

CITY OF BATAVIA ZONING BOARD OF APPEALS
Minutes (Revised)

July 24, 2014, 6:00 p.m.

Council Board Room
One Batavia City Centre, Batavia NY

Members present: *Jeff Gillard, Lee Hyatt, Sandy Licata, Paul McCarthy*

Absent: William Hayes

Others present: Elizabeth Thompson, Mr. and Mrs. Dombrowski, Meg Chilano -
Recording Secretary, Douglas Randall - Code Enforcement Officer

I. Roll Call

Roll call of the members was conducted. Four members were present providing a quorum to conduct the meeting.

II. Call to Order

The meeting was called to order at 5:57 p.m. by Chairman Jeff Gillard.

III. Pledge of Allegiance

IV. Approval of Minutes from June 26, 2014 Meeting

A motion was made by Lee Hyatt to approve the June 26, 2014 minutes. It was seconded by Paul McCarthy. The motion carried 4-0.

V. Zoning Board of Appeals statement

Mr. Gillard read a statement regarding the role of the Zoning Board of Appeals and the procedures it follows.

VI. Variance Requests

Request #1: 3 Fairmont Avenue
Elizabeth A. Thompson, owner

Area Variance: Placement of a one story, 6' x 6' utility shed at the rear of the
driveway

A. Review Application

Filling in for Vice Chairman Hayes, Mr. Hyatt summarized the application for the board. Accessory structures are required to be placed in the rear yard, but Ms. Thompson has submitted an application for a utility shed to be placed in a location that is not the rear yard. Mr. Gillard asked Ms. Thompson to address the proposal. She stated that she does not have a back yard. She said that at the moment she is storing her lawn mower on the patio and that she would like to have a place to put it away and have everything look nice and neat. She explained that her house was originally the carriage house to the property at 218 State Street. Mr. Hyatt asked if the wooden fence belongs to the neighbor and she replied that the fence is hers. Mr. McCarthy asked for the location of the shed and Ms. Thompson showed on the survey where the shed would be placed. She explained that the shed is wood construction, small and neat, standing not much higher than the fence. She said that Charlie Kohorst is putting up the shed.

Mr. Gillard asked if there were any recommendations, and Code Enforcement Officer Doug Randall responded no.

B. Public Hearing

There was no one present who wished to speak about the variance.

C. Discussion and Action by the Board

Mr. Gillard went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no

Paul McCarthy: "I make a motion to approve this variance as submitted with the 60 day limit on building applications." *Jeff Gillard* seconded. Motion carried 4-0.

Request #2: 33 Lyon Street
Lorraine Dombrowski, owner

Area Variance: Placement of a one story, 12 ft. by 20 ft. Utility shed at the rear of
the driveway

A. Review of Application

Mr. Gillard began the review for the SEQR application.

B. Public Hearing

Mr. Gillard opened the public hearing. He read a letter from adjacent neighbor Linda Keil, 31 Lyon Street, into the minutes. Mrs. Keil expressed concerns about visibility down the street depending on the size of the vehicles parked in the Dombrowski's yard, and the esthetics of having a stone driveway as part of the front yard. There was no one available to speak, and no other letters, calls, or emails. Mr. Gillard closed the public hearing.

Mr. Gillard invited Stanley Dombrowski, speaking on behalf of the applicant Lorraine Dombrowski, to address the proposal. Mr. Dombrowski said that he has checked out the situation and he is certain that nothing parked in his front yard would obstruct the view of a vehicle coming out of the driveway. He also said that he does not plan to park anything other than a car in the driveway. Mr. Dombrowski also addressed the concern regarding the esthetics of a stone parking place in the front by pointing out that the driveway is currently composed of stone.

Mr. Hyatt observed that Mr. Dombrowski's rear yard is nearly the size of a football field and wanted to know why he could not use the back for parking vehicles. Mr. Dombrowski responded that he normally has a 28' enclosed car trailer parked in the rear and that he and his family have five vehicles. He said that the street parking is usually limited and there is no place for their guests to park. He said that the church down the street uses most of the street parking. He said that there are a lot of rental properties on the east side of the street and those tenants take up much of the parking space on the street.

Mr. Hyatt said that while he sympathizes with Mr. Dombrowski's dilemma, he believes that it devalues the neighborhood to have parking in the front yard. He said that if the board approves the application others will want to follow. Mr. Hyatt stated that though he realizes a lot of people do it throughout the city, he thinks parking in the front yard does not look good.

Dr. Licata reported that she had pulled into a neighboring driveway to ascertain if her view would be blocked by vehicles in the Dombrowski's driveway, and she determined that her view was clear. Dr. Licata and Mr. Hyatt agreed that the neighbor is probably concerned that the Dombrowskis will leave a large vehicle sitting in the driveway. Mr. McCarthy said that the board could put a restriction on the permit for the type of vehicle allowed, and specify that no boats or trailers could be parked in the driveway. Mr. Hyatt pointed out that with five vehicles, widening the driveway is not going to solve the Dombrowski's problem. Mr. Dombrowski responded that they will park the cars in the order they intend to depart.

There was some confusion about how the sidewalk fits into the proposed plan of widening the driveway. Mr. Dombrowski drew a picture to clarify how the driveway will be changed

in reference to the sidewalk. Mr. Hyatt asked about reducing the width and Mr. Dombrowski said he could work with 7'. He said that he would use crusher run and it would become hard.

Mr. Randall read the Planning & Development Committee's recommendation into the minutes. Mr. Dombrowski asked if he had to follow the PDC recommendation to make the driveway concrete within a year. Mr. Gillard asked Mr. Randall if stone meets the conditions for materials allowed and Mr. Randall answered that it does. Mr. McCarthy said that he did not see why stone would not be acceptable and Mr. Gillard agreed. Mr. Gillard stated that since the stone already exists, it is alright to make the addition the same.

Mr. Gillard went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: Mr. Hyatt responded yes; the others answered no
- Alternative cure sought: no
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no

C. SEQR

The board reviewed the SEQR form. *Paul McCarthy* made a motion for a negative approval of SEQR. *Jeff Gillard* seconded. All voted in favor.

D. Review and Action by the Board

Motion by: *Jeff Gillard*

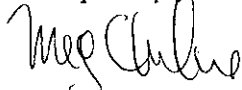
"I make a motion that we accept the application with 7' width, for parking licensed registered passenger vehicles only, with a 60 day limit on building permit application." Seconded by *Sandy Licata*. Motion carried 4-0.

VII. Setting of Next Meeting: August 28, 2014

VIII. Adjournment

Jeff Gillard made a motion to adjourn. Lee Hyatt seconded. Motion carried 4-0. Meeting adjourned at 6:37 p.m.

Respectfully submitted,



Meg Chilano