

Town of Bristol
Zoning Board of Appeals
October 11, 2018

Upcoming Meeting Dates:

Thursday
November 15, 2018

Tuesday
December 11, 2018

Tuesday
January 15, 2019

Members Present: Marty Snyder, Steve Smiley, Donna Beretta, John Krebbeks, Jen Sanford and Sandra Riker

Guests: Jack & Elizabeth Walker, Gail Gengo

Minutes: The minutes of September 11th were approved with a motion by Steve Smiley with a second by John Krebbeks. All Board members approved.

Walker Area Variance: There are two variances needed in order to build the barn where Mr. Walker would like to put the barn on his parcel known as 108.00-3-2.200 a/k/a 3676 Stetson Road. A front yard setback of 45' is being requested resulting in a 30' variance. He is also requesting a side setback of 4' resulting in a 21' variance. The Board agreed to handle the two variance requests separately.

Mr. Walker supplied the following information to the Board regarding his requests. The location he has chosen was the site of a previous barn on the property. The parcel and his home date back to the beginning of the settlement of Bristol in the late 1700's and early 1800's. Original Stetson Road was behind his home and when the road was relocated it now is in front of and very close to the home. There is a tall hill behind the home and where an existing barn now stands. That barn is over 200 years old. The parcel with the house and barn is 3.02 acres with 94% of the parcel being in steep slopes and the surrounding land owned by him is 33.37 acres in size.

The Board asked if he considered a lot line adjustment and he did not wish to do that at this time due to the expense of a survey having to be done, as well as there is a mortgage on the home and he does not wish to increase the size of the home parcel.

He advised the Board he has not been able to find the stake for the corner of the lot where the barn is to be placed, so his measurements may be more or less than he is requesting. The Board said whatever the outcome of the variances he would need to find that front corner pin in order to have the Code Officer determine site compliance for the placement of the barn. It was suggested the Board could grant conditional approval of the variances based on the front pin being located and if Mr. Walker cannot find it on his own then he would need to hire a surveyor to find it for him.

The public hearing was opened and Gail Gengo who resides on Baptist Hill and one of the neighbors within 500' said she has no problem with the barn being built but was interested in where on the property Walker was going to place it. There were no additional comments and the public hearing was closed.

The Board proceeded to do SEQR for the application and after review of the questions a Negative Declaration was made with a motion by Steve Smiley and a second by Jen Sanford. All Board members agreed.

Front Area Variance: A 45' setback is being requested resulting in a 30' variance. The questions were answered as follows:

1. Undesirable change to character of neighborhood-All Board members said no.
2. Could an alternate location be a feasible alternative to a variance-All Board member said no due to the topography of the land.
3. Is the requested variance substantial-All Board members agreed yes as it will require a 40% variance.
4. Does the variance have an adverse impact on the physical or environmental condition to the neighborhood-All Board members said no.
5. Is the alleged difficulty self-created?-All Board members agreed no due to the topography of the land and the fact that the town relocated the original road from behind the home to in front of the home.

Jen Sanford made a motion that the variance of 30' be granted to accommodate a front yard setback of 45' instead of the required 75'. A second was made by Donna Beretta with all members agreeing.

Side Setback Variance:

An area variance of 21' is being requested in order to place the new barn at 4' from the side lot line. The Board asked if Mr. Walker would consider just adding on to the existing barn and Walker replied no-that barn is over 200 years old and he does not wish to alter it. The Board then asked if he would consider placing the new barn closer to the existing barn and again Walker so no because it would reduce the access to the new barn. Again the Board stressed the fact that the front corner pin would need to found either by Walker or he would need to hire a surveyor to identify the front corner of the lot.

The Board discussed what the best course of action would be to satisfy the area variance requests; their concern is not so much with the front setback but the side setback. It was suggested they could grant a conditional area variance based on the premise that if Walker sold either the 3.02 acre parcel or the surrounding 33.37 acres that at that time there would be a lot line adjustment done to meet the side setback requirement of the zoning regulations at the time to be validated. The other option would be for the Walkers to do a parcel combination of the lands owned by them on Stetson Road and then the need for a side area variance is made null and void. The Chairman was concerned that the conditions for the variance be lost in the documentation, the other board members did not see the concern as the conditions would be included in all documentation on the parcel prior to the issuance of a building permit.

Area Variance for side setback reduction criteria was then addressed as follows:

1. Undesirable change to neighborhood?-All Board members said no.
2. Alternate location feasible?-All Board members said no due to the topography of the land where the parcels owned by Walker.
3. Is the side variance request substantial?-All Board members said yes as it would require a variance of 84% to be granted.

4. Does the variance have an adverse impact on the neighborhood?-All Board members said no.

5. Is the alleged difficulty self-created?-The Board polled as follows:

- Donna-yes
- John- No, historically through the Oncor Images and on the old survey map Walker has available to him it shows there was a barn in that location prior to zoning.
- Jen-No, not self-created and agreed with John's statement.
- Marty-Yes, a property lot line adjustment could be completed to eliminate the need for the side setback area variance.
- Steve-Yes and agrees with Marty's reasoning.

A motion was made by Jen Sanford the ZBA with a second by Donna Beretta grant an area variance of 21' to provide for a setback of 4' from the existing lot line separating parcel #108.00-3-2.200 and his adjoining parcel of 108.00-3-2.100 on the following conditions being met:

- 1. The front corner pin of parcel #108.00-3-2.100 be located prior to site compliance for a building permit for the proposed barn being issued, and***
- 2. If either parcel is sold by the Walkers a lot line adjustment is completed to allow for allowed side setback requirement at that time are met.***
- 3. If the two parcels are combined the side setback variance will not be necessary and will become null and void.***

Other Business:

After discussion and prior input from the Town Board a motion was made by Marty Snyder with a second by Jen Sanford that as of January 1, 2019 the ZBA meeting night will moved to the Third (3) Tuesday of the month. All Board members agreed.

The November, 2018 meeting will be on Thursday November 15th to allow the Town Board to meet on the second Tuesday November 13th because of the Monday holiday observance for Veterans Day.

The meeting was adjourned with a motion by Marty Snyder with a second by Jen Sanford.

Respectfully submitted,

*Sandra Riker
Town of Bristol
ZBA Secretary*

The minutes of October 11, 2018 were approved with a motion by Martin Snyder with a second by Donna Beretta at the March 19, 2019 meeting. All Board members present approved.