

**Town of Florida
Zoning Board of Appeals
Tuesday, July 13, 2021
Regular Meeting
7:00 PM**

A meeting of the Town of Florida Zoning Board of Appeals public comment portion was called to order at 7:05pm by Chairman Richard List. Present for the meeting were Frank Staley, Sam Bursese, Attorney Deb Slezak, Matt Bearcroft Zoning Code Enforcement and Clerk Emily Staley. Tom Nelson was absent.

New Business:

Marjorie Dancing Wind Heacock and her sister 865 Bullshead Road were present to request a Variance to the Zoning Ordinance in regards to Ms. Heacock putting a second house on her property for her sister to live in.

The former Zoning Enforcement Officer sent her to the Planning Board in error.

Attorney Deb Slezak read the permitted principal and special permitted uses allowed in an Agricultural Zone. A second home is not allowed in the principal permitted uses nor in the special permitted uses.

Scott McKay asked Ms. Heacock her reasons for putting a second house.

Attorney Slezak explained that New York State code has a limit on primary use buildings per lot and a variance cannot be issued for something that is not allowed per New York State nor Town of Florida code.

Matt Bearcroft suggested a sub-division of the land and separate septic and well.

Ms. Heacock explained that the land was surveyed in June of 2021 and that she would be short the 250' of road frontage needed by just under 5'.

It was suggested by the ZBA that Ms. Heacock sub-divide the land via survey, she will go before the Planning Board and be sent to the ZBA for an Area Variance for being short 5' of frontage and then if/when the Area Variance is approved she would go back to the Planning Board for them to sign off on her subdivision.

The question was asked about Ms. Heacock adding on to the current residence to make living quarters for her sister and Attorney Slezak explained that a 3 family residence is not allowed under the current zoning regulations. She would need stamped engineered drawings for any additions and a breezeway would not be allowed to attach a separate structure to the current residence due to fire code issues.

Attorney Slezak explained again that Ms. Heacock can apply for subdivision to the Planning Board, would get denied due to being short the frontage and would be referred back to the ZBA for an Area Variance.

Motion by Scott McKay and seconded by Sam Bursese to adjourn the ZBA meeting at 7:29pm. All in favor and passed.

Respectfully Submitted,
Emily Staley
Town Clerk