

# **ZONING BOARD OF APPEALS**

## ***Minutes***

**Thursday, July 22, 2021**

***6:00 pm***

**Council Board Room**

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

Members present: *Deborah Kerr-Rosenbeck, Jeff Gillard, Paul McCarthy, Leslie Moma*

Members absent: Nick Harris, Jim Russell

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

### **I. Roll Call**

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

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

Mr. McCarthy called the meeting to order at 6:01 p.m.

### **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 June 24, 2021 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**

Area Variance: construct a wood-frame deck on the east elevation of this dwelling. A portion of the deck will be placed within the front yard clear space of this corner lot parcel

Address: *48 Manhattan Ave.*

Applicant: John Fitros, owner

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

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

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

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

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

**RESULT: Public hearing opened at 6:04 p.m.**

Mr. Fitros explained that he would like to build a deck that is even with the house. He noted locating the deck in any other place would not be esthetically pleasing.

**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 6:06 p.m.**

## **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. McCarthy moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Ms. Kerr-Rosenbeck, and on roll call, was approved 4-0.

**RESULT: Area Variance approved.**

## **VII. Setting of Next Meeting: August 26, 2021**

## **VIII. Adjournment**

The meeting adjourned at 6:08 p.m.



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Meg Chilano

Bureau of Inspection Secretary