

TOWN OF GRANBY ZONING BOARD OF APPEALS

Meeting Minutes

November 9, 2017

AGENDA: Schultz Public Hearing
Regular Meeting

MEMBERS: Michael French, Chairman
Peter LeoGrande
Patricia Simmons
Tom Thompson
Sandra Farrands

ALSO PRESENT: James Schultz, Timothy & Kimberly Doyle, Jim Paterson, Joe Paterson, Gary Macy and Town Councilor Tracy Doyle.

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PUBLIC HEARING

Area Variance Request

James Schultz – 768 State Route 48, Fulton

Tax Map #270.04-02-02

Chairman French opened the Hearing at 7:05 pm. The applicant stated that he would like to build an 11'x24' lean to structure on the south side of his garage which is 12.4' from the side property line as drawn on the submitted survey map of the property. The request is for an 18.6' variance from the south property line which is substantial. Mr. Schultz explained that the lean to would be to store a pontoon boat for the winter season and would utilize an existing retaining wall as a foundation. He planned to install posts to support a roof at 11' from the garage, utilizing the retaining block structures for support. The lean to structure would have no walls and have a 1' over hang making the addition size 12'x24'. The Board members commented that the roof would dump rain and snow directly onto the neighboring property whose driveway runs along the same property line. Member Thompson questioned the construction plans and stated that a steel roof at a 4/12 pitch would most likely shed snow onto the neighboring property. Mr. Schultz replied that the roof pitch is just under a 4/12 at a 3/5, and doesn't believe the snow would jump 10' to the edge of the driveway. At this time, 7:10 pm, Chairman French opened the Hearing for public comments as follows:

1. Tim Doyle – Property owner to the south whose driveway is directly affected by the proposed lean to structure. Mr. Doyle stated that the prefabricated concrete blocks were placed on the property line without a building permit or inspection and is virtually permanent because of their weight and size. The applicant installed the retaining wall without informing the Town or the neighbors, and the heavy equipment used to place the blocks destroyed his yard, as they used his yard to place the blocks. Mr. Doyle stated that he believes snow and rain will affect his driveway if the structure is built. He has lived there for more than 10 years and has always received a building permit when work was done and is upset that Mr. Shultz fails to get a building permit with every project he starts. The lean to was already mostly built when the

CEO became involved and feels that the structure should be torn down due to failure to comply with Town regulations.

2. James Patterson – A property owner on the road. Mr. Patterson communicated that Mr. Doyle was not a good neighbor and had issues with many of the neighbors. He stated that the impact that Mr. Shultz's activities have created is much exaggerated by Mr. Doyle. Although it is probable that the lean to could drop snow onto the Doyle property, it would not jump 10' to the driveway. He added that in the 23 years he has lived there, the cottage owned by Mr. Doyle is vacant in the winter without any in or out traffic, again stating that the impact is exaggerated.

The applicant, James Shultz, stated that he measured the driveway at 10 feet from the property line and conceded that the lean to roof would shed water and snow onto the property line area and no further. He is willing to place a rain gutter on the structure as well as add snow stops to eliminate large sheets of snow or ice from leaving the roof. Chairman French asked if the applicant would be willing to use asphalt shingles instead of steel to help control the accumulation of snow onto the neighboring property. Tim Doyle was adamant that the driveway was closer than 10' and was dead set against the structure being allowed. Member Thompson asked Mr. Shultz if he could drive through it, and if not, was there any other point of access for the back yard allowing a different location for a storage space.

Mr. Shultz replied that the property slopes towards the river once you get beyond the house, making it difficult and costly to build there and a storage shed would block the view, which is the reason he bought the property. The proposed location for the lean to is aesthetically pleasing because it maintains the building line of the existing house and garage, it also is least costly because a foundation exists and a wall to attach to exists whereas another location would be a complete build. Tim Doyle stated that he plans to build a home in the future that would be located at the top of the lot as are all the neighboring properties and that the lean to encroachment would inhibit the ability for him to develop his property with a primary structure rather than just an accessory use. He expressed that there should be a penalty for residents that consistently do not follow the Town's regulations, and building the lean to was nearly completed when the Codes Office became aware of it and stopped any further work without obtaining a variance from the ZBA. The Board would need to get more information from the CEO to determine the history of the property including the retaining wall. Mr. Schultz stated that he had purchased the property in August of 2013 and the retaining wall had been installed previous to his purchase, he therefore did not have information regarding its installation. A **motion was moved** by Member Thompson to table the Hearing until Monday November 20th at the Community Center. The motion was seconded by Member LeoGrande, all were in favor and the **motion carried**.

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REGULAR MEETING

The Regular meeting was opened at 7:32 pm. Members Thompson and LeoGrande agreed that the design directly and adversely affects the neighbor's property. The applicant is willing to mitigate by using a rain gutter and snow stops but the substantial encroachment at 1.4 feet from the property line suggests that the neighboring property should not be further burdened. Chairman French agreed and suggested that changing the roof direction so that it dumped snow and water onto Mr. Shultz's own property would eliminate the need for any further mitigation. The Board

members discussed the homes in the neighborhood which are all well maintained, landscaped and slender riverfront lots that have homes and garages squeezed within the property lines and encroach upon the 20' side setback. Chairman French stated that a finished product that matched the current rooflines would improve property values where a lean to may not. Mr. Doyle commented that he is already closer than the regulations allow, and if he builds he'll be too close – the setbacks established by the Town should be enforced. Member LeoGrande stated that the applicant was asking for too much variance and that he should try to find a different location on the property to build. Member Thompson stated that the retaining wall to be used as a foundation needs some investigation as far as when it was built, what it is made of and whether the CEO approves it as a suitable foundation to support a 3/5 sloped roof with snow weight.

MINUTES

A **motion** was **moved** by Member Farrands to approve the meeting minutes for October 17, 2017. The motion was seconded by Member Simmons, all were in favor without further discussion and the **motion carried**.

ADJOURN

With no other business before the Board a **motion** to adjourn at 8:55 pm was **moved** by Member Thompson and seconded by Member Farrands, all were in favor and the **motion carried**.

Respectfully submitted by:


Lisa Somers, ZBA secretary