

**TOWN OF BARRE
ZONING BOARD OF APPEALS
PUBLIC HEARING
JUNE 1, 2009**

CALL TO ORDER: 7:01 P.M.

BOARD MEMBERS PRESENT

Jeanne Martillotta
Dale Laubacher
Steve Karas
Charlie Swan

BOARD MEMBERS ABSENT

Richard Miller

Also present: Robert Denney, Charles and Muriel Daniels, Richard Cox, Richard B.

I. AREA VARIANCE FOR 5792 EAGLE HARBOR ROAD (126.1-1-12) - ROBERT DENNY

Mrs. Martillotta called the public hearing to order at 7:01 p.m.

Mr Denny came to the CEO to obtain a building permit for a new garage. When CEO inspected the property, it was discovered that that building permit for the house, issued in 2001 by Gene Smith, was done incorrectly. Mr. Smith allowed house location to be too close to the road without forwarding matter to ZBA to approve an area variance. There was also concern as to if the property was a flag lot.

According to town ordinance Section 607C, titled "Flag Lots", flag lots may be permitted in any district if they have a width of at least 20 feet at the street line. The access portion must have a minimum width of 20 feet. The area in the access portion shall not be used in calculating lot size, and the front setback distance shall be measured from that lot line of the main part of the flag lot which is closest to road or highway providing access. This measured 34.4 feet from front access to property.

The desire of the town is to ensure the property is not in any violation of any zoning codes. Therefore, an area variance of 40 feet for the front setback is necessary.

Also in question is whether Mr. Denny should have to pay \$100 fee for the variance, since this was an error caused by a town official. Board members felt that it should be a legal variance on the books and therefore, should not be waived.

The public hearing was closed at 7:10, and regular meeting opened at 7:10.

RESOLUTION NO 1 6/2009

Introduced by: Dale Laubacher

Seconded by: Charlie Swan

WHEREAS, The Barre Zoning Board of appeals has reviewed the application of **Robert Denny** for an area variance for the property located at 5792 Eagle Harbor Road (126.-1-12), situate in the AR District, in order to bring property up to current zoning regulations; and be it hereby

RESOLVED, that a variance for a 40 foot front setback is hereby granted.

\$100 variance application fee shall not be waived.

UPON ROLL CALL VOTE:

Mrs. Martillotta Aye
Mr. Swan Aye
Mr. Laubacher Aye
Mr. Karas Aye

The resolution was thereupon duly adopted.

II. PUBLIC HEARING - INTREPRETATION OF ZONING CODE - RE: CONSTRUCTION OF ADDITION ON MOBILE HOME ON PROPERTY LOCATED AT 13447 ALLIS ROAD (105-1-46) - CHARLES DANIELS

Mrs Martillotta called the public hearing to order at 7:13 pm.

Mr. Daniels tore down and rebuilt a pre-existing addition on his mobile home at said property. He provided pictures of before and after to the board.

The issues at hand with this situation:

1. No permit was ever applied for - Mr. Daniels stated that he wasn't aware he needed one.
2. The town zoning codes do not allow attached structures on single wide mobile homes.

The structure has been changed with the addition of a handicapped ramp.

Mr. Karas shared his concern of people in town building things without checking to make sure they do not need a permit.

When Mr. Daniels was asked if a contractor was involved, Mr. Daniels stated that Craig Gaylord was indeed a part of the process. Mr. Gaylord should be aware that a building permit would have been needed.

The public hearing was closed at 7:25; regular meeting opened at 7:25.

RESOLUTION NO 2 6/2009

**Introduced by: Dale Laubacher
Seconded by: Jeanne Martillotta**

WHEREAS, The Barre Zoning Board of appeals has reviewed the application of **Charles Daniels** for the property located at 13447 Allis Road (105.-1-46), situate in the AR District; and be it hereby

RESOLVED, that an area variance to allow addition on single-wide mobile home is hereby granted, with the following conditions:

1. \$100 variance application fee issued for addition of handicapped ramp.

2. \$50 fine issued for failure to obtain a building permit to both Mr. Daniels and Craig Gaylord, contractor.
3. Building permit shall be granted.

UPON ROLL CALL VOTE:

Mrs. Martillotta Aye
Mr. Swan Aye
Mr. Laubacher Aye
Mr. Karas Aye

The resolution was thereupon duly adopted.

NEW BUSINESS

1. Training provided for zoning/planning board members is going to change to two nights/two hours each night. Possible locations are Orleans County and Genesee County.
2. Richard Cox and Richard B. of Barre Sportsman's Club approached the board regarding a Special Use Permit. They provided copies of the use variance they were granted in 1973. They described the various events they have at the club, along with services they provide to the community. The use variance stipulated that no shooting was to be done during church hours; members admit that they do have practice on Sunday mornings, but have asked the nearby church if they can hear it and they have stated that they did not.

However, complaints about noise/loud parties have been made to the CEO.

Issue is tabled to next meeting - June 15, 2009 at 7 pm. The club will have to provide a completed application - only the front page of application was submitted.

ADJOURNMENT

Mr. Laubacher made a motion to adjourn at 8:38, seconded by Mr. Karas and carried.

Lisa M. Tucker, Secretary