

# Town of Horicon

## ZONING BOARD OF APPEALS

Minutes of April 26, 2011

**Members Present:** Gary Frenz, Cheryl Erickson, Priscilla Remington, Jim Steen, Curt Castner, Alternate: Thad Smith

**Members Absent:** Alternate Dan Smith,

**Others Present:** Planning Board Member: Matt Simpson, Town Board Member Bob Olson

**Guests Present:** Tom Johansen, Bill McGhie, Dave and Nicki Eddy

### Pledge

Regular Meeting called to order by Chairman, Gary Frenz. Cheryl Erickson made a motion to accept the March minutes as submitted 2<sup>nd</sup> by Priscilla Remington. Cheryl Erickson Aye Priscilla Remington Aye Jim Steen Aye, Curt Castner Aye Gary Frenz abstained as he was not present at the March meeting.

### NEW BUSINESS:

**File # 2011-05 Tax Map 72.13-2-32 David Betts** seeking a 17' front-yard setback variance and a 6' side-yard setback variance to build a 2-story addition and replace deck with screen porch/deck combination on parcel located 7024 State Rte 8. David Betts explained that he would like to build a family room and a master bedroom addition that would not be any closer to the side-yard than what exists, continuing the same line of the house, replace the front deck with a screen porch extending the deck over the front of the house. Gary Frenz asked if the new deck over the garage will require a variance. The scaled drawing indicates that the deck will be 16' from the side-yard. After a brief discussion, Cheryl Erickson made a motion to deem the application complete and schedule a public hearing, 2<sup>nd</sup> by Jim Steen, All Ayes.

### PUBLIC HEARING

**File # 2011-01 AV Tax Map 88.11-1-4 Town of Horicon** seeking a 50' shoreline setback variance and a 5' roadway setback variance to build a handicap fishing pier (deck) on parcel located across from the Community Center, State Rte 8. Bernie Hill provided the board with deck samples and a brochure of docks, etc. stating that galvanized poles will be used along with "X" bracing, aluminum railings that will meet OSHA regulations. Lengthy discussion ensued regarding ADA rail height. Bernie Hill indicated that the rail will be green and the decking to be tan in color and a non-skid deck. Discussion ensued regarding parking, and the width of the "ramp". Being no further comments or questions, Jim Steen made a motion to close the public hearing, 2<sup>nd</sup> by Cheryl Erickson. All Ayes

### UNFINISHED BUSINESS:

**File # 2011-01 AV Tax Map 88.11-1-4 Town of Horicon** seeking a 50' shoreline setback variance and a 5' roadway setback variance to build a handicap fishing pier (deck) on parcel located across from the Community Center, State Rte 8. The board reviewed the area variance criteria: 1) Whether the benefit can be achieved by other means feasible to the applicant: Cheryl Erickson stated that the town does not own any other properties and is the most feasible place to put a fishing pier, there is parking available near the pier and more available at the town hall. 2) Will there be an undesirable change in the neighborhood character or to nearby properties: Gary Frenz stated that that area is used for fishing. 3) Whether the request is substantial: Gary Frenz stated yes the request is substantial. Jim Steen stated that a fishing pier need to be on the water. 4) Whether the request will have an adverse physical or environmental effects: Curt Castner stated that there are other docks on the water. Jim Steen stated that there will be a minimal effect on the bottom of the millpond. 5) Whether the alleged difficulty is self-created: Cheryl Erickson stated that the difficulty is due to the nature of the project. Is this the minimum variance necessary: Yes, the board stated that there would not be any other option for

placement of a fishing pier. Lengthy discussion ensued regarding the rails and the ramp. The board would like to recommend to the Town Board that the ramp is eight feet (8') wide and include rails if such rails are required by ADA and/or OSHA regulations. Jim Steen made a motion to approve the 50' shoreline set-back variance and a 5' roadway setback variance as discussed, 2<sup>nd</sup> by Cheryl Erickson, All Ayes.

#### **PUBLIC HEARING:**

**File # 2011-04 AV Tax Map 55.8-1-11 Dave and Nicole Eddy** seeking a 38' 1" shoreline setback variance to convert screen porch to living space and a 6'10" side-yard setback variance for a bedroom expansion, on parcel located at 7647 State Rte 8. The applicant is being represented by Kevin Mulcahy of Eric and Eric Inc. Kevin Mulcahy explained the project to the board stating that this would be less than ½ of 1% increase in the use of the property, there is no site issue from the neighbors, no height increase and the deck addition was removed from the project. Thad Smith asked if this property is mainly used in the summer. Dave Eddy indicated that this is mostly summer use. Kevin Mulcahy stated that the home is being brought up to code. Gary Frenz read a letter from a neighbor indicating their recommendation for variance approval. Warren County Planning Board recommendation - No County Impact with stipulation regarding septic. Gary Frenz asked if anyone had any comments or questions. Being no further comments or question, Cheryl Erickson made a motion to close the public hearing, 2<sup>nd</sup> by Jim Steen. All Ayes.

#### **UNFINISHED BUSINESS:**

**File # 2011-04 AV Tax Map 55.8-1-11 Dave and Nicole Eddy** seeking a 38' 1" shoreline setback variance to convert screen porch to living space and a 6'10" side-yard setback variance for a bedroom expansion, on parcel located at 7647 State Rte 8. The applicant is being represented by Kevin Mulcahy of Eric and Eric Inc. SEQRA form was reviewed by the Board. Priscilla Remington made a motion to declare a negative declaration, 2<sup>nd</sup> by Cheryl Erickson. All Ayes. The board reviewed the area variance criteria 1) There will be no undesirable change to the character of the neighborhood or detriment to nearby properties: This is a minimum change.2) The benefits sought by the applicant could not be achieved by any other means as this is a minimal expansion changing the screen porch to livable using essentially the same footprint and the master bedroom addition is minimal. 3) The requested variance is not substantial compared to the pre-existing non-conforming placement of the house built in 1950.4) There is no effect or impact on the physical or environmental conditions in the neighborhood as the septic is new (Norwecco), there will be no tree removal and the home will be brought up to present building code.5) The alleged difficulty was not self created as this parcel is already pre-existing, non-conforming The requested variance is the minimum variance necessary as it will not encroach on the shoreline any further than what exists . Cheryl Erickson made a motion to approve the 38' 1" shoreline setback variance and the 6' 10" side-yard setback variance based on the discussion, 2<sup>nd</sup> by Curt Castner. All Ayes.

#### **BOARD PRIVILEGE:**

There being no further business before the board, Chair Gary Frenz adjourned the meeting at 8:15 PM

Respectfully Submitted.  
Christine Smith-Hayes, Secretary