

**TOWN OF NORTH HARMONY  
ZONING BOARD OF APPEALS  
WEDNESDAY, 8/24/11 7:30 PM**

**ZBA MEMBERS PRESENT:**      **Greg Michalak**      **Louise Ortman**  
   **Paul Silzle**              **Dick Barton**  
   **Brad Lawson, Zoning CEO**  
   **Dave Stapleton, Attorney**

**Others Present:**      **Barton Williams**      **Dennis Spangler**

**Mr. Michalak, acting Chairman brought the meeting to order at 7:40 PM.**

Mr. Stapleton swore in all expressed intent to speak.

**1. Barton Williams requesting an Area Variance to demolish an existing garage and build a new garage on a non-conforming lot (14,000 sq. ft.) within Section 401 of the Zoning Code at property located at Rt. 394, Ashville, specifically Section 367.09-1-5.10.**

Mr. Stapleton said he would have to recues himself from comment on the case as he is Mr. Williams's attorney. Mr. Williams said he has a contract for the purchase of the above property which is contingent on the granting of the Area Variance requested. He said he lives at Sunrise Cove and would like to demolish the existing garage located at the property which is next to, but outside the Cove development and construct a new metal type garage for storage of his motor home and other items. He said the height request of 21.8' is for ease of storage for the motor home. Mr. Barton asked which way the doors on the garage would face. Mr. Williams said they would face opposite where they currently are. Mr. Barton asked if the garage would have electric. Mr. Williams said yes. Mrs. Ortman asked if there would be water or any bathrooms. Mr. Williams said no.

Mr. Barton asked Mr. Lawson if there would be any drainage issues. Mr. Lawson said no, as long as runoff is filtered to the road side ditch. Mr. Lawson noted for the record that the land is fairly level. Mr. Williams said he will be installing french drains and removing some of the asphalt around the existing garage and that should also help with runoff. Mr. Michalak asked if he would be keeping the asphalt driveway to Rt. 394. Mr. Williams said yes. Mrs. Ortman asked what the current height of the garage is. Mr. Lawson said it is about 19' tall. Mr. Lawson said the variances needed are for nonconforming lot size (lot is 1,400 sq. ft and is 79-80' wide); height will be 21.8' (18' is code). He stated that lot coverage is within the 25% required. Mr. Barton asked what color the building would be. Mr. Williams said probably a light tan or another color that will blend. Mr. Barton asked what if any type of lighting will be used on the garage. Mr. Williams said just residential style. Mr. Michalak reviewed the Residential Site Plan Check List with the board. Mr. Michalak reviewed Town Law Sec. 267B. Area Variances, items 1 – 5: 1) no 2) no 3) yes 4) no 5) yes. Mr. Michalak asked if anyone wished to speak regarding the application.

**Mr. Michalak motioned to grant an Area Variance to Barton Williams to demolish an existing garage and construct a new 21.8' tall garage on a nonconforming lot size which does not comply with Section 401 of the Zoning Code at property located at Rt. 394, Ashville, specifically Section 367.09-1-5.10 provided the following criteria is adhered to:**

- **Color of building to blend with other homes in area**
- **Only residential style lighting be used**

**Mr. Barton seconded and the motion was carried unanimously.**

**2. Dennis Spangler requesting an Area Variance to construct a 27.8' high storage building that does not conform to Zoning Code Sec. 406 at property located at 3240 Deerwood Dr., Ashville, specifically Section 349.00-2-6.6.**

*Clarification for the record: Mr. Spangler owns parcels 349.00-2-6.3 and 349.00-2-6.6. Mr. Lawson indicated that the building project is located on 349.00-2-6.3.* Mr. Spangler said he would like to build a 27.8' tall pole barn for storage of his motor home, back hoe and equipment. He said the building would have a gravel floor for now and perhaps he would have a concrete floor put in part of it later for a workshop. He said the building would have electric, water and a bathroom. Mr. Spangler said he owns 349.00-2-6.3 and 349.00-2-6.6. He said eventually he plans to build a house on the same property as the barn. He said the barn and future house will each have a septic tank and will share the same drain field. He said in the future he may build a guest house in the barn. Mr. Lawson said he has a permit from the county for septic for the barn and it would be up to them as to what would be allowed for the house if it is built in the future. There was general discussion of two residences on one property lot and Mr. Lawson said this is something the Planning Board is looking at as they discuss future zoning, especially in AG areas where larger acreage is common. Mr. Spangler said at this time he intends no habitable space in the barn, but if he decides to change that he will come to Mr. Lawson with the proper plans. Mr. Lawson said if the zoning law is as it exists now, Mr. Spangler would have to come before the ZBA for approval of two dwellings on one parcel if he decides to build his house on the same lot and if the garage contains a guest house. Mr. Stapleton clarified that the area is residential and cannot be used for commercial purposes. Mr. Lawson noted that most of the drainage will go naturally into the pond that Mr. Spangler built and suggested it would be a good idea to direct all his future drainage to the pond. He advised Mr. Spangler it is important to make sure no runoff water is being directed to any neighbor's property. Mr. Lawson said there had been some issue with the DEC and CWC because there had been no silt fence present during the pond construction. He said Mr. Spangler had remedied that situation. Mr. Michalak reviewed the Residential Site Plan Check List and it was noted that an engineered site plan survey with setbacks was not provided. Mr. Michalak reviewed Town Law Sec. 267B. Area Variances, items 1 – 5: 1) no 2) no 3) yes 4) no 5) yes. Mr. Michalak asked if anyone wished to speak regarding the application.

**Mrs. Ortman motioned to grant an Area Variance to Dennis Spangler to construct a 27.8' high storage building as outlined above that does not conform to Zoning Code Sec. 406 at property located at 3240 Deerwood Dr., Ashville, specifically Section 349.00-2-6.3 provided the following condition is satisfied:**

- **Engineered site plan survey with setbacks be provided to the Zoning CEO prior to beginning construction**

**Mr. Silzle seconded and the motion was carried unanimously.**

The hearing was adjourned at 8:25 PM.

*Nancy Thomas*  
*Town Clerk*