



**ZBA**

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1.) no; 2.) no; 3.) no; 4.) no; 5.) yes. Mr. Levesque asked if anyone wished to speak regarding the application.

**Mr. Barton motioned to grant an Area Variance to Alan and Holly Fritz to replace an existing deck closer to side and rear setbacks than allowed in Section 401 of the Zoning Code and as outlined in the application, at property located at 84 Loomis Bay Rd., Ashville, specifically Section 367.15-1-40. Mr. Silzle seconded and the motion was carried unanimously.**

**3. Robert Kohl requesting an Area Variance to construct an addition closer to a side setback than allowed in Section 401 of the Zoning Code at property located at 61 Loomis Bay Rd., Ashville, specifically Section 367.15-1.14.**

Mr. Lawson said that Mr. Kohl had appeared at the 9/22/10 hearing at which quorum could not be met. He said Mr. Kohl was out of town but had given him some photos and he had spoken to him on the phone yesterday. He said he would offer anything he can on the project as far as it goes. He said Mr. Kohl wants to construct a 156 sq. ft. (12x13') bedroom addition on the east side of his home. He said the setback from the property line will be 5'. Mr. Lawson said a letter had been submitted by Mr. Murtaugh, a neighbor, expressing no issue with the addition. A letter was sent from South and Center Chautauqua Lake Sewer District stating there are no sewer issues with the project as submitted. Mr. Stapleton reminded the board of the 9 point site plan review checklist for projects over \$20,000.00. The board went through a general review of the 9 point checklist. Mr. Lawson said the foundation of the addition will be a concrete pier style. He said the project does not require architectural drawings and the cost is approximately \$10,000. The board also reviewed Town Law Section 267b. 1) no; 2) no; 3) yes; 4) no; 5) yes. Mr. Michalak asked about the maximum lot coverage. Mr. Stapleton noted for the record that Mr. Kohl indicated that the cottage is used for rental and the reason for the addition of the bedroom is that it is difficult to rent out a one bedroom home. Mr. Levesque asked if anyone wished to speak regarding the application.

**Mr. Levesque motioned to grant an Area Variance to Robert Kohl to construct an addition 5' from a side setback at property located at 61 Loomis Bay Rd., Ashville, specifically Section 367.15-1.14 providing the following condition is met:**

- **Zoning CEO will provide maximum lot coverage calculation prior to the start of the project and if it exceeds 30% lot coverage, the applicant must reappear before the Board of Appeals.**

**Mrs. Ortman seconded and the motion was carried unanimously.**

**4. Lisa Roberts requesting a Special Permit to replace an existing fence and extend it 20' on property located at 72 Loomis Bay Road, Specifically Section 367.15-1-49.**

Ms. Roberts said there is currently an existing split rail fence approximately 136' long located on their property. She said they would like to replace the fence at its current height of 4' and extend it approximately 20' further to the property line. Mr. Lawson said the applicant could have replaced the existing fence with just a permit and no ZBA appearance, but the addition of the 20' and the fact that the new section is closer than 2' from the property line requires the board of appeals process. Mr. Levesque asked if anyone wished to speak regarding the application. Mr. Lawson requested that the applicant check

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with South and Center Sewer District to make sure there are no lines that run through where the fence will be located.

**Mr. Levesque motioned to grant Lisa Roberts a Special Permit to replace an existing fence and extend it 20' to the property line stake, as outlined in the application, at property located at 72 Loomis Bay Road, Specifically Section 367.15-1-49. Mr. Michalak seconded and the motion was carried unanimously.**

The hearing was adjourned at 8:35 PM.

***Nancy Thomas***  
***Town Clerk***