

**Town of Horicon  
Zoning Board of Appeals**

**May 19, 2015  
Minutes**

**Present at Meeting:** Gary Frenz, Chairperson  
Charles Lewis  
Pat Farrell  
Scott Olson, Alternate #2

**Also Present:** Jim Steen, Zoning Administrator, Timothy Hoffman

**Agenda Items:** File # 2015—07AV Christopher and Margaret McDermott, Tax Map # 39.13-1-4;  
File # 2015-08AV Timothy Hoffman, Tax Map # 36.12-1-63

**Pledge**

Chairman Gary Frenz called the meeting to order at 7:00 p.m.

Chairman Gary Frenz announced that Scott Olson would be seated as voting member tonight in the absence of ZBA Board member Cheryl Erickson, Vice Chair.

**Review of Minutes:** Scott Olson made a motion to approve the minutes from April 28, 2015 as written. Second by Pat Farrell. ALL AYES.

James Steen, Zoning Administrator distributed and discussed with the Board members examples received from the APA pertaining to variances for pre-existing non-conforming structures.

**NEW BUSINESS:** File # 2015-08AV  
Tax Map # 36.12-1-63  
Timothy Hoffman  
44 Lakeview Drive  
Adirondack, NY

Area Variance from Zoning Code 8.10 for rear property line setback of 14' where 50' is required to build an 8' x 10' porch on a pre-existing non-conforming structure.

Timothy Hoffman spoke on behalf of his proposal to build an eight (8) foot by ten (10) foot porch to his pre-existing non-conforming structure on the south side of his house that will sit fourteen (14) feet from the property line.

Chairman Gary Frenz asked if this house was rebuilt due to a fire and was it re-built on the same footprint. Timothy Hoffman responded yes to both questions; however, Timothy indicated that the proposed porch will be slightly larger; it will be ten feet wide along the house and eight feet wide off of the house. There were no stairs on the original porch; however, this will have a staircase to the ground.

Chairman Gary Frenz asked if the proposed porch will have a poured foundation and Timothy Hoffman responded no, it will be free floating. Chairman Gary Frenz then asked what Timothy Hoffman will do with the gap between the roof and the house. Timothy Hoffman responded that there will not be a gap as he is hoping to get metal roofing up to the edge.

**Town of Horicon  
Zoning Board of Appeals**

**May 19, 2015  
Minutes**

Jim Steen, Zoning Administrator stated that the NY State building codes for free floating decks and porches must now be one (1) inch from the house and have a minimum of a four (4) inch stepdown.

Timothy Hoffman responded that he will make the decision along with his contractor whether to attach the proposed porch to the house or free float the porch based on their discussion with Warren County.

Charles Lewis made a motion to deem the application complete and set a public hearing for June 23, 2015. Second by Pat Farrell. ALL AYES.

**PUBLIC HEARING:**

**File # 2015-07AV  
Tax Map # 39.13-1-4  
Christopher & Margaret McDermott  
21 Horicon Birches Rd. Ext.  
Brant Lake, NY**

Area Variance for shoreline setback to place a concrete structure 4 ½' x 3 ½' x 3' to anchor dock for hoisting which will sit 1' from the shoreline where 50' is required.

Chairman Gary Frenz opened the public hearing and asked if there was anyone present to speak on the project.

Being no one present to speak on the proposed project Charles Lewis made a motion to close the Public Hearing. Second by Pat Farrell. ALL AYES.

**UNFINISHED BUSINESS:**

**File # 2015-07AV  
Tax Map # 39.13-1-4  
Christopher & Margaret McDermott  
21 Horicon Birches Rd. Ext.  
Brant Lake, NY**

Area Variance for shoreline setback to place a concrete structure 4 ½' x 3 ½' x 3' to anchor dock for hoisting which will sit 1' from the shoreline where 50' is required.

**Town of Horicon  
Zoning Board of Appeals**

**May 19, 2015  
Minutes**

Chairman Gary Frenz reviewed the Summary of Area Variance Criteria Balancing test with the Board members. The Board shall balance the benefit to the applicant with detriment to health, safety and welfare of the community. The Board shall also consider:

1. The benefit cannot be achieved by other means feasible to applicant as the applicant has exhausted all other options including a bubbler system which failed and removing the dock is extremely difficult due to the steep terrain and this is the only option to allow simple removal of the dock from the water during the winter months.
2. There will be no undesirable change to the neighborhood as a neighbor has a similar structure and it is more ecologically friendly to install the proposed hoist system instead of disturbing the ice on the lake
3. The request is substantial and this is the only way to achieve the pivot system to remove the dock. There is a tree on the back side of the hill on the property line that will be used in the hoisting system for the dock.
4. There will be no adverse effects as the hoist system is better for the environment than a bubbler system and the bubbler system along with foot traffic will be eliminated.
5. The alleged difficulty is not self-created because the applicant did not create the topography and the previous dock was destroyed by the ice.
6. The necessary variance is one (1) foot from shoreline and is the minimum needed to install this proposed project. The applicant is also dealing with the shape of the shoreline and the mean high water mark on the lake. There are no conditions to be imposed.

Being no further discussions or questions Pat Farrell made a motion to approve the proposed hoist system as discussed. Second by Charles Lewis. All Ayes.

**PUBLIC COMMENTS: NONE**

**BOARD COMMENTS: NONE**

Being no further discussions or questions, Scott Olson made a motion to adjourn the ZBA meeting. Second by Pat Farrell. ALL AYES.

**Meeting adjourned at 7:30 pm.**

**Next meeting:** June 23, 2015

Respectfully Submitted,  
*Theresa Katsch*  
Secretary