

# TOWN OF GROTON ZONING BOARD OF APPEALS

**Minutes of Public Hearing/Decision Meeting – Tuesday, 9 September 2008 – 7 PM  
Groton Town Hall – 101 Conger Boulevard – Groton, NY**

## **Board Members** (\*absent)

Lyle Raymond, Co-Chairman  
Steve Thane, Co-Chairman  
Patricia Gaines  
\*Carolann Darling  
Paul Fouts

## **Others Present**

Joan Fitch, Recording Secretary  
Gary Coats, Code Enforcement Officer

## **Applicants/Public Present**

Steven Rollins, Applicant.

## **PUBLIC HEARING**

### **Steven Rollins, Applicant/Reputed Owner – 205 Cobb Street – TM #34.-1-6.1 – Garage Higher Than Allowed**

**The Public Hearing was opened at 7 p.m. by Co-Chairman Steve Thane, who read aloud the Legal Notice as duly published on 2 September 2008. Proof of Publication has been placed on file for the record.**

Co-Chairman Thane introduced those ZBA members present. It was noted for the record that all fees had been paid and that no written communications had been received regarding this appeal.

Co-Chair Thane recognized CEO Gary Coats who explained that the applicant was seeking a variance to build a garage 4 feet higher than the 20-foot maximum height allowed. He explained that the appellant's home had very little storage space as it had no basement. Also, there were no other outbuildings on the parcel that could be used for the needed storage.

Mr. Rollins then explained that he wanted to construct the 24 ft. by 32 ft. garage with a second floor ceiling height of 8 feet. The proposed garage would be 350± feet from the road; in addition, it met all of the Town's setback requirements. Co-Chair Lyle Raymond stated that the proposed location of the garage was, according to the USGS Map displayed, the highest point on Cobb Street. The placement of the garage would make the gable side visible from the road. Member Paul Fouts asked the appellant if the first floor of the garage would be used for vehicles, and Mr. Rollins stated it would. Mr. Rollins added that the building was pre-engineered and the plans were from Baker-Miller.

Co-Chair Raymond then asked the appellant if it was possible to make the garage larger and not so high, thereby accomplishing the same purpose. Mr. Rollins responded that it would then be away from his home. Co-Chair Thane added that Mr. Rollins could put a bend in his driveway and have the building longer and not so high. The appellant stated that he did not want to "wipe out" the corner when turning and/or backing.

Member Pat Gaines ascertained from CEO Coats that the "new Code" would have a maximum height limit of 35 feet if and when it was adopted. This proposed height would eliminate a lot of these variances in the future.

With regard to the proposed garage's visibility, Mr. Rollins stated that it will be far off the road and only about six feet of it would be visible.

**With everyone being heard who wished to be heard, the Public Hearing was closed at 7:15 p.m. by Co-Chair Thane.**

**DISCUSSION/DECISION**

Co-Chairman Thane opened the decision portion of this appeal at 7:15 p.m. He then proceeded with the required questions (balancing test), with the responses being given by the ZBA members, after a brief discussion of each, as follows:

- 1. Can the benefit be achieved by other means feasible to the applicant without requiring a variance?

Discussion/Finding: Yes, he could construct a separate small building on another part of his property to use for storage. Member Fouts commented that it was possible, but not feasible. Member Gaines felt it could also be more expensive.

- 2. Will it cause an undesirable change in neighborhood character or nearby properties?

Discussion: Member Gaines felt it would not. Co-Chair Raymond thought it would cause an undesirable change because the proposed location of the garage is on a high point and will really show, changing the character of the neighborhood. Member Fouts stated he really couldn't say if it would cause an undesirable change or not. Co-Chair Thane felt it would be an undesirable change, but since it's in an Ag area, it would probably not look out of place. Co-Chair Raymond felt that a residence didn't matter, "but this will sit up above everybody else. It's not that big a deal, but we shouldn't ignore it."

Finding: While not an undesirable change, it will be a noticeable change.

- 3. Is the request substantial?

Discussion: It's four feet higher than allowed, or 20%, so all felt it was not substantial.

Finding: No, it's not substantial.

- 4. Will it have physical or environmental affects?

Discussion: The Board felt that the proposed garage will be noticeable, but did not feel there would be any adverse physical or environmental effects.

Finding: No, as there's not that big a difference from 20 feet to 24 feet.

- 5. Is the alleged difficulty self-created?

Discussion/Finding: Yes, because the garage will be higher than what's allowed. Also, the garage slab is already in place. CEO Coats stated that he had given permission to the appellant to place the slab, as it would be the same size whether or not the garage was constructed at a height of 20 feet or 24 feet.

Co-Chair Thane commented that it did not look as if there was "too much contention" regarding the requested variance.

**A motion was then made by Member Fouts that, based on the findings, the Zoning Board of Appeals grants the variance as requested. The motion was seconded by Co-Chair Raymond, with the vote recorded as follows:**

**Ayes: Co-Chairman Raymond  
Co-Chairman Thane  
Member Gaines  
Member Fouts**

**Nays: None  
Absent: Member Darling**

**Motion carried.**

**This becomes Action #4 of 2008.**

**ADJOURNMENT**

At 7:37 p.m., the meeting was adjourned by Co-Chairman Thane.

---

Joan E. Fitch  
Recording Secretary

Emailed to Town Clerk, Bd. Members,  
CEO & Town Attorney on 9/10/08. Original & tape mailed.