

ZONING BOARD OF APPEALS

Minutes

Thursday, August 23, 2018

6:00 pm

Council Board Room

One Batavia City Centre, Batavia, NY

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

Members absent: Nick Harris

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 July 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

Area Variance: conversion of a former four-family dwelling into a two-family dwelling with two off street parking spaces in an existing building that occupies most of this parcel

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; the City of Batavia Planning and Development Committee recommended approval as well.

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 6:04 pm.

Cheryl Freeman, daughter of the applicant was available to answer questions 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 6:05 pm.

3. Action by the Board

Mr. Randall explained that the driveway that is proposed is the existing driveway; it will not be expanded. Mr. Russell clarified that there will be no parking in the front of the house.

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

- Undesirable change in neighborhood character: no
- Alternative cure sought: it was tried and failed
- Substantiality: no
- Adverse effect or impact on neighborhood/community: no
- Self-created: no, it's a small city lot

MOTION: Mr. Russell moved to approve the proposal with the understanding that the parking spaces are within the driveway. The motion was seconded by Mr. McCarthy, and on roll call, was approved 5-0.

RESULT: Area Variance approved.

VII. New Business: none

VIII. Setting of Next Meeting: September 27, 2018

IX. Adjournment

Mr. McCarthy moved to adjourn the meeting at 6:08 pm; Mr. Cox seconded. All voted in favor.



Meg Chilano

Bureau of Inspection Secretary