

APPROVED
JOINT TOWN / VILLAGE OF CLAYTON
ZONING BOARD OF APPEALS
July 20, 2015

The meeting opened at 7:00 p.m. with the following **members present**: Chairman Jim Kenney, Don Bell, and Ann Aubertine (sitting in for Les Drake). **Absent**: Les Drake, Dale MacLaughlin and Harold Carpenter

Also Present: Zoning Officer Kimberli Johnston and Recording Clerk Amanda Shane.

Townspople present: Lynn Fisher, Kent Anderson, Mary Anderson, Twyla Webb, Paul Webb, and Ken Rogers

The minutes were discussed from the June 15, 2015 meeting and no changes were made. At 7:01 PM **MOTION** was made by Don Bell, 2nd by Ann Aubertine, to accept the minutes as presented. Motion carried.

7:02 PM—Town—Gary M. Babcock, 18112 County Route 181, Clayton, Tax Map #31.00-2-17.23, in the Agricultural-Residential District. Area variance application.

Chairman Kenney opened the public hearing and Kenny Rogers did the presenting. The property owner, Gary Babcock, is seeking an area variance to construct a garage closer to the property line than is permitted. Babcock had previously been granted a variance in 2000 granting him permission to construct a garage in the same location, only six (6) feet from the property line; however he never built the garage. Adjacent property owners, the McQuaids, submitted a letter to the board stating they do not support approval of the variance and request the board enforce zoning. There were no other letters from neighbors. Rogers explained that Babcock would like to construct the garage so close to the property line because that is where the driveway is and he would like to back his camper down the driveway into the garage. He further explained that the new plans were almost identical to the plans that were approved back in 2000. The center stall of the garage will be ten (10) feet and the two side doors will be eight (8) feet. Chairman Kenny discussed grade of the property and that he agrees there should be a straight line to back the camper into the garage. The board discussed a compromise and decided a 12.5' variance would be sufficient.

At 7:23 PM **MOTION** made by Don Bell, 2nd by Ann Aubertine to declare a Type II Action. Motion carried. Chairman Kenney completed the Finding of Fact.

At 7:30 PM **MOTION** made by Anne Aubertine, 2nd by Don Bell to approve the application as amended with a 12.5' area variance. Motion carried.

Aye: Kenney, Bell, and Aubertine (sitting in for Les Drake)

Nay: none

Abstain: none

Absent: MacLaughlin and Carpenter

At 7:31 PM **MOTION** made by Ann Aubertine, 2nd by Chairman Kenney to close the public hearing. Motion carried.

7:34 PM—Village—Kent & Mary Anderson, Bartlett Point Road, Clayton, Tax Map #20.53-1-6.18, in the Resort-Single-Family Residential District. Area Variance application.

Chairman Kenney opened the public hearing and Kent Anderson did the presenting. The board reviewed a map of the property. The property is considered waterfront and is located on a dredged canal. The front yard is considered the side that faces the water. Anderson and the board discussed measurements of the property and where the dwelling will be constructed. There is no need for a variance concerning either Dulles Lane or Bartlett Point Road. The only variance needed is a fourteen (14) foot variance for the front yard. The front yard is determined by the waterline. Twyla Webb, adjacent property owner, was present and stated that she has no objection and offered her total support.

At 8:00 PM **MOTION** made by Don Bell, 2nd by Ann Aubertine to declare a Type II Action. Motion carried. Chairman Kenney completed the Finding of Fact.

At 8:11 PM **MOTION** made by Ann Aubertine, 2nd by Don Bell to approve the application with a 14 foot front yard setback. Motion carried.

Aye: Kenney, Bell, and Aubertine (sitting in for Les Drake)

Nay: none

Abstain: none

Absent: MacLaughlin and Carpenter

At 8:12 PM **MOTION** made by Ann Aubertine, 2nd by Don Bell to close the public hearing. Motion carried.

8:15 PM—Town—Gary & Lynn Fisher, 14408 Grossman Point, Grindstone Island, Clayton, Tax Map #12.00-1-33, in the Marine-Residential District. Area Variance Application.

Chairman Kenney opened the public hearing and Lynn Fisher did the presenting. The Fishers are seeking a 47' front yard variance to build a 16' x 16' deck on the west side of the property. The new deck would tie into existing deck and walkway. They will be rebuilding a deck to make it larger in size. The board reviewed pictures of the property.

At 8:19 PM **MOTION** made by Ann Aubertine, 2nd by Don Bell to declare a Type II Action. Motion carried. **MOTION** made by Ann Aubertine, 2nd by Chairman Kenney to close the public hearing. Chairman Kenney completed the Finding of Fact.

At 8:27 PM **MOTION** made by Ann Aubertine, 2nd by Chairman Kenney to approve the application as submitted. Motion carried.

Aye: Kenney, Bell, and Aubertine (sitting in for Les Drake)

Nay: none

Abstain: none

Absent: MacLaughlin and Carpenter

At 8:30 PM **MOTION** made by Chairman Kenney, 2nd by Ann Aubertine to adjourn the meeting. Motion carried.

Respectfully Submitted,

Amanda Shane, Recording Clerk