

TOWN OF CAROGA

OFFICE OF CODE ENFORCEMENT

MUNICIPAL OFFICE BUILDING
1840 STHWY 10, P.O. BOX 328
CAROGA LAKE, NY 12032
Telephone: (518) 835-4211 ext. 25
Email: carogacodes@nycap.rr.com

DENIAL NOTICE

Date: September 25, 2019

To: Town of Caroga Zoning Board of Appeals (ZBA)

Subject: Joanne S. Korz
226 Fulton Road
Caroga Lake, NY 12032

Mailing Address: Joanne S. Korz
10211 Hillcrest Road
Cupertino, CA 95014

SBL#: 52.20-1-16

Zoned: LF-2.5 – Lakefront 2.5 Acres

As per Article 9, Section V, Paragraph F; the property owner was allowed to build in the same footprint as previous structure. The property owner proposes to build a covered entryway on the single family dwelling that is under construction.

Article 4: District Regulations of the Zoning Ordinance lists the uses permitted by right, the uses permitted by site plan review and dimensional requirements for each zoning district established by this section of this ordinance. LF-2.5 zoning districts have building setbacks of 25 feet for the front and 20 feet from the rear and side lines of the property, 75 feet from the waterfront and 10% lot coverage. The proposed covered entryway would be 8' wide by 4' deep. It would be 12.5' from the maintained edge of the road on one corner and 14' from the maintained edge of the road on the opposite corner. The allowed setback is 16.5 feet; as per Article 9, Subsection 6, Paragraph A. It would also increase lot coverage by 12 square feet. The preexisting ramp was 20 square feet. A variance for the road front setback and lot coverage would be required prior to review of any building plans. If the variance is granted by the Zoning Board of Appeals and the Adirondack Park Agency (APA), building plans for the entryway only would then be reviewed and a determination would be made about whether to issue a building permit.

Sincerely,



John Duesler
Code Enforcement Officer
Town of Caroga

Town of Caroga Building Permit Application

Owner Information:

Name: Joanne Körz
Mailing Address: 10211 Hillcrest Road
City, State, Zip Code: Cupertino, CA 95014
Telephone: (408) 313-7859

Contractor Information:

Name: Trivedi Construction
Address: 197 Main Road
City, State, Zip Code: Herkimer, NY 13350
Telephone: (315) 542-4503
Insurance Information: USI Insurance Services, LLC

Location of Property:

Address (911#): 226 Fulton Road
SBL #: 52.20-1-16
Lot Size: _____

Description of Project:

Replace approved 4'Wx5'D ramp with an 8'Wx4'D
covered porch

() Drawings Attached

Estimated Value of Project: 3000.⁰⁰

Code Enforcement Office will fill in Information below.

Permit Type POrch

☒ Denied ☐ Approved _____

Date of Approval _____

Permit Fee _____

Paid by Cash or Check # _____

Entered in IPS _____

Closed/Completed in IPS _____

Issue C of C _____

Issue C of O _____

Town of Caroga

Building Permit Application

Instructions/Signature

Application for Building Permit and Certificate of Occupancy/Compliance Within the Town of Caroga.

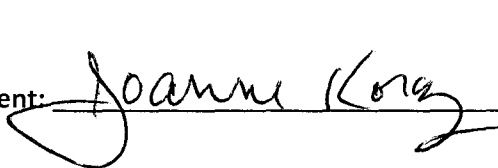
Application is hereby made to the Code Enforcement Officer for a Building Permit pursuant to the New York State Uniform Fire Prevention and Building Code for the construction of buildings, additions, alterations, removal or demolition as herein described. The applicant agrees to comply with all applicable laws, ordinances, and regulations, etc. as follows:

- A. The applicant shall notify the Code Enforcement Office of any changes in the information contained in the application during the period for which the permit is in effect. A permit will be issued when the application has been determined to be complete and when the proposed work is determined to conform to the requirements of the Uniform Code. The authority conferred by such a permit may be limited by conditions.
- B. A building permit may be suspended or revoked if it is determined that the work for which it pertains is not proceeding in conformance with the Uniform Code or with any condition attached to such a permit, or if there has been a misrepresentation or falsification of a material fact in connection with the application for the permit.
- C. A building permit shall expire one (1) year from the date of issuance or upon the issuance of a Certificate of Occupancy (other than a temporary certificate of occupancy), whichever comes first. The permit may, upon written request, be renewed for successive one-year periods that (1) the permit has not been revoked or suspended at the time the application for renewal is made; (2) the relevant information in the application is up to date; and, (3) the renewal fee is paid.

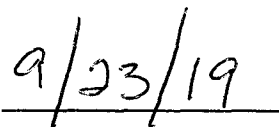
CERTIFICATION:

I hereby certify that I have read the instructions and examined this application and know the same to be true and correct. All provisions of Laws and Ordinances covering this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other State or Local Law regulating construction or the performance of construction.

Owner/Authorized Agent:



Date:



ZONING BOARD OF APPEALS
TOWN OF CAROGA, NY

Application for Zoning Board of Appeals

Appeal Number: _____ Dated: 9/24/19

To the Zoning Board of Appeals, Town of Caroga, New York.

I (we) Joanne Korz (name of applicant)
10211 Hillcrest Road (mailing address)
Cupertino, CA 95014

HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE CODE ENFORCEMENT OFFICER ON APPLICATION FOR:

Building Permit Number: 2019-116 Dated: 7/28/19

WHEREBY THE CODE ENFORCEMENT OFFICER:

() GRANTED _____

☒ DENIED _____

Name of Permit Applicant: Joanne Korz

Property Location/Street Address: 226 Fulton Road

Section, Block and Lot Number: 52.20-1-16

Zoning District of said Property: LF - 2.5

Type of Permit Applied for: Building

Is this applicant in need of a certificate for continuation of a nonconforming use: No

Is the applicant seeking a review of the decision of the code officer: ☒ Yes / No

Provisions(s) of the Zoning Ordinance (Local Law) Appealed:

Indicate the article, subsection and paragraph of the Zoning Ordinance that is being appealed by number. Do not quote the Ordinance.

ARTICLE: 4 SECTION: I SUBSECTION: A PARAGRAPH: _____

Type of Appeal this application pertains to:

() An interpretation of the zoning ordinance or zoning map

☒ A variance to the zoning ordinance

Previous Appeals:

A previous appeal:

☐ has
☒ has not been made with respect to this decision of the building inspector or with respect to the property.

Such appeal(s) was (were) in the form of

☐ a requested interpretation

☐ a request for a variance and was (were) made in;

Appeal No. _____, dated: _____, 20____

Appeal No. _____, dated: _____, 20____

Appeal No. _____, dated: _____, 20____

Appeal No. _____, dated: _____, 20____

- Reason for Appeal. Complete Sections below or Use extra sheet if necessary.

A. Interpretation of the Zoning Ordinance or decision of Code Enforcement Officer is requested because:

B. A variance to the zoning ordinance is requested for these reasons:

1. Strict Application of the ordinance would produce Undue Hardship because:

Our preexisting dwelling had a 3' wide door with a simple 4'W X 5'D ramp. Our new dwelling's door, flanked by sidelites is 7' wide. We'd like to replace the ramp with an 8'W X 4'D covered porch to provide protection and safety to persons entering the dwelling and to packages left by UPS, and to protect + extend the life of the door.

2. The variance would observe the spirit of the ordinance and would Not change the character of the district because:

STATE OF NEW YORK
COUNTY OF

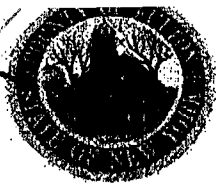
_____) ss:
Fulton)

Sworn to me this 24th day of September, 2019

Joanne Kory
(Signature)

Linda M. Gilbert
(Notary Public) or Town Clerk

LINDA M. GILBERT
Notary Public, State of New York
No. 01G15077557
Qualified in Fulton County
Commission Expires May 12, 2023



FULTON COUNTY – STATE OF NEW YORK
ANN NICKLOY, COUNTY CLERK
223 West Main Street, Johnstown, NY 12095

COUNTY CLERK'S RECORDING PAGE
THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH



INSTRUMENT #: 2017-45927

Receipt#: 2017354267
Clerk: FC
Rec Date: 08/30/2017 10:32:36 AM
Doc Grp: RP
Descrip: DEED
Num Pgs: 3
Rec'd Frm: ALBANESE & ALBANESE

Party1: KORZ DAVID P
Party2: DAVID & JOANNE KORZ REVOCABLE
LIVING TRUST
Town: CAROGA

Recording:

Cover Page	5.00
Recording Fee	30.00
Cultural Ed	14.25
Records Management - Coun	1.00
Records Management - Stat	4.75
Notations	0.50
TP584	5.00
RP5217 Residential/Agricu	116.00
RP5217 - County	9.00

Sub Total: 185.50

Transfer Tax
Transfer Tax 0.00

Sub Total: 0.00

Total: 185.50
**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
Transfer Tax #: 185
Transfer Tax
Consideration: 0.00

Total: 0.00

Record and Return To:

ALBANESE & ALBANESE, ESQS.
BOX

This sheet constitutes the Clerk endorsement required by
section 316A (5) for the Real Property Law of the State of
New York

Ann Nickloy
Fulton County Clerk

THIS IS NOT AN INVOICE

Warranty Deed with Lien Covenant

THIS INDENTURE made this 28th day of August, Two Thousand Seventeen
Between

**DAVID P. KORZ and JOANNE S. KORZ, his wife, residing at 10211 Hillcrest Road,
Cupertino, California 95014**

Party of the First Part, and

**DAVID P. KORZ and JOANNE S. KORZ, as Trustees, or the Successor Trustee, of the
DAVID AND JOANNE KORZ REVOCABLE LIVING TRUST dated June 28, 2016,**

Party of the Second Part,

***Witnesseth, that the Party of the First Part, in consideration of One Dollar (\$1.00) lawful money
of the United States, and other good and valuable consideration paid by the Party of the Second
Part, does hereby grant and release unto the Party of the Second Part, and assigns forever,***

**ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Caroga, County of
Fulton and State of New York, bounded and described as follows: COMMENCING at an iron
pin driven into the south shore line of East Canada Lake, which is the northeast corner of the lot
hereby intended to be conveyed; thence south along the property now or formerly owned by
George Failing to a stone wall running east and west; thence west along said stone wall a
distance of fifty (50) feet, more or less, to the property now or formerly owned by George Kyser;
thence north along said Kyser's line to the said shore line; thence east along the shore line to the
place of beginning.**

A MORE MODERN DESCRIPTION IS AS FOLLOWS:

**ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Caroga, County of
Fulton and State of New York, bounded and described as follows: BEGINNING at an iron rod
set in the southwest shore of Canada Lake at the most northerly corner of lands of Warren and
Diane Robbins (965/153) and running thence S. 41° 59' 50" W. along the northwest line of said
Robbins for a distance of 130.46 feet to an iron rod; running thence N. 35° 17' 52" W. along the
east line of lands of Bailey for a distance of 51.06 feet to an iron pipe; running thence N. 41° 57'
28" E. along the southeast line of lands of Shaver for a distance of 115.81 feet to an iron rod set
in the shore of Canada Lake; running thence S. 51° 18" E. along said shore for a distance of 50.0
feet to the point and place of beginning.**

**EXCEPTING and RESERVING all right, title and interest the public may have in the
roadway known as Fulton Road.**

**EXCEPTING and RESERVING a right of way over and across the above lot for the
benefit of Edward Haggarty and Margaret Haggarty, their heirs and assigns, across and over the
above parcel, said right of way to be located upon a six foot strip running along the east side of
the above lot, and also the west line of the lands of said Failing. With the privilege of placing a
dock and of storing boats on the south shore within said six foot space.**

AND BEING the same premises heretofore conveyed to the Grantors herein by Warranty Deed dated the 10th day of December, 2014 and recorded in the Fulton County Clerk's Office on the 28th day of January, 2015, Instrument No. 2015-30012.

The consideration for this conveyance is less than \$100.00.

Together with the appurtenances and all the estate and rights of the Parties of the First Part in and to said premises,

To have and to hold the premises herein granted unto the Party of the Second Part, and assigns forever.

And said Parties of the First Part

covenant as follows:

First, That the Party of the Second Part shall quietly enjoy the said premises;

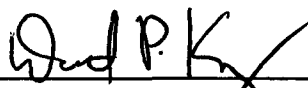
Second, That said Parties of the First Part

will forever Warrant the title of said premises.

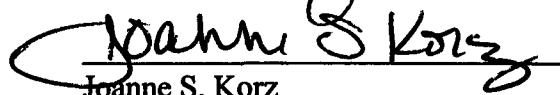
Third, That, in Compliance with Sec. 13 of the Lien Law, the Grantors will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the Parties of the First Part have hereunto set their hands and seals the day and year first above written.

In Presence of



David P. Korz



Joanne S. Korz

**State of New York)
County of)**

SS.:
On the 28th day of August in the year 2017, before me, the Undersigned, a Notary Public in and for said State, personally appeared **DAVID P. KORZ and JOANNE S. KORZ**, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within Instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the Instrument, the individuals, or the person upon behalf of which the individuals acted, executed the Instrument.



Notary Public

My Commission Expires: 8/3/21