

**Town of Groveland
4955 Aten Rd.
Zoning Board Minutes
November 16, 2020
7:02 to 7:50 PM**

Members Present:

Peter Dolan, Acting Chair
Rick Sleggs
Pattie Johnston

Code Officer:

Ron Maxwell

See attached sign-in sheet for signatures of those in attendance.

Applicants:

Christian Mayoros
Kelly G. Flaitz

Excused:

William Magee
Courtney Burnette

1. CALL TO ORDER.

Peter Dolan, Acting Chair for this zoning meeting opened it at 7:02 PM. There was a quorum present. P. Dolan began the meeting by reading aloud the two Public Hearing Announcements for Christian Mayoros, and Jacob and Kelly Flaitz. The Public Hearings had appeared in the Livingston County News on October 8, 2020.

PUBLIC HEARING: Mayoros.

P. Dolan invited Christian Mayoros to come forward and speak about the existing decks that did not meet code. C. Mayoros explained that he had purchased the house without realizing the decks had not been properly permitted. Evidently, several owners prior to his occupancy had built and not met code. C. Mayoros, however, wished to obtain variances and “make the permitting right.” One side of a deck is about one inch from the property line, and the other lower deck on the south side appears that an owner had covered up concrete that was now crumbling. C. Mayoros wishes to put in a patio. Thus, he is requesting a 6-foot south side yard setback. On the north side yard setback, the existing deck requires a 3-foot 11-inch setback variance from the property line. Putting in concrete for a patio will not count as lot coverage if it is just concrete, said CEO Maxwell. The existing wood deck on the north side will be taken out and new concrete put in. However, if a structure is ever built on top of the concrete, the current owner will have to return to the ZBA. Based on a neighbor’s letter (which is in the official file), there is no issue with the above plans, added CEO Maxwell.

This project was discussed a bit more between ZBA members and the applicant. Acting Chair Dolan next proceeded with the five questions necessary to consider the granting of an area variance.

1. *Will an undesirable change be produced in the character of neighborhood, or will a detriment to nearby properties be created by granting the variance?*
No. Condition already exists.
2. *Can the benefit sought by the applicant be achieved by some feasible method other than a variance?*
No. Limited by the size of the property.
3. *Is the requested variance substantial?*
No. It is pre-existing condition.

APPROVED

4. *Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?*

No. It will probably improve the area.

5. *Is the alleged difficulty self-created?*

No. It was pre-existing.

P. Dolan read the SEQR II action which applies as follows: #(12) construction, expansion or placement of minor accessory/ appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds, or other buildings not changing land use or density.

CEO Maxwell reported that this variance request, and the one to follow this evening, were both sent to Livingston County Water and Sewer Authority (LCWSA) and no problems existed. County Planning had also considered each variance requests a matter of "local option."

Rick Sleggs made the motion to approve the variance requesting a 6-foot south side yard setback variance, and a 3-foot 11-inch north side yard setback for the existing deck/s. It is understood that should a structure be placed on a deck; the applicant must return to the Zoning Board for a proper permit.

Pattie Johnston seconded the motion.

All in favor: Pattie Johnston-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

The necessary form was signed and will be forwarded to the Secretary.

C. Mayoros thanked the board and left the Town Hall.

2. PUBLIC HEARING: Flaitz

Acting Chair Dolan next requested that Kelly Flaitz come forward and present the next variance request. (Her husband was not able to be in attendance.)

Kelly Flaitz came forward and explained that her purpose this evening was to request a variance in order to place a shed on their property. There was a change in the building of a one-car garage that they had originally hoped to erect. They now would like to put up a shed instead. The shed structure will be 12 feet x 22 feet. P. Dolan questioned whether the variance application will have to be changed. Of note, three neighbors have no problem with a shed. (P. Dolan had also spoken to the neighbors also.)

CEO Maxwell said the front yard setback variance will remain the same as it will still need to be 6 feet from both side yards. (Of note, they have a West Lake Road address, but the residence is actually on a private road.) CEO Maxwell continued and stressed the need to be at least two feet from each State right-of-way. K. Flaitz said they are also trying to avoid the sewer and avoid being too close to the highway. LCSWA stated in a conversation, memorized in a letter that they have no objection to the building of a shed on the Flaitz property, as long as they stay outside the sewer easement. This easement is 10 feet from the sewer main, east, and west.

APPROVED

CEO Maxwell suggested the building site be staked out before construction begins; then LCWSA could check it before building commences, and ensure it is not on the state property. This would be in writing and CEO Maxwell will check to be sure it is away from the State right-of-way also.

The exact variance specifics were discussed. It is actually a front yard setback of 52 feet and lot coverage is approximately 33%. CEO Maxwell verified that, although the building will be smaller, the variance language remains for a front yard setback of less than 75 feet.

At this point, Acting Chair Dolan read the SEQR Type II #(12) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds, or other buildings not changing land use or density. Then the five questions necessary for an area variance were answered.

1. *Will an undesirable change be produced in the character of neighborhood, or will a detriment to nearby properties be created by granting the variance?*
No. It is consistent with the neighborhood.
2. *Can the benefit sought by the applicant be achieved by some feasible method other than a variance?*
No. The front yard is the only feasible location -- the back yard is the lake.
3. *Is the requested variance substantial?*
Yes. However, less than 50%.
4. *Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?*
No. It might actually improve it as the shed could be used for inside storage.
5. *Is the alleged difficulty self-created?*
Yes. They wanted to build a shed.

Pattie Johnston made the motion to grant the 52-foot front yard setback variance.

Rick Sleggs seconded the motion.

All in favor: Pattie Johnston-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

CEO Maxwell asked the Flaitz's to bring in the plans/paperwork soon and to check with the power company to ensure the building height will not encroach upon utility wires. K. Flaitz thanked everyone and left the Town Hall.

The variance was signed by those present and will be forwarded to the Secretary who was excused this evening.

2. CONSIDER ZONING BOARD PAST MINUTES FROM AUGUST 17, 2020.

The above was next considered for approval/comments.

APPROVED

Pattie Johnston made the motion to approve the above minutes as presented.

Rick Sleggs seconded the motion.

All in favor: Pattie Johnston-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

4. ADJOURNMENT.

There being no further business to conduct, Acting Chair Peter Dolan adjourned the meeting at 7:50 PM.

Submitted by,

Diane McMullan, Secretary
Planning/Zoning Boards

dmm

Attachments: 1) Public Hearing Notices
2) Public Hearing Attendance Sign-In Sheets

**PUBLIC HEARINGS NOTICE
TOWN OF GROVELAND**

Notice is hereby given that the Town of Groveland **Zoning Board of Appeals** will hold Public Hearings at the Groveland Town Office on Monday, November 16, 2020 starting at 7:00 p.m.

At that time, an application by Christian Mayoros of 5621 West Lake Rd., Conesus, tax map #100.75-1-7 will be considered for the following variances: a 6 ft. south side yard setback and a 3 ft. 11 in. north side-yard setback for an existing deck.

Immediately following that hearing, an application by Jacob and Kelly Flaitz of 5775 West Lake Rd., Conesus, tax map #109.27-1-12 will be considered for the following variance: a front yard setback that is less than the 75 foot depth required by code from the centerline of West Lake Road. The purpose for their variance is to build a one-car garage.

Beginning at the above times, at these public hearings, the Zoning Board will hear any person or persons in support of, or in opposition to, said variance applications.

Anyone wishing to express an opinion in writing may also do so. The above variance application files may be viewed in the Town Clerk's office located at 4955 Aten Road, Groveland NY, 14462, during the normal office hours. Please call 585-243-1750 first.

Courtney Burnette, Chair
Zoning Board of Appeals

LCN Run Date: Oct. 8, 2020

Town of Groveland Zoning Board

ATTENDANCE

Date: November 16, 2020

Sign-In

1. Peter D. Clark
2. Rick Slaggs
3. Lattie Skusta
4. _____
5. _____
6. _____
7. _____



APPROVED

TOWN OF GROVELAND
ZONING BOARD MONTHLY MEETING

PLEASE SIGN IN

DATE: Nov. 16, 2020

LOCATION: Groveland Town Hall

	SIGNATURE	PRINT NAME	ADDRESS/ZIP CODE
1.		Kelly G. Flaitz	5775 West Lake Rd.
2.		Kristan Mayers	51021 W. Lake Rd
3.			
4.			
5.			