

ZONING BOARD OF APPEALS

Minutes

Thursday, May 24, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

Members present: *Bill Cox, Nick Harris, Deborah Kerr-Rosenbeck, Paul McCarthy, Leslie Moma (Alt.), Jim Russell*

Members absent: none

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

I. Roll Call

Roll call of the members was conducted. Five members were present and Chairman 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 as distributed by unanimous consent.

RESULT: Approval of April 26, 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: addition of two 9' x 20' asphalt parking spaces in the front (east yard of this former four family dwelling. Two parking spaces are already provided in the existing 14.3' x 52' asphalt driveway

Area Variance: construction of two sets of wood frame entry stairs, one at the front entrance and one at the north side entrance. Both sets will project into the required clear spaces

Address: 13 Porter Ave.

Applicant: Gerald Freeman, agent for owner

- Actions:
1. Review applications
 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 for the front and side setbacks. However, the Genesee County Planning Board recommended disapproval for the driveway on the grounds that it is three times larger than the maximum allowed and would convert the whole front yard into a parking lot, affecting the residential nature of the neighborhood.

Mr. McCarthy also reported that the City of Batavia Planning and Development reviewed the proposal. The PDC recommended approval of the front and side setbacks as well, and approval of the driveway with modifications. They recommended approval of three out of the four requested parking spaces: the two already in existence, and the one adjacent to the driveway (numbers 2, 3, and 4 on the Site Plan).

2. Public Hearing and Discussion

MOTION: Mr. McCarthy moved to open the public hearing; the motion was seconded by Mr. Cox, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:07 pm.

The applicant was not available to speak regarding the project.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

RESULT: Public hearing closed at 6:08 pm.

3. Action by the Board

MOTION: Mr. McCarthy moved to table the proposal. The motion was seconded by Mr. Harris, and on roll call, was approved 5-0.

RESULT: Area Variance application tabled.

- B. Area Variance: placement of a 21' diameter above ground swimming pool in the front yard of this corner lot property

Address: *178 South Main St.*
 Applicant: Dennis Schrader, 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. Harris, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:09 pm.

Mr. Schrader described the difficulty with putting a pool in the side yard because of a large tree. He said that the pool would end up situated in what would be considered a front yard in order to avoid the tree. He noted that the area is fenced.

There was no one else present who wished to speak, and no calls, letters, or email concerning the proposal.

The board members agreed that there is no alternative for this corner property where there is no back yard, especially considering that there is a fence around the yard.

MOTION: Mr. McCarthy moved to close the public hearing; the motion was seconded by Mr. Russell, and on roll call, was approved 5-0.

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, it's a corner lot
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, once again, it's a corner lot

MOTION: Ms. Kerr-Rosenbeck moved to approve the variance, with a 60-day time limit to obtain the permit. The motion was seconded by Mr. Cox, and on roll call, was approved 5-0.

RESULT: Approval of Area Variance.

C. Area Variance: placement of a 10' x 14' one story metal shed in the front yard of this property

Address: 270 Bank St.

Applicant: Clifford Rigerman, 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. Harris, and on roll call, was approved 5-0.

RESULT: Public hearing opened at 6:13 pm.

Mr. Rigerman said that he is replacing a shed at the same location. He noted that the house sits far back from the street, making it a short distance in the back yard to the rear property line.

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 5-0.

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

MOTION: Ms. Kerr-Rosenbeck 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 5-0.

RESULT: Area Variance approved.

VII. New Business: none

VIII. Setting of Next Meeting: June 28, 2018

IX. Adjournment

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



Meg Chilano

Bureau of Inspection Secretary