Zoning Board of Appeals
Minutes
June 18, 2015

Present **Absent**

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

Also Present

Building Inspector Patrick Smith
Zoning Board Attorney Eric Stowe
Zoning Board Secretary Pam Gilbert
Carol Nellis Ewell
Paul Jasen
Doug Heiler
Joan Quigley

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of Douglas Heiler, 161 Maplewood Avenue, Spencerport, New York 14559, for an area variance to demolish and rebuild a garage in the same footprint which is 2.5' from the side property line on property located at same, whereas, each sideline setback shall be equal to 8% (6.23') of the width of the lot measured along the street line pursuant to Chapter 340-12 B(1) in an Residential District.

Douglas Heiler stated that the heavy snow load this past winter caused my 100 year old garage to sink four inches to the right. It actually costs less to rebuild then to repair. So that is what we are doing. So we will have to demolish the garage, demolish most of the foundation. Then put exactly the same footprint, the same size, the same siding and same roof to match the house.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Building Inspector Smith and Attorney Stowe if they have any comments.

Building Inspector Smith stated that the only reason we did this is because he is completely taring the building down. Most of the town and state codes say that if the building is damaged more than 75 percent it has to meet current codes.

Attorney Stowe stated that he has no issues but that with an area variance need to follow the five bullet points.

Chairman Dole asked the board if they have any comments.

There were no concerns or comments from the board.

Resolution No 258 — Introduced by Diana Powell Keery
June 18, 2015 — Seconded by Chairman Dole

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Douglas Heiler for an area variance at 161 Maplewood Avenue in the Village of Spencerport, to demolish and rebuild a garage in the same footprint which is 2.5' from the side property line, whereas, each sideline setback shall be equal to 8% (6.23') of the width of the lot measured along the street line, 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 application for the area variance is hereby GRANTED. It is a Type II Action pursuant to the New York State Environmental Quality Review Act and needs no further review pursuant to Chapter 340-12 B(1) in a residential district.

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

Next of the agenda is the application of Paul Jasen, 164 West Avenue, Spencerport, New York 14559, for a special permit to erect a privacy fence, and an area variance to erect a privacy fence on the lot line on property located as same, whereas, a special permit from the Zoning Board of Appeals shall be required for a privacy fence, and any privacy fence must be located to the rear of the front line setback and not nearer to a side line or rear line than the required side line or rear line setback pursuant to Chapter 340-32 A (4)(a) and 340-32 A (4)(b) respectively in a Residential District.

Paul Jasen stated that he is interested in putting up a privacy fence between the two houses. The houses are close together and my bedroom is on the ground floor facing the other house. You can't keep the windows open and you need to keep the blinds closed because if they are in the driveway my bedroom is right there. They have a deck right there and they entertain which is built right on the line with no buffer zone at all. So I would like to have a little bit of a privacy fence along the line. I plan to put a 4ft fence around the rest of the property. It would be in line with the rest of the fence. The front of the house I have a gas line that is halfway between the driveway and my house. The main on West Avenue doesn't go all the way so they had to bring along the side. So with the bedroom there it lacks some privacy. I have some bushes there but it is not effective. I would also like to move those to the other side because they are putting up a development now.

Chairmen Dole asked then you are just going for 65 ft of privacy fence?

Paul Jasen said that was correct. The fence would start at the edge of the house and go back just past where their deck is by the tree. I also want to put up a deck of the back of my house so it would give me some privacy.

At this time the board reviewed the pictures Paul Jasen submitted.

At this time Chairman Dole closed the Public Hearing.

Chairman Dole then asked Building Inspector Smith and Attorney Stowe if they have any comments.

Building Inspector Smith asked if the board was going to stipulate which fence they will be approving from the catalog Mr. Jasen submitted or can he have any 6 ft. fence he wants?

Chairman Dole: I very much like that he is going with vinyl and not pressure treated wood.

Attorney Stowe had no issues.

Dale Kellerson stated that he also like the idea of a vinyl fence. So it is finished on both sides and you get the advantage of having a good looking fence on your side and the neighbor does also.

Resolution No 259 — Introduced by Diana Powell Keery
June 18, 2015 — Seconded by Chairman Dole

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Paul Jasen for a special permit to erect a privacy fence, and an area variance to erect a privacy fence on the lot line on property located at 164 West Avenue in the Village of Spencerport, 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 not 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 following conditions/restrictions shall be placed on the variance:

1. Maintenance free vinyl Solid Board fence to be installed.
2. Fence to be installed to be professional installed.

Said conditions/restrictions being consistent with the spirit and intent of the zoning local law and are being imposed for the purpose of minimizing any adverse impact said variance may have on the neighborhood or community.

The application for the special permit and area variance is hereby GRANTED.

It is a is a Type II Action pursuant to the New York State Environmental Quality Review Act and needs no further review pursuant to 340-32 A (4)(a) and 340-32 A (4)(b) respectively in a residential district.

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

Unfinished Business

Nothing requiring Board action.

Approval of Minutes

Motion made by Diana Powell Keery seconded by Michael Flavin and carried unanimously to approve the May 21, 2015 minutes as written.

Adjournment

Motion made by Diana Powell-Keery seconded by Chairman Dole and carried unanimously to adjourn the meeting at 7:25 pm.