

**TOWN OF SOMERSET  
ZONING BOARD OF APPEALS  
SEPTEMBER 13, 2022  
7:30pm**

Present	Scott Ecker, Chairman Amos Andrews Larry Dent Kent Wakefield David Haylett, Attorney
Absent	Joe Provencher, Zoning Board Member
Audience	Robert and Judith Schultz-- Applicant Jo Ann Cena Paul Cena Betsy Higgins Paul Higgins Betsy Fox John Fox Norm Jansen Dale Howard Kathy Howard Renate Donaldson J. Scott Donaldson Barker High School Students

**AREA VARIANCE HEARING**

Owner/Applicant      Robert & Judith Schultz

Property Location      8739 Lakeview Drive

Application to consider a variance to construct an 11.8' x 20' accessory building on said parcel having an 11.5-foot side setback where a minimum of 15 feet is required.

A packet containing a survey and pictures of the accessory building was passed out by R. Schultz to the zoning board.

The hearing was opened at 7:38pm with R. Schultz explaining that he is requesting a variance for a shed which will be used to store a snow blower, table, chairs, and lawn/gardening equipment. He expressed that it would be a hardship to not have adequate storage space for their 864 square-foot, four season home. He said that current placement of the shed would be moved 5' closer to the house than the previous variance request on August 9, 2022.

Atty. Haylett asked R. Schultz how far the shed is from the house is, to which R. Schultz said that it is just under 5 feet. He asked if the siding matches the house, to which R. Schultz responded that the house is off-white, and the shed is white. He asked if the type of shed is common in the neighborhood, to which R. Schultz said that it is. R. Schultz explained that the placement of the shed would not block the view of the lake for the neighbors. Atty. Haylett asked if there previously was a shed on the property to which R. Schultz replied that there was not.

S. Ecker opened the hearing up to questions from the public.

The following comments were shared, and discussion ensued concerning the following:

- The shed would devalue a neighboring property
- Protocol was not followed regarding obtaining a Building Permit and Variance
- This was a self-created hardship
- Other options for storage should be considered
- Building Permit expiration date
- Purchase of land across the street from residences for accessory buildings

With no further discussion, the hearing was closed at 8:11pm.

#### **APPROVAL OF THE MINUTES**

On a motion by K. Wakefield, seconded by L. Dent to approve the Minutes from August 9, 2022, the following resolution was

ADOPTED	Ayes	4	Andrews, Dent, Ecker, Wakefield
	Nays	0	

Resolution: The Minutes from August 9, 2022 were accepted as submitted.

#### **COMMUNICATIONS**

Three letters were read from neighbors of 8739 Lakeview Drive regarding the variance for a shed.

#### **OLD BUSINESS**

There was no old business

#### **NEW BUSINESS**

**Re: 8739 Lakeview Drive**

Atty. Haylett explained that this is a Type II under SEQRA and reviewed the five factors of findings. He discussed the options for the hearing which would be to approve or deny the variance or table it until next month's meeting.

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**September 13, 2022**

On a motion by A. Andrews, seconded by L. Dent to approve the variance, the following resolution was

ADOPTED      Ayes    4            Andrews, Dent, Ecker, Wakefield  
                     Nays    0

Resolution:   A Variance for a shed having an 11.5-foot side setback on 8739 Lakeview Drive was approved.

There was a discussion that due to conflict with a zoning board member, there is a need to change the zoning meetings to a different Tuesday in the month. The decision would be tabled until the next meeting.

**ADJOURNMENT**

There being no further business, K. Wakefield made a motion to adjourn the meeting at 8:25pm, seconded by L. Dent. Carried unanimously.

Respectfully submitted

Sandra Lewis  
Zoning Board Secretary