

ZBA Meeting
July 18, 2017
Nelson Town Office – 7 p.m.
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Chairman John Tobin called the July 18th ZBA meeting to order at 7:03 p.m. Present: Carl Shaw, John Foley, John Tobin, Eric Lints and Deborah J. Costello, ZBA Secretary. Also present was Roger Cook, Code Enforcement Officer. Absent was Kathryn Eberst.

1. Minutes

A motion was made by Carl Shaw and seconded by John Foley to approve the February 2017 minutes as presented. There was no further discussion. All voted in favor. The motion carried.

2. Stephen & Robin Marris – 3095 Hall Road – Rural Zone – Tax Map #132.-1-24.1 proposing to construct an 18' x 10' deck to the front of the house – when finished the deck will be 60 ft. to center of road - applicant is requesting a 23 ft. variance – submitted to County GML received – Public Hearing

The Marris' are proposing to add an 18 ft. x 10 ft. deck to the front of their residence. The deck will not be a wrap around. When finished the deck will be 60 ft. to the center of the road. The applicants are asking for a 23 ft. variance where 83 ft. are required. All Board members visited the site.

Public Hearing

Chairman Tobin opened the Public Hearing at 7:08 p.m. There were no public comments. A motion was made by Eric Lints and seconded by Carl Shaw to close the Public Hearing. There was no further discussion. All voted in favor. The motion carried. The Public Hearing was closed at 7:08 ½ p.m.

The GML Recommendation Report was received from the Madison County Planning Department. The report noted the 23 ft. setback variance would have no county wide or inter-municipal impacts and was returned for Local Determination. The Board noted only the PO Box was noted on the County GML. It was pointed out that both addresses for noted on the application to the County.

The findings are as follows: There will be an undesirable change produced in the neighborhood, there is a feasible alternate to an area variance, the requested area variance is not substantial and there will be no adverse effect on the physical or environmental conditions in the neighborhood. The difficulty was not self-created, all information or evidence was considered, there were no public or written comments and there was no intimate knowledge to take into account.

Approval

A motion was made by Eric Lints and seconded by John Foley to approve a 23 ft. setback variance, where 60 ft. are allowed and 83 ft. are required, to allow for the construction of an 18 ft. x 10 ft. deck. There was no further discussion. All voted in favor. The motion carried.

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**3. Thomas Goodwin – 2881 Tuscarora Road – Waterfront Zone – Tax Map #133.13-1-5
proposing to build a deck – applicant will be 185 ft. over the allowed 25% and 1 ft. from the
highway boundary - Public Hearing**

Mr. Goodwin is proposing to construct a 16 ft. x 22 ft. x 10 ft. deck, not attached to the camp, 5 ft. from the water's edge. The deck will be built on concrete piers 5 ft. deep. There will be number 2 stone underneath the deck and a gap between the boards. The height will be below the 8 ft. allowed.

The lot size is 9,800 sq. ft. of which 3,761 sq. ft. are useable. The applicant is proposing to remove a set of small steps and an existing 33 sq. ft. shed. Those numbers are reflected in the numbers presented to the Board. Mr. Goodwin will require a 5% variance for lot coverage and a side yard variance of 1 ft. from the highway boundary.

Mr. Goodwin met with the Planning Board July 17th and it was suggested that maybe the size of the deck could be reduced in some form. Because of the way the house is oriented on the bend of the lake the deck could not likely be squared to the house. There was some discussion about possibly coming in 1 ft. on either side for the length of the deck.

Mr. Goodwin appeared before the Planning Board in 2016 and was given site plan approval for seawall restoration across his entire property; 128 ft. Crushed stone was installed behind the wall and the area was landscaped. The Planning Board is happy with what Mr. Goodwin has done thus far. There is runoff from the road. It was suggested that runoff from a gutter on the house could be directed to a potential raingarden. Mr. Goodwin suggested creating a swale filled with stone that could collect any runoff. However, that would have to be done next year as Mr. Goodwin's plan is to level the camp next year and he would like to wait until that work has been done and the ground has had a chance to settle.

Public Hearing

Chairman Tobin opened the Public Hearing at 7:24 p.m. There were no public comments. A motion was made by Eric Lints and seconded by John Foley to close the Public Hearing. There was no further discussion. All voted in favor. The motion carried. The Public Hearing was closed at 7:24 p.m.

The findings are as follows: There will be no undesirable change produced in the neighborhood, there is no feasible alternate to an area variance for the applicant, the requested area variance is substantial and there will be no adverse effect on the physical or environmental conditions in the neighborhood. The difficulty was not self-created, all information or evidence was considered, there were no public or written comments and there was no intimate information to take into account.

Approval

A motion was made by John Foley and seconded by Carl Shaw to approve a 1 ft. variance from the

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highway boundary where 10 ft. are allowed and a 5% variance for lot coverage where 25% is allowed. There was no further discussion. All voted in favor. The motion carried.

4. Daniel Kingsley – 363 Funk Road – Waterfront Zone – Tax Map #133.9-1-36 – applicant is proposing to build a 28 ft. x 30 ft., 21 ft. high garage – requesting a 3.8% variance for building coverage and a 2 ft. height variance – Public Hearing

Mr. Kingsley is proposing to build a 28 ft. x 30 ft. 21' 11" high garage. The applicant is requesting a 3.8% variance for building coverage and a 2 ft. height variance. The applicant noted the neighbor's garage is 23 ft. The proposed garage will have 8 ½ ft. to 9 ft. garage doors. A loft will provide a play space and overflow sleeping space. Roger Cook, Code Enforcement Officer, explained that without a kitchen the structure is only an accessory structure and not a residence. Mr. Kingsley also noted there will be egress windows on both sides of the structure. There will be no water or septic. There will be electricity. Roger Cook also noted that if this structure is used for habitable space the ceilings in 50% of the structure have to be 7 ft. tall and can taper off to the knee wall.

The Board noted difficulty with the variance request for the height and had a lengthy discussion and offered some suggestions that could bring the height to the 20 ft. allowed. The Board suggested the applicant look at a gambrel style roofs and dormers. The Board answered questions the applicant had regarding size of trusses, dormers and what the applicant could do to increase the space of the garage.

Public Hearing

Chairman Tobin opened the Public Hearing at 7:40 p.m. There was some discussion regarding the height of the structure at 365 Funk Road and what effects some structures had on rewriting some of the zoning regulations in the Waterfront zone. It was the consensus of the Board the applicant had alternatives to the proposal before them.

A motion was made by Eric Lints and seconded by John Foley to adjourn the Public Hearing until the August ZBA meeting. There was no further discussion. All voted in favor. The motion carried.

As there was no further business before the Board, a motion was made by Eric Lints and seconded by Carl Shaw to adjourn the meeting. There was no further discussion. All voted in favor. The motion carried. The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Deborah J. Costello, Secretary
Zoning Board of Appeals
Town of Nelson

