

# **ZONING BOARD OF APPEALS**

## ***Minutes***

**Thursday, October 22, 2015**

***6:00 pm***

**Council Board Room**

**One Batavia City Centre, Batavia, NY**

Members present: *Jeffrey Gillard, Lee Hyatt, Sandra Licata, Paul McCarthy*

Members absent: William Hayes

Others present: Meg Chilano - Recording Secretary, Doug Randall -- Code Enforcement Officer

### **I. Roll Call**

Roll call of the members was conducted. Four members were present and Chairman Gillard declared a quorum.

### **II. Call to Order**

Mr. Gillard called the meeting to order at 5:58 pm.

### **III. Pledge of Allegiance**

### **IV. Approval of Minutes**

**MOTION:** Mr. McCarthy moved to approve the minutes as written; the motion was seconded by Dr. Licata, and on roll call, was approved 4-0.

**Result: Approval of September 24, 2015 minutes.**

### **V. Zoning Board of Appeals statement**

Mr. Gillard explained the role of the Zoning Board of Appeals and the procedures it follows.

### **VI. Variance Requests**

- A. Placement of 40 lin. ft. of 8' tall wooden fence on this property, parallel to the west property line

Address: *9 Holmes Avenue*

Applicant: Brian Hale, owner

- Actions:
1. Review application
  2. Public hearing and discussion
  3. Action by the board

#### **1. Review Application**

Mr. Hyatt, acting as Vice Chair, read the proposal summary for the board.

## **2. Public Hearing and Discussion**

Mr. Gillard opened the public hearing at 6:02 pm. There were no calls or correspondence and no one present who wished to speak. Mr. Gillard closed the public hearing at 6:03 pm.

Mrs. Hale explained that there had been 60' tall pine trees along the back of the property which have been cut down. She said they would like to put up the fence for privacy.

Mr. Hyatt asked about what is located behind the Hales' property. Mr. Randall said that there is a church and an apartment complex. He explained that the apartment complex, which shares a border with Hales' property, is located within the C-2 district. In this district 8' fences are permitted.

Mr. McCarthy asked why an 8' high fence is necessary. Mr. Hale responded that they have a two-tiered deck and they would like some privacy from the playground and sports fields behind their property.

Dr. Licata asked if any of the neighbors object to a fence that is higher than usual. Mrs. Hale pointed out that the pines had been 60' high so the height of the fence is not really problematic.

## **3. 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
- Self-created: no

**MOTION:** Dr. Licata moved to approve the application with 60 days to obtain the permit. The motion was seconded by Mr. Gillard, and on roll call, was approved 4-0.

**Result: Approval of Area Variance**

**VII. New Business: none**

**VIII. Setting of Next Meeting: November 19, 2015**

**IX. Adjournment**

Dr. Licata moved to adjourn the meeting at 6:08 pm; Mr. Gillard seconded. All voted in favor.



Meg Chilano

Bureau of Inspection Clerk