

**Town of Red Hook  
Zoning Board of Appeals Meeting Minutes  
August 11, 2010**

**CALL TO ORDER**

The meeting was called to order at 7:15 P.M. by Chairman Nick Annas.

**ROLL CALL**

Members Present: Nick Annas, Kenneth Anderson, Christopher Carney, John Douglas,  
Tim Ross, alternate Trilby Sieverding

Absent: Jim Hegstetter, Paul Marienthal

**PRELIMINARY BUSINESS**

Minutes of July 14, 2010: Chairman Annas asked if everyone had read the July 14, 2010 Minutes and invited comments or questions. Hearing none, Tim made a motion to accept the Minutes as written. The motion was seconded by Chairman Annas and all were in favor.

Planning Board Minutes and Letters: There were no comments from the Board.

Building Inspector/ZEO Permits and Memos: The Board reviewed the Permits and memos.

**PUBLIC HEARING**

7:20 Appeal 10-06, Timothy & Linda Carey application to erect a detached two car garage ten feet from the side property line where the code requires a twenty foot setback for an accessory building. The applicant's property is located at 109 Kelly Road in the R1.5 zoning district. Mr. and Mrs. Carey were present to discuss their application. Chairman Annas opened the Public Hearing and asked Mr. Carey if he had spoken to his neighbors. He said that he had done so and they had no objections. Mr. Carey then submitted copies of a sketch showing the roof line. The Board reviewed the sketch. Chairman Annas said that he felt that it would be possible for Mr. Carey to attach the garage to the house and still retain the bedroom windows. Mr. Carey said that he had hoped to detach the garage because he felt it would be more aesthetically pleasing. If it were attached to house, he felt it would present a long, unsightly footprint. However, he said that he knew that this was one of the options which had to be considered.

Ken expressed concern that the garage would be twelve feet from the house and asked if this could be shortened to six or eight feet. He asked if the garage could be situated behind the house. Mr. Carey responded that it could not be moved further back because the septic system is located behind the house. Ken asked if it would be possible to get equipment in to do maintenance if the garage were moved to the back. Mr. Carey said that equipment could be driven around the back of the house; however there is a fruit tree in the way. Tim commented that maintaining the use of the leach field would supercede the concern about possibly losing the fruit tree. There is also a building code issue, he said, viz. the requirement that the side wall of the garage be fire retardant.

As no one was present to offer comments, Chairman Annas closed the public hearing and asked if there were any questions from the Board. Tim said that the garage would not be out of place as there were other such detached garages in the neighborhood.

Motion to Grant Variance

Tim Ross made a motion to approve the variance reducing the required twenty foot setback to ten feet because it would be a benefit to the applicant, no detriment to the neighborhood, would not adversely affect public safety or welfare and would be consistent with the neighborhood because there are other similarly situated garages in the area.

The motion was seconded by John Douglas. A roll call vote was taken with the following results:

Chairman Annas	Nay
Ken Anderson	Yea
Christopher Carney	Yea
John Douglas	Yea
Tim Ross	Yea

The motion was therefore passed by a 4 to 1 vote.

**ADJOURNMENT**

Tim made a motion to adjourn the meeting. The motion was seconded by Chairman Annas and all were in favor. The meeting was adjourned at 7:25 P.M.

Respectfully submitted,  
Toni Cochran and Sheila Franklin

## **FINDINGS AND DECISION**

Appeal 10-06, Timothy & Linda Carey application to erect a detached two car garage ten feet from the side property line where the code requires a twenty foot setback for an accessory building.

### **FINDINGS:**

1. The property is located at 109 Kelly Road in the R1.5 zoning district.
2. Tax Map #134889-6173-12-780536.
3. The zoning law requires a twenty foot setback for an accessory building.
4. The applicant wishes to erect a detached two car garage ten feet from the side property line.
5. There were no objections from the audience.
6. A variance would be of benefit to the applicant with no detriment to the community.
6. There will be no change in the character of the neighborhood.
7. There will be no impact on the health, welfare or safety of the community.
8. The structure will be consistent with the neighborhood because there are other similarly situated garages in the area.

**DECISION:** Tim Ross made a motion to grant the variance based upon the above findings. The motion was seconded by John Douglas and carried by a 4 - 1 roll call vote.

Dated: August 11, 2010