Zoning Board of Appeals
Minutes
February 19, 2015

Present **Absent**

Chairman John Dole
Michael Flavin
Dale Kellerson
Diana Powell Keery
Mark Unvericht

Also Present

Zoning Board Attorney Eric Stowe
Building Inspector Patrick Smith
Zoning Board Secretary Pam Gilbert

Carol Nellis Ewell
Tom Weckesser
Clint Battista

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application Thomas & Mary Jo Weckesser, 32 Martha Street, Spencerport, New York 14559, for an area variance for a proposed second Class II structure, whereas only one Class II structure shall be allowed per lot pursuant to 340-14D. This is in an R-2 Residential District.

Thomas Weckesser introduced himself and his architect Clint Battista. Mr. Weckesser then stated why he wants to put up this additional structure. There is an existing barn on the property that he stated has been there since the 1820's. The barn does have a garage that was added on. But the problem we have with the existing structure is that we don't have a way of putting on additional garage without taking down part of the garage without significantly altering the existing structure which we don't want to do.
Also the garage existing has a very low overhead and our SUV vehicles won't fit. We tried to figure a way to attach the two car garage addition but we couldn't come up with a way to make it feasible or architecturally pleasing. We also need more storage as our house was built in the late 1800's with a 5 foot wet basement and no attic. So the only storage we have is the barn. So I asked Clint to design something that was architecturally pleasing to not just our site but to the neighborhood itself. So we are just hopeful to have a favorable decision to put up this second structure.

Clint Battista asked that when they applied to come to the Zoning Board we applied for two variances but in the paper I only saw one listed? We also paid for the two variances.

Building Inspector Smith: If I can respond to that. I believe that when you came in I was out of the office and Jack took care of it and he made a mistake. This is an accessory structure and he was doing the calculation as if it was a principle building and under 340-14F that the set back from the side is 5 feet and it was not the calculation he was doing. After he submitted it to the village but before they published it in the paper I caught the mistake so we changed it so you are actually only going for the one variance.

Clint Battista: So will there be a refund to Tom then?

Building Inspector Smith: We would need to look into it as I don't know what the fee was that you were charged.

Deputy Clerk Gilbert stated that it would be looked into what the difference would get back to you for the refund.

Clint Battista: That's fine we just wanted to make sure that we didn't need to come back for the second variance.

At this time Chairman Dole asked if anyone in the audience have any questions or concerns.

At this time Chairman Dole closed the Public Hearing at 7:07 p.m.

At this time Chairman Dole asked the board, Building Inspector and Attorney if they had any comments.

Diana Powell-Keery stated that this will fit nicely in the area.

Michael Flavin asked if the garage will go where you are currently parking your cars.

Mr. Weckesser: Yes, that is the location.

Dale Kellerson asked if he spoke with any of his neighbors and if they had any comments or concerns.

Mr. Weckesser: Yes, I have shown them the plans and they thought it was very nice. They feel the same way we do after living here 37 years being tired of cleaning off the cars during the winter. It will be nice to put the cars in something where we don't have to do that. We were mostly concerned with our neighbor's right next door. We didn't want to block their view of the canal. But the way it is situated we won't be doing that. They were delighted to see where we had it located. Would all of our neighbors received a notice?

Deputy Clerk Gilbert stated that everyone within 200 feet received a notice.

Resolution No 252 Introduced by Mark Unvericht
February 19, 2015 Seconded by Diana Powell Keery

Resolved, that the Zoning Board of Appeals of the Village of Spencerport declares the application of Tom Weckesser, by and through Clint Battista, Enso Architects, for an area variance at 32 Martha Street in the Village of Spencerport, is a Type II Action pursuant to the New York State Environmental Quality Review Act and needs no further review pursuant to Chapter 340-14D in a residential district.

VOTE OF THE BOARD:

Ayes: Dole, Flavin, Kellerson, Powell Keery, Unvericht
Nays: none

Resolution No 253 — Introduced by Mark Unvericht
February 19, 2015 — Seconded by Diana Powell Keery

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Tom Weckesser, by and through Clint Battista, Enso Architects, for an area variance at 32 Martha Street in the Village of Spencerport, for the construction of a 787 square foot garage, whereas said variance is required to construct a second Class II structure on a lot, having considered, among other things:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
5. Whether the alleged difficulty was self-created

AND, the Zoning Board of Appeals of the Village of Spencerport makes the following findings of fact:

1. An undesirable change in the neighborhood will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting the area variance.

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue other than an area variance.
3. The area variance is not substantial.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The alleged difficulty was not self-created.

The Zoning Board of Appeals further determines that the variance requested is the minimum variance necessary and adequate and preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

The application for the area variance is hereby GRANTED.

VOTE OF THE BOARD

Ayes: Dole, Flavin, Kellerson, Powell Keery, Unvericht
Nays: none

Approval of Minutes

Motion made by Chairman Dole seconded by Dale Kellerson and carried unanimously to approve the December 18, 2014 minutes as written.

Adjournment

Motion made by Diana Powell Keery seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 7:15 pm.