

ZONING BOARD OF APPEALS

Minutes

Thursday, April 26, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

Members present: *Deborah Kerr-Rosenbeck, Paul McCarthy, Leslie Moma, Jim Russell*

Members absent: Bill Cox, Nicholas Harris

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 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 by unanimous consent.

RESULT: Approval of January 25, 2018 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: Placement of a 13' x 13' one story wood frame shed in a side yard (southwest corner) of this corner lot property

Address: *75 Redfield Pkwy.*

Applicant: Anthony Condello, owner

Actions: 1. Review application
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 variance request.

2. Public Hearing and Discussion

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

RESULT: Public hearing opened at 6:06 pm.

Mr. Condello explained that he needs to get a variance for his shed because his property is on a corner and technically does not have a backyard.

There was no one else present who wished to speak, and no calls, emails, or letters regarding the project.

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 6:07 pm.

Mr. McCarthy went through the list of supporting criteria for the variance:

- Undesirable change in neighborhood character: no
- Alternative cure sought: no, there isn't one
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

3. Action by the Board

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

RESULT: Approval of Area Variance.

B.

Area Variance: Construction of a 14' x 24' addition with wrap-around 6' deep covered porch on the rear of the existing dwelling. A portion of the proposed construction will be located within the side yard clear space along the south property line

Address: 121 Summit St.
Applicant: Frank Saulsbury, 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. Russell, and on roll call, was approved 4-0.

RESULT: Public hearing opened at 6:10 pm.

Mr. Saulsbury described the front steps as being in dangerously bad condition and in need of replacement.

Ms. Moma asked if the porch would extend beyond the existing line of the house, and Mr. Saulsbury answered that it would not.

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. Russell, 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: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no

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

RESULT: Approval of Area Variance.

C. Area Variance: construction of a 7' x 11.5' one story addition on the southeast corner of the dwelling. A portion of the new construction will be located within the side yard clear space along the south property line

Address: 106 Ross St.

Applicant: Justin Murray, contractor

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

RESULT: Public hearing opened at 6:14 pm.

Mr. Murry explained that he is replacing an enclosed porch destroyed by a falling tree. There will be enough room for a sitting area and also some space for storage.

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. Russell, and on roll call, was approved 4-0.

RESULT: Public hearing closed at 6:15 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 replacement
- Substantiality: not substantial
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, the storm created it

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

RESULT: Area Variance approved.

VII. New Business: none

VIII. Setting of Next Meeting: May 24, 2018

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:18 pm; Ms. Moma seconded. All voted in favor.



Meg Chilano

Bureau of Inspection Secretary