

ZONING BOARD OF APPEALS MEETING

April 20, 2023

6:00 PM

The meeting was called to order by Chairperson Kathy Taylor at 6:00 PM. Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

Kathy Taylor, Chairperson

Bob Faynor

Ernie Rivera

Craig Coleman

Absent: John Yurco

Also in attendance: Robert & Barb Haff

Richard Krenzer

Eric Barendt

Luke MacIntosh

Bob Faynor made a motion to approve the minutes of March 16, 2023, seconded by Craig Coleman. All in favor.

The purpose of this meeting was to hear the following requests:

1. Robert Haff, 5482 Mobbs Road, Tax Map #130.00-1-19.112, is requesting a northeast side yard area variance of 17.6 feet from the required 25 feet (Bulk & Use Table R-2 District) for the construction of a 31' x 54' pole barn.

Mr. Haff explained that they have a hammerhead driveway and the pole barn/garage would go right at the end of it, attached to the driveway. Applicant has approximately four acres of property. Chairperson Taylor asked if he could move the structure over a bit. Mr. Haff explained that the house is right there and you have to stay ten feet away from the house for fire code. Also, it would be very expensive to extend the driveway further and move the building over.

Chairperson Taylor reviewed the five criteria for granting the area variance with the Board Members.

Bob Faynor made a motion to vote on the variance request, seconded by Ernie Rivera.

Roll call vote was taken by the Board.

Craig Coleman	YES
Bob Faynor	YES
Ernie Rivera	YES
Chairperson Taylor	YES
MOTION GRANTED	

2. Nancy Luckwaldt, 6132 West Lake Road, Tax Map #130.06-2-22.11, is requesting a north side yard area variance of 9.3 feet from the required 20 feet (Bulk & Use Table Lakeshore District) in order to relocate steps to the deck.

Richard Krenzer, the architect for the project, appeared on behalf of Nancy Luckwaldt. Mr. Krenzer explained the site plan to the Board. The applicant would like to remove the existing landing and steps and relocate them to the north side. They would like to put an “L” shaped set of steps on the side. There will be no roof over the steps. It would just be an easier way to obtain access to the lawn and the stairs would not be blocking the view when you are under the deck.

Bob Faynor indicated that he doesn't have an issue with moving the stairs and understands why it's being done. For access reasons for older people, it makes a lot more sense. However, the extra cutoff is encroaching. A couple of feet on a variance isn't too bad but when you start talking less than half the setback, it's kind of an issue. There are a lot of problems on the lake property in the areas like that because everybody wants to use as much of the property as they can. Mr. Krenzer explained the concept of the stairs going to the north – that when folks are walking down from the driveway, they don't have to go all the way around the retaining wall and back up. It's higher grade there so you can shoot up to the deck faster.

The Board stated that they are trying to be very consistent on what they allow. Craig Coleman presented an alternate plan for the steps so that the variance wouldn't be so great. Mr. Krenzer agreed that it was possible but that he would have to discuss the change with Mrs. Luckwaldt. He would also need to get an exact measurement of the revision and submit a new site plan. He was advised that he could start renovating the deck, as it is the same footprint. But, the stairs would have to wait. The Board stated they could postpone the request until next month after Mr. Krenzer has had a chance to speak with Mrs. Luckwaldt and submit revised drawings.

Bob Faynor made a motion to postpone the application request to the next meeting, seconded by Ernie Rivera. All in favor. Mr. Krenzer will come back with a revised set of plans.

3. Eric Barendt, 5357 Bluefield Road, Tax Map #129.00-1-62, is requesting a variance to the provisions of Article 6 of the Fleming Zoning Code (which was amended by Local Law 2020-1) in order to place a garage, addition and new decks on a lot which is less than the permitted lot size of two acres in the Agricultural District; and a variance to the provisions of Article IX (which was amended by Local Law 2017-3) which addresses nonconforming uses, buildings and lots; and a variance to the Bulk & Use Table, Ag District.

The contractor for the project, Luke MacIntosh, appeared before the Board to explain what structural work would be done. They reviewed what was pre-existing and what renovations would be done. The Board stated that this is a non-conforming lot. They asked if applicant could buy the .8 of an acre that he is lacking from the neighbor to make it a conforming lot. Applicant wouldn't have to appear before the ZBA if he could make it a conforming lot.

There was discussion about the footprint, allowable square footage, non-conforming lots, changes in the Ag district lot size, green space, etc. The Board again stated that this a non-conforming lot. Applicant wants too many additions for a non-conforming lot. There's not one specific thing applicant is trying to do. He's trying to do several different things. The Board reiterated that the footprint cannot be changed on a non-conforming lot.

Chairperson Taylor reviewed the five criteria for granting the area variance with the Board Members.

Bob Faynor made a motion to vote on the variance request, seconded by Ernie Rivera.

Roll call vote was taken by the Board.

Ernie Rivera	NO
Bob Faynor	NO
Craig Coleman	NO
Chairperson Taylor	NO
MOTION DENIED	

Bob Faynor made a motion to adjourn the meeting, seconded by Craig Coleman.

Respectfully submitted,

Cindy Schiminske, ZBA Clerk