

**Town of Groveland  
Zoning Board of Appeals**

**Public Hearing July 21, 2014**

Present: Chairman Ron Merrick, Courtney Burnette, and Pattie Johnston, Alt. filling in for Peter Dolan.  
Absent: Peter Dolan, William Magee and Phil Livingston.

Also present: CEO Ron Maxwell, Mr. & Mrs. Richard Kronthaler, Scott & Lynn Woodworth, Karen Roche, court stenographer hired by Mr. Woodworth and Mr. Phillips (neighbor of Scott Woodworth.)

The Chairman opened the public hearing at 7:00 PM and read the public notice to hear the applications of Richard Kronthaler and Scott Woodworth.

Kronthaler hearing: Application requesting a front setback of 65', a north side setback of 2' and a lot coverage variance to demolish an existing garage and rebuild a 21' by 21' garage attached to the existing house located at 5637 West Lake Road. The garage construction fails to meet the maximum lot coverage requirement of 35% pursuant to Article III, Section 27 E. The front setback requested fails to meet the minimum requirement of 75' from the centerline of West Lake Road and the side setback requested fails to meet the minimum requirement of 6' pursuant to Article III, Section 27 F, 1 & 2 of the Zoning Ordinance. Mr. Kronthaler handed the Chairman statements signed by Ann Monroe-Baillargeon and Lorraine Kelly, adjacent neighbors both stating that they have no objection to his project. Mr. Kronthaler said the existing garage lies within the NYS right-of-way and will need to be demolished. He wants to build a new garage farther east out of the NYS right-of-way attached to the cottage. He said the existing building is 2-1/2 feet from the north property line. The garage will be poured wall construction with a steel deck. The existing garage is 305 sq. ft. and he wants to replace it with a 441 sq. ft. garage which would increase the lot coverage to 50.25% VS the current 47.5% lot coverage. The lot coverage includes 700 sq. ft of decking. CEO stated that when a building is on a State right-of-way the building can be rebuilt, repaired or maintained. Due to the condition of the building he has to demolish it and can rebuild a new garage of the same square feet as the old garage out of the NYS right-of-way. Mr. Kronthaler asked about acquiring land from the neighbor to reduce the lot coverage. CEO said that he would be able to do that as long the neighbor's lot continues to be a conforming lot after the sale.

The Board completed the variance finding report with the following results:

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? No, it is an improvement.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? No.
3. Is the requested variance substantial: No, no increase needed.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No, pre-existing.
5. Is the alleged difficulty self-created: No.

Motion by Courtney Burnette to grant a variance to demolish the existing garage at 5637 West Lake Road and build a new garage of the same square footage out of the State right-of-way, seconded by Pattie Johnston. All in favor.

Woodworth hearing: Application of Scott Woodworth requesting a front setback of 50' to build an addition and alteration to the existing house located at 5903 West Lake Road. The front setback requested fails to meet the minimum requirement of 75' from the centerline of West Lake Road pursuant to Article III, Section 27 F, 1 of the Zoning Ordinance. Mr. Woodworth stated that a concern with past variance requests was opposition by neighbors and he has made modifications to the plan.

Reduced footprint to 20' in length and is asking for a 25' setback variance. Meets all other setbacks and handed out a revised proposed project diagram listing lot coverage and setbacks for the project. Mr. Phillips, the neighbor on the north side expressed concern that the project might affect his property value. Mr. Woodworth handed out an appraiser's statement that he received via email stating that there was no reason to believe that this would negatively affect property values. He handed out two pictures taken from WLR showing the character of the community stating he did not feel it was out of place with the neighborhood and that the benefit to them is great as they age and nil to the community. The Chairman said that the setback he was asking for is excessive. Mr. Woodworth handed out two separate documents he prepared showing variances approved by the Zoning Board since 2008 to substantiate that his request is not excessive compared to them. The CEO explained that the Board makes decisions based on the individual circumstance of each case. Mr. Woodworth handed out a document of area variance factors similar to the variance findings report that the ZBA completes for every area variance they hear. Courtney Burnette said that some of the Board members that were present for those decisions are no longer on the Board and they have no control over what was done in the past. Mr. Woodworth handed out a fire assess ability document that he prepared stating that he exceeds the minimum that is required and a roof runoff document that he prepared with pictures showing swale elevations on the property stating that they used to have flooding in the basement until the swale was built. He said their architect told them they would be able to put the bedroom on the bottom floor and the garage on top. He also said they do not need flood insurance if they are 2' out of the flood zone.

The Board completed the variance finding report with the following results:

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? Yes, an excessive variance is being requested.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes.
3. Is the requested variance substantial: Yes, asking for 25 feet or 33%.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes.
5. Is the alleged difficulty self-created: Yes, they are requesting a building addition.

Mr. Woodworth said he was not asking for anything detrimental to the neighborhood and the advantage to them as they age is substantial. The CEO commented that a variance would make an already non-conforming lot worse. Mr. Woodworth handed the Chairman a 3 ring binder of his variance application modification #3 and requested that it be made part of the record.

Motion by Pattie Johnston to deny the front setback variance requested by Scott Woodworth, seconded by Courtney Burnette. All in favor.

Review and approval of June 16 meeting minutes: Motion by Courtney Burnette to approve the meeting minutes as submitted, seconded by Pattie Johnston. All in favor.

Motion by Courtney Burnette to adjourn the meeting at 9:05 PM, seconded by Pattie Johnston. All in favor.

Submitted by,  
Karol Thomas  
Recording Secretary