

**TOWN OF NORTH HARMONY
ZONING BOARD OF APPEALS
WEDNESDAY, 5/27/09 7:30 PM**

ZONING BOARD MEMBERS: **Jim Levesque** **Bill Adamson**
 Dave Lloyd **Dick Barton**
 Joe Komar
 Brad Lawson, Zoning CEO
 Dave Stapleton, Attorney

Others Present: **Tim Cook**

Mr. Levesque brought the hearing to order at 7:40 PM.

1. Tim Cook requesting an Area Variance to locate a storage shed closer to the property line than allowed in Sec. 406 of the Zoning Code, at property located at 5278 Bly Hill Rd., Specifically Sec. 306.00-2-6 (old# 11-1-42.1)

Mr. Lawson stated that he had noticed that Mr. Cook had started building a shed on skids at his property and he had left a business card at the site. He said the shed was over the size that did not require a permit and too close to the road. He said he and Mr. Cook had discussed the situation and Mr. Cook was making application to the board for a variance. Mr. Levesque asked Mr. Cook what he wished to do. Mr. Cook said he assumed wrongly that because the shed was on skids and portable, it was alright to place it where he did. He said he would like to have the shed at that location because he stores wood for burning there and it is readily accessible to his house. He said he did not place it in other space available because of concern for covering the well. He provided a site drawing and photos to describe the property and the location of the shed. He said currently the shed is located directly on the property line and he would have to move it out some. Mr. Cook requested an area variances for a side setback of 10' from the property line and a setback of 30' (required is 50') from the road edge. He said that the adjoining property is owned by Richard Fessenden but no home is located there. He said his side setback encroachment would only be on the approximate 100' ROW (driveway) to Mr. Fessenden's property. He said that his neighbor on the other side was Mr. Pacitti who owns 10 acres which is currently vacant. Mr. Stapleton referred to Sec. 406 of the Zoning Code and said that customary side set backs for accessory use buildings is 10', so no variance is necessary if the shed is moved. Mr. Levesque read into the record **Town Law 267 (B.) Sec. (3.) Area Variances. Items 1-5. were discussed and answered. (1.) No; (2.) No; (3.) No (substantial, but no impact); (4.) No; (5.) Yes.**

Mr. Levesque motioned to grant an Area Variance to Tim Cook to locate a storage shed 30' from the road side at property located at 5278 Bly Hill Rd. (Sec. 306.00-2-6) provided the following criteria are adhered to:

- **shed is moved to comply with side setback requirement of 10' from the adjoining property line**
 - **shed is located a minimum of 30' from the road edge as indicated on the plot plan**
- Mr. Komar seconded and the motion was carried unanimously.**

Mr. Levesque adjourned the hearing at 8:00 PM.

Nancy Thomas
Town Clerk