

Town of Bristol
Zoning Board of Appeals
Draft Minutes
April 9, 2013

Members Present: Chairman Steve Smiley, Jen Sanford, Marty Snyder, Mary Costa, and Secretary Sandra Riker

Members Excused: Patti Giordano

Others Present: Elisabeth Humphrey, Jude Ellis, Becky Battle, and son

Minutes: The minutes of March 12th were reviewed and approved as written with a motion by Marty Snyder and a second by Mary Costa. All present agreed.

Humphrey Area Variance: Ms. Humphrey advised the Board that she would like to have a one story garage that will be 30' x 40' in size built on her property at 7275 Lane Road in the town of Bristol. The parcel is also known as 123.00-2-46.110. She explained because of the slope of the land and the relationship of the house and driveway the best place to put the garage is on the north east corner of the existing house. In order to do this she will need an area variance because the rear southwest corner of the garage will be 10' from the lot line where a side setback of 25' is required by zoning. The rear of the garage will require excavating into the slope and there will be an L shaped retaining wall as part of the garage rear wall.

A public hearing notice was placed in the Messenger Post newspaper last Tuesday, April 2nd and all neighbors within 500' have been notified by mail. The public hearing was opened by the Chairman. The only neighbors present at this hearing are Jude Ellis and Becky Battle. Ms. Ellis said she initially had some concerns when she was first advised of this project. There was a question where the lot line is located. The property was purchased in January by Ms. Humphrey and an instrument survey was done at that time, but Ms. Ellis was concerned because a field survey was not done and the instrument survey did not agree with the field survey that was done when she purchased her property next door if that instrument survey is correct. Ms. Humphrey had a new field survey done today and it was determined that the lot line was closer to Ms. Ellis's property than the instrument survey reflected. Ms. Humphrey said she would be placing the corner of the building 12' from the lot line in order to add a little buffer to her 10' area variance request.

Ms. Ellis other concern is the height of the building and asked what the height requirement of a one story building is in the town of Bristol? In Article Eleven of the Zoning Regulations -schedule of lot size, building size and setbacks the maximum building height is 30' in the town.

The question was raised by the Board if it would possible to put the garage in another location on the parcel. Ms. Humphrey said given the slope of the land, the pond, and the existing house and driveway she really felt this was the best choice for location of the garage. Ms. Ellis said

she would be comfortable with the concept that Ms. Humphrey is presenting if it is clearly stated in the area variance the building will be one story only and the rear corner will be 12' from the lot line. There are no drawings of the building at this time.

The Public Hearing was closed.

The Chairman proceeded to review the criteria for an area variance:

Question 1: Would an undesirable change be produced in the neighborhood or a detriment to nearby properties? Sanford, Snyder, Smiley, and Costa all agreed it would not.

Question 2: Could an alternate location be a feasible alternative to a variance? Sanford, Snyder, Smiley, and Costa all agreed it would not.

Question 3: Is the requested variance substantial? Sanford, Snyder, Smiley, and Costa all agreed it is, in that the distance requested is more than 50%.

Question 4: Does the variance have an adverse impact on the physical or environmental conditions in the neighborhood? Sanford, Snyder, Smiley and Costa all agreed it will not.

Question 5: Is the alleged difficulty self-created? Sanford, Snyder, Smiley and Costa all agreed it is not self-created.

There were no further comments by the Board.

A motion was made by Jennifer Sanford with a second by Marty Snyder:

Whereas, a SEQR is not necessary for an Area Variance, and

Whereas, the Board agreed there would not be an undesirable change to neighborhood, and

Whereas, an alternate location is not appropriate, and

Whereas, the variance will not have an adverse impact on the physical or environmental conditions in the neighborhood, and

Whereas, the alleged difficulty is not self-created, and

Whereas, the corner of the garage will actually be 12' from the lot line, and

Whereas, the garage will be a one story structure, and

Whereas, the Code Enforcement Officer will measure and verify the distance from the lot line to the building location before construction commences:

The Zoning Board of Appeals shall grant an area variance of 15' to reduce the side setback to 10' in distance from the lot line. The Board polled as follows: Sanford aye, Snyder aye, Smiley aye, and Costa aye.

Other Business: The Chairman mentioned he walks a lot in the town and has noticed that some timber harvest sites have been left without cleanup of tops and branches thereby causing a potential problem. He wondered if there was any way that this could be addressed in our timber harvest law. The secretary said she would let the Planning Board know of his concern.

A motion was made to adjourn the meeting.

Respectfully submitted,

Sandra Riker

Secretary Town of Bristol

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