

**ZONING BOARD OF APPEALS**  
*Draft Minutes*  
**Thursday, October 24, 2019**  
**6:00 pm**  
**Council Board Room**  
**One Batavia City Centre, Batavia, NY**

Members present: *Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy, Leslie Moma, Jim Russell [took part in discussion and vote on second proposal only]*

Members absent: Bill Cox

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 6:02 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 as written by unanimous consent.

**RESULT: Approval of September 26, 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: place a 10' x 14' one story wood-frame utility shed within the required 3' setback distance; 12" is proposed

Address: 4 LaCross Avenue

Applicant: Jim Russell, owner

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

### 1. Review Application

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

### 2. Public Hearing and Discussion

**MOTION:** Mr. McCarthy moved to open the public hearing; the motion was seconded by Ms. Moma, and on roll call, was approved 4-0.

**RESULT: Public hearing opened at 6:07 pm.**

Mr. Russell told the board that he intends to place a new shed on the same concrete pad where an old shed has been located since before he bought the property 41 years ago.

There was no one else 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 Ms. Kerr-Rosenbeck, and on roll call, was approved 4-0.

**RESULT: Public hearing closed at 6:09 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: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

**MOTION:** Ms. Moma moved to approve the variance with a 60-day time limit to obtain the permit. The motion was seconded by Mr. McCarthy, and on roll call, was approved 4-0.

**RESULT: Approval of Area Variance.**

- B. Area Variance: place a 6' tall fence within 15' of the west property line.  
This property is situated between two municipal right of ways

Address: *17 Vine Street.*

Applicant: Christopher Plath, owner

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

### 1. Review Application

Ms. Kerr-Rosenbeck read the summary of the proposal.

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

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

**RESULT: Public hearing opened at 6:11 pm.**

Mr. Plath said that he just wants to replace the 6' wood fence he already has, which is falling apart.

There was no one else 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. Harris, and on roll call, was approved 5-0.

**RESULT: Public hearing closed at 6:12 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: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

**MOTION:** Mr. Russell moved to approve the proposal, with a 60-day time limit to obtain the permit. The motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 5-0.

**RESULT: Approval of Area Variance.**

**VII. New Business: none**

**VIII. Setting of Next Meeting: November 21, 2019**

## **IX. Adjournment**

Mr. McCarthy moved to adjourn the meeting at 6:22 pm; Mr. Russell seconded. All voted in favor.



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Meg Chilano

Bureau of Inspection Secretary