

# **ZONING BOARD OF APPEALS**

## ***Minutes***

**Thursday, October 28, 2021**

***6:00 pm***

**Council Board Room**

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

Members present: *Nick Harris, Dave McCarthy, Leslie Moma, Jeff Gillard*

Members absent: Deborah Kerr-Rosenbeck, Jim Russell

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 Chair Dave McCarthy declared a quorum.

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

Mr. McCarthy called the meeting to order at 6:00 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 September 23, 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**

- A. Area Variance: place a 21' diameter above ground swimming pool in the northeast side yard of this corner lot property

Address: *14 West Avenue*

Applicant: John Mellander, owner

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

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

Acting Vice Chair, Nick Harris, 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 4-0.

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

Mr. Mellander told the board that he lives on a huge corner property that already has a fence around it, and he would like to put up a pool. The board members saw no reason to object to the placement of a pool on the property.

There were 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 4-0.

**RESULT: Public hearing closed at 6:06 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, it's a corner property
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

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

**RESULT: Area Variance approved.**

- B. Area Variance: construct a 10' x 19.5' two-story addition on the rear wall of this single-family dwelling. The proposed addition will be constructed over, and expand in depth, the existing one-story enclosed porch

Address: 33 Tracy Avenue

Applicant: Gary Hubble, owner

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

### **1. Review Application**

Mr. Harris 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 Ms. Moma, and on roll call, was approved 4-0.

**RESULT: Public hearing opened at 6:09 pm.**

Mr. Hubble explained that the back porch needs a foundation. He also noted that the bedroom in the house is small, and he would like to add a proper bedroom at the same time that he works on the porch.

Mr. McCarthy asked about setbacks, and Mr. Hubble pointed out that the addition will be the same distance from the side property line as the house.

Mr. Gillard asked about the roofline, and Mr. Hubble said that it would tie in with the roofline over the porch.

There were 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 4-0.

**RESULT: Public hearing closed at 6:11 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. McCarthy moved to approve the variance with 60 days to obtain the permit. The motion was seconded by Ms. Moma, and on roll call, was approved 4-0.

**RESULT: Area Variance approved.**

## **VII. Approval of 2022 Meeting Dates**

The board voted to approve the attached meeting dates for 2022.

## **VIII. Setting of Next Meeting: November 18, 2021**

## **IX. Adjournment**

Mr. McCarthy adjourned the meeting at 6:14 pm.



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Meg Chilano

Bureau of Inspection Secretary