

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
October 21, 2013

The meeting opened at 7:02 p.m. with the following **members present:** Chairman Jim Kenney, Les Drake, Harold Carpenter, Alternates Pat LeConey (sitting in for Don Bell) and Ann Aubertine (sitting in for Dale Maclaughlin). **Absent:** Don Bell, Dale Maclaughlin.

Also Present: ZEO Henry LaClair, CEO Richard Ingerson, Recording Clerk Susan Kenney

Townspople Present: Mary Lou Hetzke, Allyn Hetzke, Tillie Youngs, Richard Youngs, Mark Hummel, Larry Aubertine, Todd Youngs.

The minutes from the September 16 meeting were reviewed, with no corrections noted. **MOTION** was made by Harold Carpenter, 2nd by Ann Aubertine (acting for Dale Maclaughlin) to approve the minutes as submitted. Motion was carried.

7:03 --- Town --- Weggeland Family Trust, 42586 Murray Island, Clayton, Tax Map #12.11-1-3, in the Marine-Residential District. Area variance to extend a nonconforming structure with a porch addition.

Mark Hummel did the presenting for the Trust. The house was built in 1902, long before zoning. The Trust wants to put on two small additions to the existing deck, and is asking relief for the additions and the needed steps. The existing deck has rounded corners, and the additions will square up to the house. The surrounding land is all rock. The closest approach to the dock would be 28 feet.

There have been no letters, phone calls, or other communications concerning this application.

At 7:09 **MOTION** was made by Les Drake, 2nd by Pat LeConey (acting for Don Bell) to declare this a Type II action. Motion was carried. **MOTION** was made by Ann Aubertine (acting for Dale Maclaughlin), 2nd by Pat LeConey (acting for Don Bell) to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:15 **MOTION** was made by Ann Aubertine (acting for Dale Maclaughlin), 2nd by Pat LeConey (acting for Don Bell) to approve the application as submitted.

Aye: Kenney, Drake, Carpenter, LeConey (acting for Bell), Aubertine (acting for Maclaughlin)
Nay: none Abstain: none Absent: Bell, Maclaughlin

7:15 --- Village --- Mary L. Hetzke, 235 Swart Avenue, Clayton, Tax Map #20.48-1-4, in the General Residential District. Variance to erect a garage closer to the rear property line than is allowed.

Allyn Hetzke did the presenting. They plan to replace the existing mobile home with a stick-built house and garage. He restores antique boats, three of which will be kept in the large garage/storage barn, so a large amount of room is needed to be able to maneuver the boats into the garage without hitting things. The house will primarily be used for guest overflow from their nearby townhouse. The proposed house and porch will be lined up with the existing dwelling as well as with the houses next door and down the street. In the General Residential District, the houses just have to line up with the other houses in the neighborhood; there is no specific setback.

Since the area where the current house sits will be black-topped for a driveway, and the proposed house will sit in a different location, there should be no problems with line of sight for plowing, etc. There is a sewer easement running through one side of the property; the proposed garage/storage barn will be five feet from that. The barn was moved a little closer to the sewer easement to give more room to get the boats into the barn without hitting the house.

This application is only looking at a two-foot rear yard variance for the barn, and nothing for the house. The proposed barn will be 19 feet tall, thereby requiring a 14-foot setback; the current plan has a 12-foot setback, so calling for a 2-foot variance. The question was raised as to whether the barn could be moved closer to the street and thereby eliminate the need for a variance. Mr. and Mrs. Hetzke are amenable to moving the barn forward two feet to eliminate the need for a variance, although they had been hoping for as much driveway room as possible.

At 7:42 **MOTION** was made by Les Drake, 2nd by Harold Carpenter, to declare this a Type II action. Motion was carried. **MOTION** was made by Ann Aubertine (acting for Dale Maclaughlin), 2nd by Pat LeConey (acting for Don Bell), to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 7:49 **MOTION** was made by Les Drake, 2nd by Harold Carpenter, to approve the setback as requested and amend the application to eliminate the two-foot rear yard variance.

Aye: Kenney, Drake, Carpenter, LeConey (acting for Bell), Aubertine (acting for Maclaughlin)
Nay: none Abstain: none Absent: Bell, Maclaughlin

7:53 --- Town --- Richard & Matilda Youngs, 16438 County Route 3, Clayton, Tax Map #20.15-1-26, in the Agricultural-Rural Residential District. Requesting area variance to site a storage building closer to the front property line than allowed by town zoning ordinance.

Richard Youngs did the presenting. The storage building is already built and located further back on the property. It had been built to look like the house. Mr. Youngs's original impression had been that there was a 60-foot setback, as on every other county road in Jefferson County; on County Route 3, the setback is 100 feet. So the barn was placed further back on the property than originally intended, and the location is proving to be unworkable: the overhead door opens into the pine trees, the side door opens almost directly into the house, and the power lines are under the slab so it can't be rewired. They want to move the building closer to the road, to a spot

along the driveway that is already blacktopped. He wants enough space between the garage and storage building so that he can park his boat and camper back there, as well as have a place to push snow out of the way. The building is 24 feet long and would be 63 feet from the center of the road.

One neighbor had stopped in to speak with Mr. Youngs and expressed no problems with the proposed project.

At 8:08 **MOTION** was made by Les Drake, 2nd by Harold Carpenter, to declare this a Type II action. Motion was carried. **MOTION** was made by Les Drake, 2nd by Pat LeConey (acting for Don Bell), to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:16 **MOTION** was made by Harold Carpenter, 2nd by Ann Aubertine (acting for Dale Maclaughlin), to approve the application as submitted.

Aye: Kenney, Drake, Carpenter, LeConey (acting for Bell), Aubertine (acting for Maclaughlin)
Nay: none Abstain: none Absent: Bell, Maclaughlin

8:18 --- Village --- Todd & Kristin Youngs, 709 Beecher St., Clayton, Tax Map #20.47-4-16.1, in the Neighborhood Residential District. Requesting to erect a garage closer to property lines allowed by local zoning law.

Todd Youngs did the presenting. They want to replace the current garage and shed, which are old and dilapidated; one of the buildings actually touches the property line. The proposed garage would be 20x22 ft., which was the biggest he could squeeze in, and would be a few feet removed from the property line. It was noted that the Board had approved a similar situation with a small garage on the property directly to the north of the Youngs's house.

At 8:20 **MOTION** was made by Les Drake, 2nd by Harold Carpenter, to declare this a Type II action. Motion was carried. **MOTION** was made by Ann Aubertine (acting for Dale Maclaughlin), 2nd by Pat LeConey (acting for Don Bell), to close the public hearing. Motion was carried.

Chairman Kenney did the finding of fact. At 8:26 **MOTION** was made by Les Drake, 2nd by Pat LeConey (acting for Don Bell), to approve the application as submitted.

Aye: Kenney, Drake, Carpenter, LeConey (acting for Bell), Aubertine (acting for Maclaughlin)
Nay: none Abstain: none Absent: Bell, Maclaughlin

At 8:29 **MOTION** was made by Pat LeConey (acting for Don Bell), 2nd by Les Drake, to adjourn the meeting. Motion was carried.

*Respectfully submitted,
Susan Kenney, Recording Clerk*