TOWN OF NORTH HARMONY
ZONING BOARD OF APPEALS
WEDNESDAY, JANUARY 23, 2008
7:30 PM

ZONING BOARD MEMBERS PRESENT: **James Levesque** **John Churchill**
Joseph Komar **Dick Barton**
Greg Michalak **Roger Vaillancourt**

Brad Lawson, Zoning CEO
Dave Stapleton, Attorney

OTHERS PRESENT: Jerry and Mary Colf

#1. Jerry and Mary Colf requesting an Area Variance for setbacks on property located at 3588 Watson Rd., Specifically Sec. 332.16-1-36 which does not comply with Sec. 401 of the Zoning Code.

Mr. Levesque asked Mr. Colf to explain their request. Mr. Colf said they are interested in purchasing the property indicated above but want an assurance of a variance so that if they decide to demolish the existing home and build new there would be no impediment. Mr. Colf stated that they have an option but their purchase of the property depends entirely on whether or not this can be done. Mr. Colf said the new structure would be 30'x40' (1,200 sq. ft.) and the lot is 50'x190'. He said the current structure in only 35' from the lake and he would correct that to code by placing the new home at least 50' from the lake. Side setbacks on the current home are 18.6' and 15' and the requested side setbacks for the new home are 10' and 10'. Mr. Colf said he does not have a survey of the property because the current owners could not locate theirs. He said if he purchases the property he will have a survey done. Mr. Levesque asked if the current foundation would be used or replaced. Mr. Colf said it would be replaced. Mr. Lawson said the Health Dept. had sent a letter regarding the septic system and its replacement. Mr. Colf said the structure would be stick built and single story but he does not have plans yet. Mr. Stapleton asked if the 9 pt. checklist had been reviewed and questioned granting a building envelope without any plans. Mr. Levesque and the board reviewed the checklist for the record so that Mr. Colf would be aware of requirements prior to any type of construction. Mr. Levesque and the board reviewed Town Law Section 267b ; item (1) no, (2) no, (3) no, (4) no, and (5) yes. Mr. Levesque cautioned that if the variance is granted no decks or porches could intrude on the 10' setbacks. Mr. Komar asked Mr. Lawson if there are any homes on Watson that have the required 20' side setbacks. Mr. Lawson said there probably are on some of the double lots owned but not on both sides on many. Mr. Stapleton noted that new Zoning requires 100' wide lots. Mr. Churchill asked the Colf's if they were sure their lot was 50' wide. Mr. & Mrs. Colf said they had measured and were fairly sure of the 50' width. Mr. Lawson noted that many of these substandard size lots existed prior to current zoning and asked if it was necessary to grant a variance for the less than 100' wide lots that were grandfathered in. Mr. Stapleton noted that the code was written so that there would be no further non-conformance or increased encroachment created. There was general discussion of the uses allowed on existing non-conforming lots.

Mr. Levesque motioned to grant an Area Variance as outlined on the property described above (noting the pre-existing nature of the 50' nonconforming lot width) providing the following criteria is adhered to:

- **The 9 Point Checklist is satisfied prior to construction**
- **Site Survey is provided**
- **Proposed structure has maximum encroachment on each side setback of 10' as stated, regardless of any new findings in the survey and lakeside setback is at least 50'**

- **Structure be limited to single story and proper drainage be installed Mr. Churchill seconded and the motion was carried unanimously.**

  The hearing was adjourned at 8:35PM.

Nancy M. Thomas
Town Clerk