Yates County Planning Board Referral Form

Referral # 2015-2
County Use Only

Date Received 1/12/15

Revised 1/2014

Municipality and Referring Agency: Town of Milo / Anthony Validzic, Code Enforcement Officer

Project Address: 563 East Lake Road Project Tax Map #: 97.30-1-5

Zoning District: Resort Residential (RR)

Applicant (**Name & MAILING**): Marathon Engineering (Attn. Robert Bringley)

39 Cascade Drive; Rochester, NY 14614 Email Telephone No.: (585) 458-7770

Property Owner (**Name & MAILING**): Carl and Karen Dietze

2517 Blairmont Terrace; Hollidaysburg, PA 16648 Email: kdietze@conceptfoodsales.com

Reason for Referral (Prox. to Cty Rd., State Rd., Muni Boundary, etc.): w/i 500 feet of NYS Route 54-East Lake Rd, which is a NYS designated highway

Application Type

- [x] Area Variance
- [ ] Use Variance
- [ ] Special Use Permit
- [ ] Site Plan
- [ ] Subdivision
- [ ] Text Amendment
- [ ] Map Amendment
- [ ] Other: Resubdivision

Project Description

See attached transmittal by the Code Enforcement Officer

Supporting Documents Required (IF N/A, include explanation)

- [x] Municipal Application
- [ ] Tax Map or Plat
- [ ] SEQR
- [x] Site Plan *
- [x] Variance Criteria **
- [ ] Subdivision Plat — For Subdivision Referrals Only
- [x] Other: Pictometry, etc.

Type II action per SEQRA

Three (3) area variances requested

*If Site Plan Review, Site Plan **MUST** be detailed and meet the municipal requirements.

All Variance referrals (Area/Use) **MUST include detailed justifications associated with reason/s for appeal.

Certification: *With the following signature I certify that this application provides a complete description of the proposed local action and is a complete application pursuant to NYS General Municipal Law Article 12b, Section 239-m, part c.*

Anthony Validzic, Code Enforcement Officer for the Town of Milo, Referring Official

Provision of required information is the responsibility of the referring agency. Failure to provide such information may result in a significant delay in processing.

Submit To: **Yates County Planning Department, Sbonshak@yatescounty.org or 417 Liberty St. Suite 1093, Penn Yan, NY 14527**

TOWN OF MILO, NEW YORK

Department of Code Enforcement and Administration
137 Main Street – Town Hall
Penn Yan, New York 14527
Telephone No.: (315) 531-8042
Facsimile No.: (315) 536-9760
TDD No.: (202) 720-6382
Email: codeofficer@townofmilo.com

Monday, January 12, 2015

Town of Milo, New York
Attention: Members of the Zoning Board of Appeals
137 Main Street – Town Hall
Penn Yan, New York 14527

Reference: **563 East Lake Road, Penn Yan (Tax Map ID No.: 97.30-1-5)**
Application No.: ZBA-02-24-2015A

Dear Board Members:

Thank you for taking the time to read this letter. Our department has received an application for three (3) Area Variances as it pertains to the following actions:

- The applicant proposes to construct a new addition to their single unit dwelling at 563 East Lake Road. Said addition will be 10'x17'x28' to increase the living area of their existing dwelling (Note. The existing dwelling has a first floor of 672 square feet and the second story of 288 square feet.) Moreover, the owner has discussed his proposed project with his neighbors and received positive response(s). Lastly, the addition will be designed and certified by Marathon Engineering.

The Code Enforcement Officer wishes this Board to understand the following:

1. The proposed location of the addition appears to be the only feasible location on said lot due to:

    a. This lot of record is classified as a nonconforming lot since it is not in compliance with the minimum lot requirements prescribed in the Zoning Schedule of Bulk and Coverage Controls.

    b. The existing dwelling is a small cottage with a gross floor area of 672 square feet at the first story and 288 square feet at the second story. As described in the owner's "Statement of Need," such dwelling has an undersized amount of living space and cannot accommodate their needs for a residence.

    c. Marathon Engineering was employed by the owner to ascertain if any other alternatives was available in lieu of obtaining area variances. Such engineer and the owner has documented that a second story addition to the existing dwelling was not possible due to existing dwelling's design/construction. Furthermore, Marathon Engineering and the owner stated in the application that demolishing the detached garage and constructing an

addition with a garage will not financially feasible but also such action would still require area variances to be obtained. Lastly, Marathon Engineering has documented that the addition will comply with the Flood Damage Prevention Law of the Town of Milo as it pertains to bottom floor elevation plus the two (2) feet freeboard required by the Residential Code of NYS, 2010 edition.

2. The owner has spoken to the neighbors and received support of this application. The owner has submitted written support from the neighbors as part of the application for an area variance.

3. Other lots of record at this community appear to have been granted similar nonconformities. Please refer to the attached images from Pictometry.

4. The application is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), specifically §617.5(c)(9) and (13) of 6 NYCRR Part 617.5 . Type II actions are those actions, or classes of actions, which have been found categorically to not have significant adverse impacts on the environment, or actions that have been statutorily exempted from SEQR review. Such type of action does not require preparation of an EAF, a negative or positive declaration, or an EIS. Any action or class of actions listed as Type II action requires no further processing under SEQRA.

With these facts in mind, the applicant is applying for the following area variances:

1. *Area Variance #1:* Based on the information provided by owner, the owner is proposing an addition to a principal building (i.e., single unit dwelling) that will have a side yard of ten (10) feet. The Zoning Schedule of Bulk and Coverage Controls of the Town of Milo requires a side yard of fifteen (15) feet for a principal building at this zoning district (i.e., RR zoning district). Therefore, the owner is requesting a variance of five (5) feet from the side yard requirement at this zoning district.

2. *Area Variance #2:* Based on the information provided by the owner, the owner is proposing an addition to a principal building (i.e., single unit dwelling) that will have a rear yard of sixteen (16) feet. The Zoning Schedule of Bulk and Coverage Controls of the Town of Milo requires a rear yard of thirty (30) feet for a principal building at this zoning district (i.e., RR zoning district). Furthermore, §140-17(A)(2) requires a twenty five (25) feet setback from the mean high water line (MHWL), which the NYSDEC has informed the Town of Milo that such line is the rear lot line for properties abutting Keuka Lake. (Note. More restrictive regulations is applicable so thirty (30) feet rear yard requirement governs this zoning district.) Therefore, the owner is requesting a variance of fourteen (14) feet from the rear yard requirement at this zoning district.

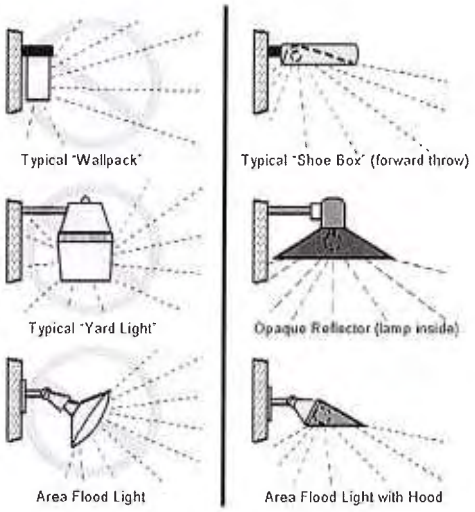
3. *Area Variance #3:* Based on the information provided by the owner, the owner is proposing an addition to the principal building (i.e., single unit dwelling) that will cause an increase in the lot coverage by three percent (3%), which the calculation was determined by Marathon Engineering. The Zoning Schedule of Bulk and Coverage Controls of the Town of Milo requires a lot coverage not to exceed twenty percent (20%). Therefore, the owner is requesting a variance of seven point one percent (7.1%) to exceed the maximum lot coverage at this zoning district.

It is the opinion of the Code Enforcement Officer that this Application be "Approved with Conditions" since:

1. The variance sought are due to the nonconforming elements of this lot of record, topography of the land and the undersized living area of the existing single unit dwelling.

At a minimum, the conditions of approval are as follows:

1. The owner shall comply with any land restrictions (i.e., easements, covenants, right-of-ways, etc.) as recorded on the deed of the property.
2. The owner shall not construct any structure over any utility (i.e., public water and sewer).
3. The owner shall comply with the Residential Code of New York State – current edition and obtain a Building Permit prior to the start of construction.
4. The owner shall comply with the Flood Damage Prevention Law of the Town of Milo as well as the applicable provisions in the Residential Code of New York State – current edition as it pertains to the base flood elevation plus two (2) feet freeboard of the addition.
5. The owner shall ensure that any installed security lighting fixtures shall be shielded and aimed so that the main beam is directed toward the ground or designated area where security lighting is needed.

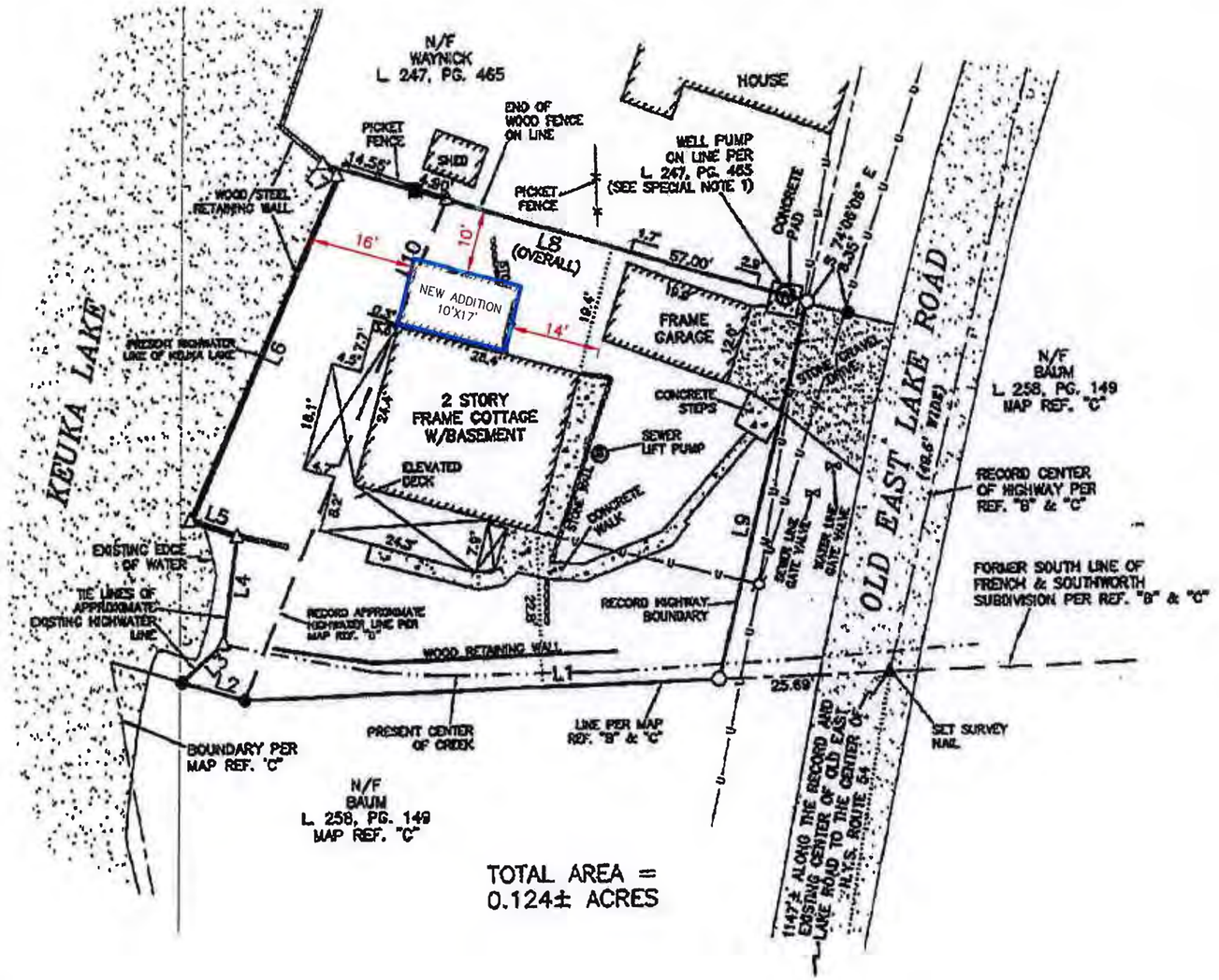


6. The owner shall ensure that all roof water runoff will not create an adverse impact at contiguous lots of record. It is highly recommended that all downspouts be directed away from such lots and designed to discharge roof water in an acceptable manner (e.g., lake, road drainage ditch, stream, etc.)
7. The owner fully understands and agrees that any work that was authorized by an Area Variance shall become null and void and all rights thereunder shall terminate if such work has not commenced within one (1) year of the date of such variance's issuance.

   Exemption(s):

   - The Code Enforcement Officer is authorized to grant, in writing, one or more extensions of time, for periods not more than one (1) year each. The extension shall be requested in writing by the owner and justifiable cause demonstrated.

The Town of Milo thanks you in advance for your anticipated cooperation as it pertains to this matter. Please do not hesitate to contact us if any concerns or questions arise.



PROJECT STATISTICS

1. GENERAL:

1.1 PROPERTY OWNER - *CARL & KAREN DIETZE*
1.2 PROPERTY ADDRESS - *563 EAST LAKE ROAD PENN YAN, NY 14527*

1.3 TAX ACCOUNT - *97.30-1-5*

2. ZONING REGULATIONS:

2.1 ZONING DISTRICT - RR - RESORT RESIDENTIAL

2.2 CODE REQUIREMENTS -

	REQUIRED	PROPOSED
LOT COVERAGE (MAX.)	20%	27.1%±*
BUILDING SEPARATION (MIN.)	10'	14'±
SETBACKS(MIN.)		
FRONT	40'	58'±
SIDE	15	10'±**
REAR	30'	16'±***

* AREA VARIANCES REQUIRED FOR NON-COMFORMANCE, CURRENT LOT COVERAGE IS 23.3%±
** AREA VARIANCES REQUIRED FOR NON-COMFORMANCE
*** AREA VARIANCES REQUIRED FOR NON-COMFORMANCE, CURRENT REAR SET BACK IS 18'±

NORTH

LEGEND

- FOUND IRON PIN
- FOUND IRON STAKE
- SET IRON PIN
- CORNER NO MARKER
- OVERHEAD UTILITY LINE
- UTILITY POLE

NOTE: THIS SITE PLAN IS A GRAPHICAL REPRESENTATION OF SURVEY MAP ENTITLED "LANDS TO BE CONVEYED TO CARL C. & KAREN M. DIETZE" AS PREPARED BY WILLSON, DAUGHERTY & ASSOCIATES, DATED SEPTEMBER 7, 2010. VERBAL PERMISSION FOR USE OF THIS MAP WAS GRANTED BY RICHARD DAUGHERTY ON JANUARY 8, 2015.

MARATHON ENGINEERING
39 CASCADE DRIVE
ROCHESTER, NY 14614
PHONE 585-458-7770
www.marathoneng.com

OVERALL PLAN FOR CARL & KAREN DIETZE 563 EAST LAKE RD

TOWN OF MILO YATES COUNTY NEW YORK

JOB NO:	0624
SCALE:	1" = 20'
DRAWN:	KJH
DESIGNED:	MT
DATE:	01/08/15

REVISIONS

DATE	BY	REVISION

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STATE OF NEW YORK ROBERT P. BRINGLEY NO. 066924 LICENSED PROFESSIONAL ENGINEER

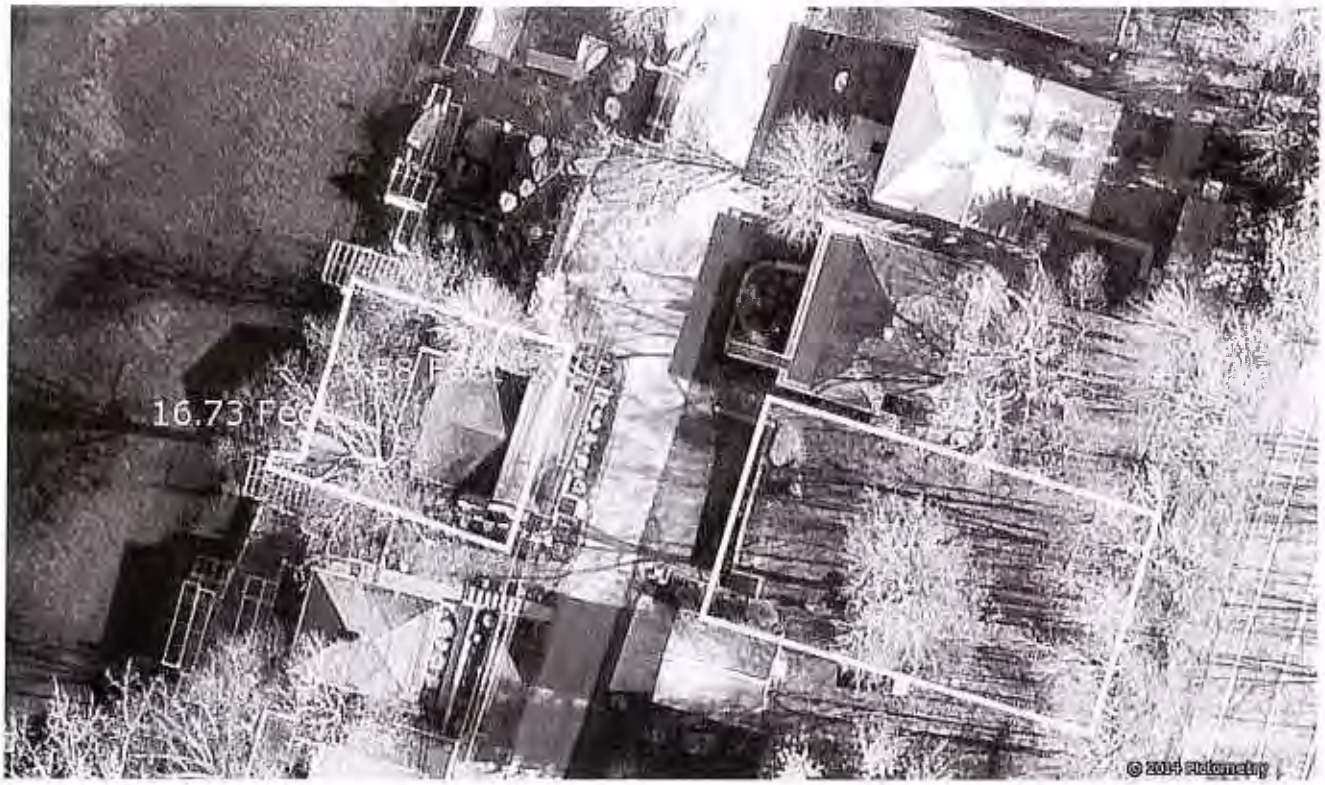
ROBERT P. BRINGLEY

DRAWING TITLE:
OVERALL LAYOUT

1 of 1 SHEET No:	C1.0
0624-14 JOB No:	DRAWING No:

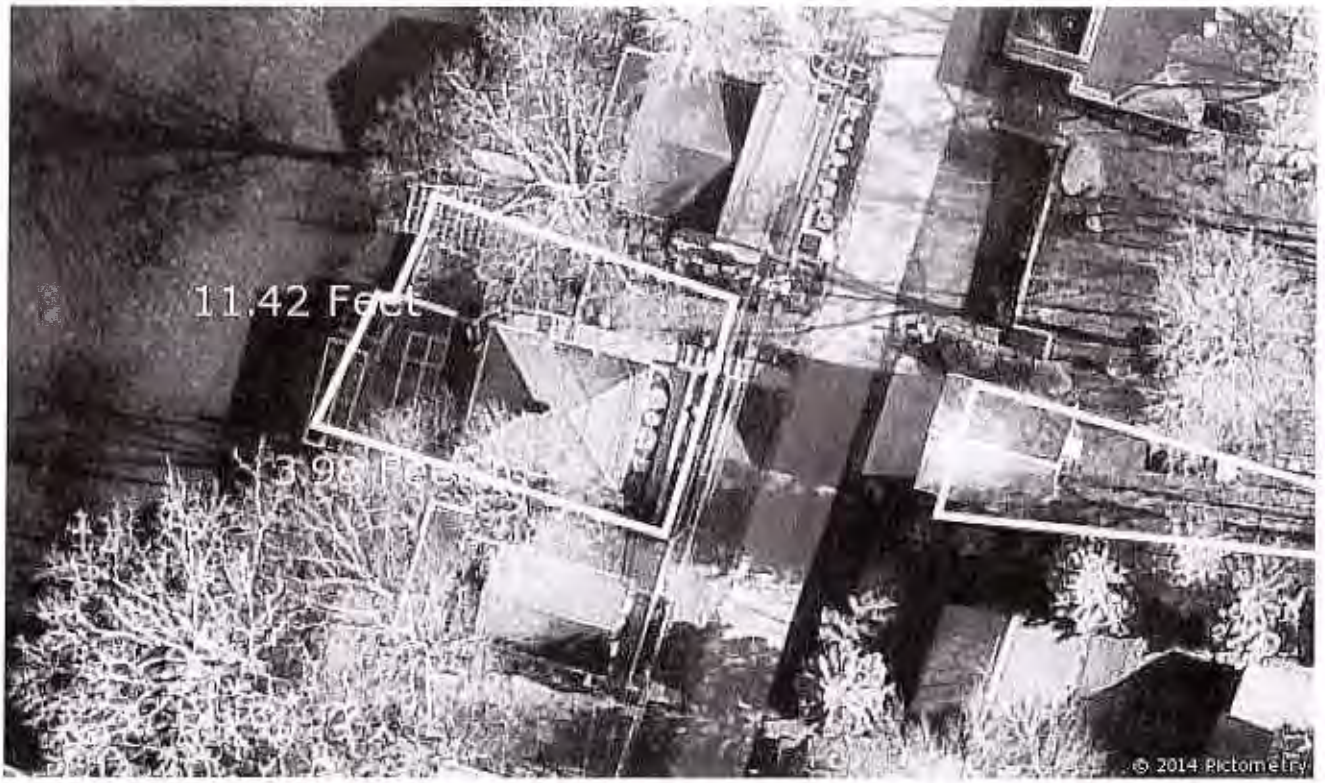
563 East Lake Road

Print Date: 01/12/2015
Image Date:04/28/2014
Level: Neighborhood



560 East Lake Road

Print Date: 01/12/2015
Image Date:04/28/2014
Level: Neighborhood



561 East Lake Road

Print Date: 01/12/2015
Image Date:04/28/2014
Level: Neighborhood

565 East Lake Road

Print Date: 01/12/2015
Image Date:04/28/2014
Level: Neighborhood

MARATHON ENGINEERING

39 Cascade Drive / Rochester, NY 14614 / Phone (585) 458-7770

January 9, 2015

Anthony Validzic
Town of Milo
137 Main St
Penn Yan NY 14527

Re: Area Variances
563 East Lake Road

Dear Anthony,

On behalf of our client, Carl and Karen Dietze, we are requesting to be placed on the Zoning Board of Appeals agenda for February 24, 2015 for the board's review of required Area Variances relating to the applicant's proposed 10' x 17' addition.

Three Area Variances are required for the addition:

1. A side setback of 10 feet where a minimum allowable setback of 15 feet is required.
2. A rear setback of 16 feet where a minimum allowable setback of 30 feet is required.
3. Lot coverage of 27.1% where the allowable maximum lot coverage is 20.0%

Enclosed is the following information to aid in your review:

- 10 copies of this Letter of Intent
- 10 copies of the Application for an Area Variance (including letters from neighbors)
- 10 copies of the Short Environmental Assessment Form
- 10 copies of the Site Plan (11x17)
- 1 check in the amount of $750 for the application fee ($250 for each variance requested)

As a Licensed Engineer in the State of New York, I certify the bottom floor elevation will be at least 722.8 feet, NGVD-1929. A FEMA Flood Elevation Certificate showing this will be obtained and included with the application for a Building Permit.

If you have any questions, or require additional information, please do not hesitate to contact our office.

Respectfully submitted,

Robert P. Bringley, P.E.

cc: Carl and Karen Dietze
Bucky Bates, Bucky Bates Construction

Reset Form

Print Form

TOWN OF MILO, NEW YORK

Department of Code Enforcement and Administration
137 Main Street
Penn Yan, New York 14527
Telephone No.: (315) 531-8042
Facsimile No.: (315) 536-9760
TDD No.: (202) 720-6382
Email: codeofficer@townofmilo.com
Website: www.townofmilo.com

APPLICATION FOR AN AREA VARIANCE

Part 1. General Information.

Owner of Record:

Name: Carl C & Karen M Dietze

Address: 2517 Blairmont Terrace

City: Hollidaysburg State: PA Zip Code: 16648

Telephone: 814-695-6252

Email: kdietze@conceptfoodsales.com

Property Information, which is the subject of the Area Variance:

Address: 563 East Lake Rd

City: Penn Yan State: NY Zip Code: 14527

Tax Map Identification Number: 97.30-1-5

Zoning District: RR Resort Residential

Occupancy Classification: Seasonal Residence

Part 2. Description of Area Variance(s).

Please describe each area variance requested in a concise manner and its applicable chapter and section from the Code of the Town of Milo.

Variance #1	Side Yard Setback						
	Chapter	140	Section	19A	Proposed (feet, %, etc.)	10 feet	Required (feet, %, etc.) 15 feet
Variance #2	Rear Yard Setback						
	Chapter	140	Section	17A-2	Proposed (feet, %, etc.)	16 feet	Required (feet, %, etc.) 30 feet
Variance #3	Maximum Lot Coverage						
	Chapter	140	Section	20	Proposed (feet, %, etc.)	27.1%	Required (feet, %, etc.) 20.0%
Variance #4							
	Chapter		Section		Proposed (feet, %, etc.)		Required (feet, %, etc.)
Variance #5							
	Chapter		Section		Proposed (feet, %, etc.)		Required (feet, %, etc.)

Part 3. Statement of Need.

Please state your justifications for the above-mentioned area variance(s). Please understand that this information will help the members of the Zoning Board of Appeals in making its determination and is your opportunity to explain why you need the above-mentioned area variance(s). For example, my lot is a nonconforming lot and I need this addition to create another bedroom, which will allow us to comply with the legal occupancy requirements for my family at this property. (Note: A nonconforming lot does not satisfy the minimum lot requirements mandated by the Zoning Law of the Town of Milo.) Lastly, your explanation(s) should be brief, concise, and avoid remarks that are discriminatory in nature.

Applicant wishes to construct a modest addition (10'x17') to enhance the livability of this seasonal residence. The design/construction of the existing residence does not allow a vertical addition. The proposed addition is more than 10 feet from the existing garage, thus no changes to the garage are required. Adding habitable space to the existing garage would require demolition of the building and reconstruction. Not only would this be a significantly higher cost, the resulting livable space would not be contiguous and therefore would not meet the applicant's objectives.

The proposed addition is the only practical method of providing the additional livable space. The variances are simply a result of the site configuration and the design of the existing structures.

Tax Account # 97.30-1-5 **Date** 01/09/2015

Property/Project 563 East Lake Road **Owner/Applicant** Carl & Karen Dietze

Part 4. New York State Review Criteria for an Area Variance

A) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance(s):

The proposed addition will blend into the neighborhood. This project will not produce an undesirable change in the character of the neighborhood, nor will it be a detriment to nearby properties as shown by the attached letters from the applicant's neighbors.

B) Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance(s):

The design/construction of the existing residence does not allow a vertical addition. The proposed addition is more than 10 feet from the existing garage, thus no changes to the garage are required. Adding habitable space to the existing garage would require demolition of the building and reconstruction. Not only would this be a significantly higher cost, the resulting livable space would not be contiguous and therefore would not meet the applicant's objectives.

The proposed addition is the only practical method of providing the additional livable space. The variances are simply a result of the site configuration and the design of the existing structures.

C) Whether the requested area variance(s) is substantial:

The lot coverage is only increasing by 170 square feet (3%), which is a minor change and has little/no impact on the surrounding properties. Similarly, the rear and side setback variances will not affect the neighboring properties. It should be noted the rear line of the addition is aligned with the rear line of the existing house.

D) Whether the proposed area variance(s) will have an adverse effect on the physical or environmental conditions in the neighborhood or zoning district:

The setback differences are not noticeable and are consistent with other properties in the area. The addition will be aesthetically pleasing and well constructed; the modest addition to the existing house enhances the livability and will not have any adverse effect on the physical or environmental conditions in the neighborhood.

E) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance(s):

This difficulty was self-created as the applicant purchased this property with the existing house. However, as noted above, the applicant has explored alternatives and this approach is the only practical method of enhancing the livability of this seasonal residence by constructing a modest addition.

December 8, 2014

Milo Zoning Board
Penn Yan, New York

To whom it may Concern:

We are neighbors of the Dietze family, residing at 561 East Lake Road, just two cottages to the north of the subject property.

We have reviewed the expansion plans presented and think the addition would be an asset to our neighborhood. It would improve the appearance of the Dietz's property and the surrounding areas.

While we understand the improvement is approximately 10 feet adjacent to the northern property, it is consistent with the properties in the area. For example, our southern property line with our neighbor is less than the 10 foot variance that is now being requested.

It is apparent that the front of the new structure facing the lake will be flush with the existing structure therefore not obstructing the view as now exists with the neighbors'. In addition, the contour of the roof lines and the finish on the outside is the same as the rest of the house.

In summary, please accept this letter of support and for our approval to this project and please consider the variances required to move this project forward in a timely fashion.

Sincerely

Timothy J Webster Ellen L Webster

Molly & Tom's letter of support.txt

From: Molly Waynick [3mollydog@gmail.com]
Sent: Tuesday, December 02, 2014 7:50 AM
To: Carl Dietze
Subject: 563 East Lake road addition

We live next door to Carl and Karen Dietze to the north at 562 east lake road
We have looked at the plot plan and have no problem with the proposal

Sincerely,
Tom and Molly

Waynick

Sent from my iPad=

December 2, 2014

564 East Lake Road
Penn Yan, New York 14527

Planning / Assessment
Town of Milo
Penn Yan, New York 14527

Dear Sirs:

I have known and observed the Dietze's at 563 East Lake Road property maintenance and improvements for approximately three years as a neighbor next to and immediately behind them.

In my opinion their actions have been of high quality and a plus for the neighborhood.

This letter is as requested to assist the acceptance of variance requirements for the Town of Milo.

Sincerely,

Dave Baum

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