

**Middlefield Zoning Board of Appeals**

**June 6, 2018**

Tom and Lynn Johnson: case no. 06-06-18-01

The meeting was called to order by Chairperson Dorothy Rathbun at 7:03 p.m.. Zoning Board of Appeals (ZBA) members present were: Dorothy Rathbun, Lorna Wilhelm, Brennan Hoag, Frank Miosek and William Gibson. All persons present signed a register to be filed with these minutes. Two immediate neighbors and one who is one house removed attended the meeting.

The Johnsons of 236 Beaver Meadow Road, Cooperstown, NY, parcel no. 147-1-29.22, filed two applications for use variances. The two projects although technically structures were presented as being of minimal visual intrusion. One, a swimming pool, would be behind the house, and would not be visible from other properties. The fence around the pool would be visible from the residence to the west, but fences are typically along boundaries and visible. The second structure requested is a carport with open sides covering the rear portion of the existing driveway. The neighbors expressed support of each proposal.

The in-ground swimming pool is planned to be 14 by 26 feet enclosed by a proper four foot fence. The variance requested is to locate the pool nearer the back and side boundaries than the Middlefield Zoning Law allows. The placement at the rear is requested to be allowed at 17 feet well short of the 50 foot allowed; the placement toward the east side boundary would be 15 feet at the nearest to that boundary which slants away from the home. The owner of the adjacent property, Mr. Martin Robinson, has planted trees along each of these boundaries (east and rear), which will further block the potential visibility of these items.

The Board dealt with these requests separately.

First, the pool was reviewed. The property's pre-existing shape and size limits possibilities. The pool needs to meet code safety requirements with fencing protection and locks, etc. Frank Miosek moved and Brennan Hoag seconded that the requested variance be approved in that the space limitation is pre-existing and the pool's construction would not alter the nature of the R-80 Residential-Agricultural District. The motion was approved by unanimous vote of the Board members..

Second, the Board reviewed the carport request. It was moved by Brennan Hoag and seconded by Lorna Wihelm that the request be approved on the similar basis as the pool with the stipulation that it remain open-sided with no permanent side walls. This motion was also approved unanimously.

There being no other business for the Board the meeting was adjourned.

Respectfully submitted,

William Gibson, Acting Secretary