

# **ZONING BOARD OF APPEALS**

## ***Minutes***

**Thursday, August 28, 2014**

**6:00 pm**

**Council Board Room**

**One Batavia City Centre, Batavia NY**

Members present: *Jeffrey Gillard, William Hayes, Lee Hyatt, Paul McCarthy*

Absent: Sandra Licata

Others present: Richard Hameister, Meg Chilano – Recording Secretary, Douglas 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 6:00 pm.

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

### **IV. Approval of Minutes from July 24, 2014 Meeting**

Lee Hyatt made a motion to approve the June 26, 2014 minutes. *Paul McCarthy* seconded. 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**

#### **A. Construction of a pressure-treated wood deck located within the side and rear yard setbacks**

Address: *3 Montclair Avenue*

Applicant: Richard Hameister, owner

- Actions:
1. Review application
  2. Public hearing
  3. Discussion and action by the board

### 1. Review Application

Vice Chairman Hayes summarized the application for the board. Mr. Hameister was present and explained to the board that he wanted to build a deck around his pool. He referred the board to the drawings accompanying the proposal, which the board examined. Mr. Gillard asked if there were any recommendations, and Code Enforcement Officer Doug Randall replied that there was a recommendation from the Genesee County Planning Board (GCPB). According to the GCPB “the proposed deck should pose no significant county-wide or inter-community impact. The existing home, pool and neighboring properties have similar if not smaller setbacks for such accessory structures.”

### 2. Public Hearing

There was no one present who wished to speak about the variance. Mr. Gillard reported that he had spoken with the neighbor at the rear of the property and that the project was agreeable to her.

### 3. 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

Motion by: *William Hayes*

**“I make a motion to approve this variance as submitted with the 60 day limit on building applications.”**

Seconded by: *Lee Hyatt*

Votes in favor: 4 (Jeffrey Gillard, William Hayes, Lee Hyatt, Paul McCarthy)

Votes opposed: 0

Votes abstained: 0

**Result: Approval of Area Variance**

- B. Placement of a 10’ x 12’ utility shed in the side yard; and construction of a 6’ tall wooden fence along the property lines in the northeast corner

Address: *127 East Avenue*

Applicant: *Gerry Haitz, owner*

- Actions: 1. Review of application  
2. Discussion and action by the board

**1. Review of Application**

The board had questions about the project and Mr. Haitz was not present to speak on behalf of the proposal. The board decided to table the proposal.

**A. Review and Action by the Board**

Motion by: *Lee Hyatt*

**“I move to table the application for the Area Variance.”**

Seconded by: *William Hayes*. Motion carried 4-0.

Votes in favor: 4

Votes opposed: 0

Votes abstained: 0

**Result: Application for Area Variance tabled.**

**VII. Setting of Next Meeting: September 25, 2014**

**VIII. Adjournment**

Mr. Gillard adjourned the meeting at 6:27 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Meg Chilano'.

Meg Chilano