

Patrick and Kim Broe                      case no. 03-10-21-1  
Parcel no. 70.14-1-2.00

The meeting was called to order by Chairperson Dorothy Rathbun at 7:10p.m.. Present along with Ms. Rathbun were Zoning Board of Appeals (ZBA) members William Gibson, Brennan Hoag, Frank Miosek and Lorna Wilhelm; Zoning Enforcement Officer, Neal Newman . Others in attendance were: Patrick Broe, Cailin Purcell, and Leslie Rathbun.

**Application:** Ms. Rathbun reviewed the referenced application from the Broes requesting a variance to permit construction of a covered deck extending eight feet toward the Otsego Lake shore line on their seasonal lake home. The construction would occur entirely within the 100 foot of the shore. The existing structure is 70 feet from the shore. Therefore, the variance is required to address Article IV, section G which states: "A building or structure within 100 feet of Otsego Lake or the Susquehanna River may be destroyed and reconstructed so long as it does not exceed its original footprint and so long as its reconstruction does not increase the existing nonconformity with this Local Law in any regard."

The Broes' application made the following statements:

1. "Our camp is the only one along Peggs Bay shoreline which doesn't have a deck to enjoy the views of the lake."
2. "While extending our exterior footprint 8 feet closer to the lake we will not impede anyone's views or alter the neighborhood character."
3. "The previous camp owners never added a deck to take full advantage of the lake setting as we would like to do."

**Discussion:**

- The Board reviewed the drawings and maps furnished by the Broes .
- Ms. Purcell, who with her husband are immediate neighbors to the north, raised an objection to the proposal with pictures from her property to establish the building as it has presently been enlarged with an additional story, already infringes on their view without the added dimension of the proposed nonconforming covered deck.
- Ms. Wilhelm made comment that the previously existing sunroom had offered similar lake view access to the prior owners. Mr. Broe incorporated that footprint into the main house structure not allowing for the desired deck without further nonconforming encroachment. Therefore, the limitation expressed by the application is self-created; a key requirement to be considered regarding potential waivers of Zoning law by the Board.
- The Board suggested that perhaps a patio at ground level or a deck on the south side of the building could accomplish much of the desired lake view access.
- When based on the above discussion it became evident the Board was not looking favorably at the proposal, Mr. Broe counter-offered that he would be willing to accept a deck toward the lake without the roof covering to minimize the visual impact.
- Mr. Hoag stated, in his opinion, with the required railing and then furnishings elimination of the roof wouldn't significantly change the effect of the proposal.

**Determination:** Ms. Wilhelm moved that the proposal be denied as offered due to the situation being self-created and adding to the nonconformity of the property. The motion was seconded by Mr. Miosek. Mr. Gibson abstained from voting due to familial connection with the Broes. All others voted, four to zero, in favor of the motion to deny the proposal.

Mr. Broe was encouraged to reconsider other alternatives to reaching his family's goals.

**Adjournment:** The meeting was adjourned at 7:55 p.m.

Respectfully submitted,

/s/ William Gibson, acting secretary