

Town of Homer Zoning Board of Appeals

Minutes for Wednesday, June 25, 2014

Board Members (absent *)

Gary Lawrence, Chairman

David Deasy

Gary Sweeney *

Ken Poole

Zachary Young

Daniel Gustafson

Gerald Neuman

Others Present

Lindsay Andersen, Recording Secretary

John Daniels, CEO

Pat Snyder, Attorney

Public Attendance: Christine Hernandez, Paul and Barbara Stepien, Amy Bertini

Public Hearing

Chairman Lawrence opened the public hearing to consider **an application by Christine Hernandez for an area variance for a deck within the zoning setback distance. The project is located on Little York Lake at 6096 Elm Ave.**

Christine Hernandez stated that she had a new deck built last year and the neighbor recently made her aware that the deck is closer to the lot line than what is allowed. She stated the deck is 3 feet from the lot line and the requirement is 7 feet.

Amy Bertini stated that she is a member of the Lake Association and believes that it is almost impossible to comply with the required setbacks on lake properties. She stated that she does not see any problem with the new deck and would recommend approval of the variance as it is an improvement to the property.

Member Deasy asked CEO Daniels how the permit was originally issued if it did not comply. CEO Daniels stated that when he originally issued the permit the contractors were 7 feet from the property line based on the plans. When CEO Daniels did the final inspection for the permit he

spoke to the neighbors regarding the setback requirement and they stated that they had no problem with the deck only being 3 feet from the lot line.

With no further questions or comments from the public the public hearing was closed.

Chairman Lawrence opened the public hearing to consider **an application by Paul and Barbara Stepien for an area variance to build an enclosed porch within the zoning setback distance. The project is located on Little York Lake at 6135 Recor Way.**

Barbara Stepien stated that their current deck is 12x16 feet and they would like to replace the deck with a 12x20 foot enclosed porch. The enclosed porch would be 8 feet from the property line which would increase the length of the current deck that exists but would not put the new porch any closer to the neighbor's property. She also brought a letter written by her neighbor stating that they have no objections to her building the new porch.

With no questions or comments from the public the public hearing was closed.

Regular Meeting

Chairman Lawrence stated that both matters were sent to the County Planning Department for review and the county letter for both applications stated that the requests were technically adequate and had no state or county wide impact.

Member Gustafson made the motion to accept the meeting minutes from the February 13, 2013 meeting. Member Neuman seconded the motion. With all members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 6,0,0.

Chairman Lawrence opened the regular meeting for discussion on **an application by Christine Hernandez for an area variance for a deck within the zoning setback distance. The project is located on Little York Lake at 6096 Elm Ave.**

Member Neuman made the motion to accept the variance request and grant the variance for Christine Hernandez at 6096 Elm Ave. Member Poole seconded the motion. With all members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 6,0,0.

Attorney Snyder stated that both matters are Type 2 under SEQR and no short environmental assessment form is needed.

Chairman Lawrence opened discussion for the **application by Paul and Barbara Stepien for an area variance to build an enclosed porch within the zoning setback distance. The project is located on Little York Lake at 6135 Recor Way.**

Member Deasy made the motion to accept the request and grant the variance for Paul and Barbara Stepien at 6135 Recor Way. Member Gustafson seconded the motion. With all members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 6,0,0.

Adjournment

The meeting was adjourned at 7:00pm.

Lindsay M. Andersen, Recording Secretary