chairman asked if they should table any action to collect more information regarding a permit and sanitation compliance. Arnold then asked the Board if they would consider approving his variance if he moved the shed farther away from the exhaust fan stating that he wanted to install the shed before the weather got too cold.

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

The Board considered the following questions:

1. Can the benefit be achieved by other means feasible to applicant: Yes
2. Is there an undesirable change in neighborhood character or to nearby properties: No
3. Is the request substantial: yes
4. Will the request have adverse physical or environmental effects: No
5. Is the alleged difficulty self-created: Yes

Motion by Kevin Niedermaier to approve a 3 foot side setback variance to install a 6'x8' storage shed on property located at 5907 West Lake Road with the condition that the shed be located 4 feet east of the exhaust fan, seconded by Courtney Burnette. All in favor.

Renewal of Conditional Use Permit:

Mr. Brothers was present and said that he wanted to continue the business the same as he has in the past and when asked how many cars he has at any given time his response was that it varied but usually is around 10-14 and they are parked 30' back from the road.

The Chairman stated that no correspondence or comments have been received from the public for or against the requested variance. The County Planning Board had no comments for or against the renewal.

Motion by Phil Livingston to approve the renewal of the conditional use permit granted to Louis Brothers to operate a used vehicle business at 7497 Route 63 at Groveland Station for a term of 3 years, seconded by William Magee. All in favor.

Motion by William Magee to adjourn the meeting at 7:55 PM, seconded by Kevin Niedermaier. All in favor.

Submitted by
Karol Thomas
Recording Secretary

Karol Thomas