

# **ZONING BOARD OF APPEALS**

## ***Minutes***

**Thursday, March 26, 2015**

***6:00 pm***

**Council Board Room**

**One Batavia City Centre, Batavia NY**

Members present: *William Hayes, Lee Hyatt, Sandra Licata, Paul McCarthy*

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 Acting Chairman Hayes declared a quorum.

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

Mr. Hayes called the meeting to order at 6:04 pm.

### **III. Pledge of Allegiance**

### **IV. Approval of Minutes from February 26, 2015 Meeting**

Mr. McCarthy moved to accept the minutes as written; the motion was seconded by Dr. Licata, and on roll call, was approved 4-0.

**Result: Approval of February 26, 2015 minutes.**

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

Mr. Hayes read a statement regarding the role of the Zoning Board of Appeals and the procedures it follows.

### **VI. Variance Requests**

- A. Construction of a non-permanent metal wheelchair ramp within the side yard clear space along the north property line of this one family residential property

Address: *11 Hutchins Street*

Applicant: *Juan Santiago, contractor*

Actions: 1. Public hearing  
2. Action by the board

**1. Public Hearing**

Dr. Licata read the proposal for the board. Acting Chairman Hayes opened the public hearing at 6:09 pm. Mr. Santiago was available to speak about the project. He stated that the ramp is needed to enable a 12-year-old child with severe disabilities to get into and out of the house. He said that the ramp is in compliance with ADA guidelines for use in a private residence and is the most cost effective solution for the situation. Mr. Hayes closed the public hearing at 6:11 pm.

**2. Action by the Board**

Dr. Licata asked if there is room in the front for the ramp. Mr. Santiago replied that there is not enough space between the sidewalk and the front step to achieve the proper slope. Mr. McCarthy noted that the ramp would have to be fastened down securely in order to be safe, so he wanted to know in what way the ramp is portable. Mr. Santiago explained that the ramp is not portable; it is modular. According to Mr. Santiago, modular refers to the type of construction. He said it is designed to be minimally attached. Manufacturer specifications require a spike at the bottom of the ramp and two screws that attach to the door sill. He said that in most cases the ramps are intended for temporary use by either the elderly or people intending to move from one residence to another.

Mr. McCarthy expressed concern about access to the back of the house. Installation of the ramp might mean the back yard would not be accessible on that side of the house. Mr. Hayes asked Mr. Randall if the Fire Department requires access to the back of the house on both sides. Mr. Randall responded that they do require access on both sides but not by vehicle. He indicated that if a firefighter needed to get past the ramp, he or she would be able to. Dr. Licata asked about recommendations, and Mr. Randall reported that the Genesee County Planning Board recommended approval. Mr. Hyatt asked if the neighbor to the north would be able to make repairs to the side of his house and it was determined that he would have room.

Mr. Hyatt asked how long disassembly would take if it was necessary to remove the ramp. Mr. Santiago answered that it should take about 30 minutes. Mr. Hyatt asked how often the ramp would be used. Mr. Santiago said that the ramp would be use three to five times per week. According to Mr. Santiago, the child for whom the ramp is intended attends rehabilitative classes.

**MOTION:** Dr. Licata moved to approve the variance as proposed; the motion was seconded by Mr. McCarthy, and on roll call, was approved 4-0.

**Result: Approval of Area Variance.**

**VII. Setting of Next Meeting: April 23, 2015**

**VIII. Adjournment**

Mr. Hayes made a motion to adjourn the meeting at 6:23 pm. Mr. Hyatt seconded. All voted in favor.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Meg Chilano". The signature is fluid and cursive, with the first name "Meg" and last name "Chilano" clearly distinguishable.

Meg Chilano