

**Town of Groveland
Zoning Board of Appeals**

Public Hearing - April 21, 2014

Present: Chairman Ron Merrick, Phil Livingston, William Magee, Peter Dolan and Pattie Johnston, Alt.

Absent: Courtney Burnette

Also present: Ron Maxwell, CEO, Scott Woodworth, Thomas and Alice May, Daniel Better, Tim Barrett and Arnold Duppenguissier.

Chairman called the meeting to order and read the public notice to review the application of Scott Woodworth for a front setback variance at 5903 West Lake Road and the application of Thomas May for a side setback variance at 5909 West Lake Road.

Hearing for Scott Woodworth variance: The Chairman started off by saying that the members reviewed the information that Mr. Woodworth provided prior to the hearing and even though he made modifications to his original plan it does not satisfy the objections submitted by the neighbors.

Discussed accessibility of fire equipment between the Woodworth's proposed construction and the house on the south side. Mr. Woodworth's diagram shows a distance of 10'3". Dan Better measured the distance and came up 8" shorter. Mr. Woodworth stated that there was a mistake in the survey map. A survey done in 1985 shows the pin by the lake shore set at 83 degrees, 10' 0". The pin by the road was okay. He also had a copy of a boundary line agreement signed by Mr. Better agreeing to the location of the south boundary line. Mr. Better said that on the map the lot is 190' long but had a photo showing that 10' of it is beyond the high water mark and if taken into consideration the proposed construction would be over the maximum lot coverage. Ron Maxwell clarified the high water mark location by saying that they start their measurement 5 feet back from 817 feet. The current high water mark is 818.7 feet.

Mr. Woodworth said the Water & Sewer Authority had no issue with the construction as long as they are 8' from the manhole cover. Mr. Woodworth pointed out a jog in the new construction to comply with the 8' clearance needed.

Mr. Woodworth handed out an overhead photo of the surrounding area as evidence that they comply with the character of the neighborhood. He also compiled a list of variance decisions made by the Town since 2008. Ron Merrick said that the decisions are made on an individual basis. In all of the decisions there were no unresolved objections from neighbors. He also said that since the exact location of the pins that affect the south boundary line are disputed the board unsure as to the correct boundary line.

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

1. Can the benefit be achieved by other means feasible to applicant: Yes, reduce the footprint of the new construction.
2. Is there an undesirable change in neighborhood character or to nearby properties: Yes, the neighbors are opposed because their view will be obstructed by the construction.
3. Is the request substantial: Yes, due to the narrow lot size and substantial front setback requested.
4. Will the request have adverse physical or environmental effects: Yes, the effect of runoff to neighboring property.
5. Is the alleged difficulty self-created: Yes.

Motion by Peter Dolan to deny approval of the setback variance at 5903 West Lake Road because it does not meet the zoning law requirements; seconded by William Magee. All in favor.

Hearing for Thomas May variance: Alice May said they want to rebuild the cabana located on the north side of the property and utilize the existing foundation. They want to relocate the grill hood to redirect the exhaust away from the property on the north side. Currently there is a zero setback for the structure and there was discussion as to whether or not the overhang and rain gutter should extend over the north boundary line. Mr. Duppenguizer, the neighbor on the north side said he did not object to the overhang and was happy with the changes. It was suggested that the hood exhaust be discharged up out of the roof or in an easterly direction.

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

1. Can the benefit be achieved by other means feasible to applicant: No, because they intend to use the existing foundation.
2. Is there an undesirable change in neighborhood character or to nearby properties: No, there was positive feedback from the neighbor located on the north side.
3. Is the request substantial: No
4. Will the request have adverse physical or environmental effects: No.
5. Is the alleged difficulty self-created: Yes.

Motion by Peter Dolan to approve the zero side setback variance to rebuild the cabana at 5909 West Lake Road and relocate the exhaust hood so it discharges out of the roof or to the east, seconded by Phil Livingston. All in favor.

Review and approval of February 17, 2014 minutes. Motion by Peter Dolan to approve the minutes as submitted, seconded by William Magee. All in favor.

Motion by William Magee to adjourn the meeting at 8:50 PM, seconded by Pattie Johnston. All in favor.

Submitted by
Karol Thomas, Recording Secretary