

# **ZONING BOARD OF APPEALS**

## ***Minutes***

**Thursday, September 24, 2015**

**6:00 pm**

**Council Board Room**

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

Members present: *Jeffrey Gillard, Sandra Licata, Paul McCarthy*

Others present: Meg Chilano - Recording Secretary

### **I. Roll Call**

Roll call of the members was conducted. Three 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**

**MOTION:** Dr. Licata moved to approve the minutes as written; the motion was seconded by Mr. McCarthy, and on roll call, was approved 3-0.

**Result: Approval of August 27, 2015 minutes.**

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

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

### **VI. Variance Requests**

- A. Relocate the front entrance stairs from the east elevation of the front porch to the south (front) elevation of the porch in a location that is within the front yard clear space

Address: *509 Ellicott Street*

Applicant: Nicholas Salvador, owner

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

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

Dr. Licata, acting as Vice Chair, read the proposal summary for the board.

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

Mr. Gillard opened the public hearing at 6:02 pm. There were no calls or correspondence and no one present who wished to speak. Mr. Gillard closed the public hearing at 6:03 pm.

Mr. Salvador explained that he wants to move the stairs. Mr. McCarthy asked if he planned to extend the steps. Mr. Salvador answered no, and then added that he just wants to square off the steps.

## **3. 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
- Self-created: no

**MOTION:** Dr. Licata moved to approve the application with 60 days to obtain the permit. The motion was seconded by Mr. Gillard, and on roll call, was approved 3-0.

**Result: Approval of Area Variance**

- B. Construction of a three season room on the rear of this one family dwelling. A portion of the addition is proposed to be located within the west side yard clear space

Address: *18 Fisher Park*

Applicant: Bill Fox, contractor for the owner

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

### **1. Review Application**

Dr. Licata read the summary of the proposal.

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

Mr. Gillard opened the public hearing at 6:05 pm. There were no calls or correspondence and no one present who wished to speak. Mr. Gillard closed the public hearing at 6:06 pm.

Mr. Fox told the board that the homeowner wishes to keep the addition in line with the house which is 4 ¾" into the setback.

Mr. Gillard asked if the addition will be the same size as the porch and Mr. Fox replied that it will.

Mr. Gillard asked if the roof will be underneath the overhang from the upstairs. Mr. Fox answered that the window and little roof above it will be coming out, and an egress window will be installed.

### **3. 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
- Self-created: no

**MOTION:** Mr. Gillard moved to approve the application with 60 days to obtain the permit. The motion was seconded by Mr. McCarthy, and on roll call, was approved 3-0.

**Result: Approval of Area Variance**

- C.            Construction of a 6' x 6' wood frame entry deck with stairs and rails on the southwest corner of this one family dwelling. The proposed construction will be located within the front yard clear space

Address:        *30 Washington Avenue*

Applicant:     Timothy Stoddard, contractor for the owner

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

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

Dr. Licata read the summary of the proposal.

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

Mr. Gillard opened the public hearing at 6:08 pm. There were no calls or correspondence and no one present who wished to speak. Mr. Gillard closed the public hearing at 6:09 pm.

Mr. Stoddard said that the current steps have shifted and the railing is ruined. His intention is to construct a new entrance.

Mr. Gillard asked if the door is going to be installed where the window is currently located. Mr. Stoddard responded that it is.

Mr. Gillard asked if the deck will be squared off with the back and side of the house. Mr. Stoddard stated that it will.

**3. 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
- Self-created: no

**MOTION:** Dr. Licata moved to approve the application with 60 days to obtain the permit. The motion was seconded by Mr. Gillard, and on roll call, was approved 3-0.

**Result: Approval of Area Variance**

**VII. New Business: none**

**VIII. Setting of Next Meeting: October 22, 2015**

**IX. Adjournment**

Dr. Licata moved to adjourn the meeting at 6:12 pm; Mr. Gillard seconded. All voted in favor.



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Meg Chilano

Bureau of Inspection Clerk