

# **ZONING BOARD OF APPEALS**

## ***Draft Minutes***

**Thursday, August 22, 2019**

**6:00 pm**

**Council Board Room**

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

Members present: *Bill Cox, Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy, Leslie Moma (Alt.), Jim Russell*

Members absent:

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

### **I. Roll Call**

Roll call of the members was conducted. Five members were present and Chairman McCarthy declared a quorum.

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

Mr. McCarthy called the meeting to order at 5:59 pm.

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

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

There were no corrections to the minutes. Mr. McCarthy assumed the motion and the minutes were approved by unanimous consent.

**RESULT: Approval of July 25, 2019 minutes.**

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

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

### **VI. Variance Requests**

- A. Area Variance: placement of a 12' x 24' one story wood frame shed in a yard not a rear yard (front) of this property

Address: *69 Clinton St.*

Applicant: Laurie Kilbury Taylor, owner

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

### **1. Review Application**

Acting Vice-chair Ms. Kerr-Rosenbeck read the summary of the proposal. Mr. McCarthy reported that the Genesee County Planning Board recommended approval of the variance.

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

**MOTION:** Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 5-0.

**RESULT: Public hearing opened at 6:03 pm.**

Ms. Kilbury Taylor explained that the place she chose to put the shed is the only flat spot in the yard. Near the house is too wet and the side yard is wooded. The shed will not be visible from the street, and the neighbor does not have a problem with the location.

There was no one present who wished to speak, and no calls, letters, or email concerning the proposal.

**MOTION:** Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

**RESULT: Public hearing closed at 6:05 pm.**

### **3. Action by the Board**

Mr. McCarthy 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:** Mr. Russell moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Mr. Cox, and on roll call, was approved 5-0.

**RESULT: Area Variance approved.**

VII. **New Business: none**

VIII. **Setting of Next Meeting: September 26, 2019**

### **IX. Adjournment**

Mr. McCarthy adjourned the meeting at 6:09 pm.



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Meg Chilano

Bureau of Inspection Secretary