Zoning Board of Appeals
Minutes
September 15, 2016

Present **Absent**

Chairman Dole
Michael Flavin
Dale Kellerson
Diana Powell Keery
Mark Unvericht

Also Present

Zoning Board Attorney Eric Stowe
Zoning Board Secretary Pam Gilbert
Building Inspector Patrick Smith
Colleen & Joe Wilkowski
Catherine & Bill Woznicki
Billy Cates
Carol Nellis Ewell
Carol Bell
James Schroeder
Brea Perkins
Evelyn & Phil Dow
Joan Quigley

Chairman Dole led the Pledge of Allegiance.

Public Hearing

The application of Colleen & Joseph Wilkowski, 32 Evergreen Street, Spencerport, New York 14559, for two area variances; for a detached accessory building located in front of the principal building and also a second Class 2 accessory building on the lot; pursuant to 340-14 F and 340-14 D. This is in an R-2 Residential District.

Colleen Wilkowski: What we would like to do is basically put up a single garage. It needs to be in the front because the house was built sideways on the lot. In other words it doesn't face the road. It actually faces our neighbors front yard instead and his driveway. So the only place we have to put is there in the front yard. The house has next to nothing for backyard and not much of a side yard. So we don't have really many opportunities to build. We need the space because we have a boat with trailer and a tractor that we would like to store out of sight. We want to be able to build it so it matches the house front stone façade have it sided in the same color as the house with landscaping done around it so it is attractive as it will be in the front yard. We will be looking at it as well.

Joe Wilkowski: We are bordered by five sides by our neighbors with no street frontage. Our street frontage is the width or our driveway. So the Evergreen portion of the driveway is the only street frontage we have.

Colleen Wilkowski: Our house in on the corner of Evergreen and Glen Carin and there is about a 15 foot wide. So it is just oddly positioned because I suppose the builder wanted to take advantage of that one piece of property.

Chairman Dole: Your principal garage that you have with the house.

Colleen Wilkowski: Is attached. So we want to make the second exactly like that one so everything matches.

Bill Woznicki: I live at 3 Waterside right behind or adjacent to their property. My backyard is their side yard. He is correct that we don't have a lot of room. Would you be interested in the pictures I have taken and what I have written up?

Chairman Dole: Sure, we will take a look at them.

At this time Mr. Woznicki presented to the board his pictures and write up.

At this time the board reviewed said pictures (on file).

Bill Woznicki: Could I read the letter I submitted and then you could refer to the pictures while I am reading.

At this time Attorney Stowe stated that Mr. Woznicki should address the entire room and also notes for the record that you submitted a set of pictures and write up and are available to all present at this meeting to review.

At this time Mr. Woznicki read said letter, copy attached.

Mr. Woznicki further stated we have a lot of building going on in our area with four houses that are going up east and south of us. It is different from this but it is just more buildings going up. To build a building to house all this stuff isn't fair to the neighbors and this did not come up when Joe and I were talking. He told me about the shed that was built. If it weren't for my neighbor Billy Cates who happen to read the suburban news I would have known that this was going in. If you have any questions after looking at the pictures I would be happy to answer them.

Colleen Wilkowski: May I respond?

Attorney Stowe stated to follow proper procedure and that everything goes through the Chairman as opposed to an open dialog. Yes you are entitled to respond as the applicant.

Diane Powell Keery: Didn't notices go out?

Zoning Board Secretary Gilbert: Yes

Mr. Woznicki: Yes we got it on Monday of this week and today is Thursday.

Diana Powell Keery: But we followed procedure.

Attorney Stowe: Mr. & Mrs. Woznicki you have had a chance to review the packet that was submitted by Mr. Woznicki. Also note that these are also for the others present to review before they speak if they wish too.

Chairman Dole: You can respond.

Colleen Wilkowski: I think there is some miss understanding about how much area this garage building is going to take up.

At this time Colleen Wilkowski submitted her own pictures to the board (copy on file).

Colleen Wilkowski: The line that is drawn in the picture is five foot in from the property line it will come up on our house.

The board and Colleen Wilkowski reviewed the pictures she submitted.

Colleen Wilkowski: I will be blocking a little bit of myself and a little bit of what Bill sees. Now if our home had been built like they are normally are facing the road Bill would be looking at the back of my house and attached garage. The entire back of his backyard can see all of the back of my home. What we a proposing here is that we are going to be using a small portion of our front yard to put this extra structure in.

Bill Woznicki: I want to ask one thing, I was on the Zoning Board for the Town of Ontario many years age and we went and looked at the properties that we were reviewing. Has the village looked at this situation?

All the board members indicated that they have been out and looked at the property.

Bill Woznicki: Did you notice that my house is at a different level? I will not be only looking at the back but looking up. I would point out again that everything they have is what they saw when they purchased it and if I moved into a home and brought along six vehicles and had a two car garage something is not right there. To burden us with a 24X24 foot garage is not going to block our view from anyone of our windows that look out the south side of the house.

Diana Powell Keery asked Mr. Woznicki to look at the picture Mrs. Wilkowski showed that board and asked him if that was his garage.

Mr. Woznicki: No that is our bedroom.

Diana Powell Keery: Ok so your bedroom is behind the garage. I just want to understand. Thank you I just wanted to clarify.

Billy Cates: I bought two lots a few years ago on Waterside Lane. Certainly there was not a garage in view at that time and I certainly don't want one now. Looking up that hill it will be a little much. Besides when do you put an accessory building in the front yard? I have look around Spencerport and I don't see one. Is there a rule against that? They already have put up one accessory building.

Chairman Dole: That is why they are here to request area variances for additional Class 2 Accessory Building.

Attorney Stowe: I believe they have one that is permitted by the code. The second one is what requires the variance and then the location requires a separate variance.

Billy Cates: Alright, the other one is ok right?

Attorney Stowe: One is permitted.

Brea Perkins: I live at 2 Glenn Carin so their lot and our lot kind of at T to where we share a portion of the driveway that they drive into. So if they were to put the building where they have it we would look out our front door and see it as opposed to where it is an open space. It will change the entrance to our house because our driveways half circle so instead of seeing the openness of the driveway coming in you are driving into buildings. I personally would not like that appearance. It could possibly drive down the property value of our house if we ever have to sell.

Colleen Wilkowski: I would like to respond. We have three of our immediate neighbor's signatures that you have that didn't have a problem with this. Brea's husband is one of them. Apparently there are in disagreement.

Chairman Dole: Yes we have three letters.

Attorney Stowe stated that those were submitted with the application.

Brea Perkins: The letter was never shown to me it was shown to my husband. Had I seen it I would have not let him sign it.

Attorney Stowe stated that for purposes for keeping things on record there is also a letter received from Clairol Development regarding the application and is available for review. The three in support were received with the application.

Chairman Dole: The three we received that were positive were from Lori Foote, Joshua Perkins and Eleanor Nichols. The one negative one is from Clairol Development.

Colleen Wilkowski: Who is Clairol Development?

Attorney Stowe: It is signed by Daniel C. Hogan as the President of Clairol Development LLC.

Joseph Wilkowski: They are involved in what way?

Michael Flavin: He is a neighbor.

Mark Unvericht: He is a development company about a half a mile away how do we put these two together?

Attorney Stowe: I believe there was a notification mailed to them as an immediate neighbor. They are the record owner.

Patrick Smith: He lives next door.

Mark Unvericht: It didn't say that he owns property.

Diana Powell Keery: It is confusing; I don't know why he didn't write as a citizen.

Catherine Woznicki: I am the wife of Bill here who spoke to you at length. I just want say that we and Brea our neighbors and are the most directly affected by this huge building that will be constructed and we are not happy about it. I just want that very clear the two of us our two homes are going to be the most affected. I hope that would have more weight in your decision then some of the other people who are further down the street.

Collen Wilkowski: When Bill and I spoke about this we talked also about the fact that we have people that walk through our properties and he doesn't appreciate it. They cut through to get from one street to another. Which I completely understand so we talked about together putting up trees across the back line of the property that he is referring to; if we did that it still closes in and obstructs the view. So I am not sure what the problem is. It would still be a line of trees.

Bill Woznicki: We were talking about shrubs.

Jos Wilkowski: It is the back of his home. Not normally where you would view or appreciate a view out of the back of your home. Which is by the way five foot from my property line in any event it is the back of his home. We wanted to build this back far enough so that our neighbor the Perkins would still have a good view of their front yard. In other words Mr. Perkins said to me to be frank with you Joe I don't like looking out my window and seeing your home there. It is directly in my view when I walk out my front door. So we are in a very peculiar situation if you will in how the home is placed on the property. If I had 20/20 hindsight I might have rethink it. We are trying to not have my belongings outside and at this point I really don't want to give up my things. So I want to put them in a tasteful garage. So that is our goal.

Chairman Dole: Your current garage is used for.

Joe Wilkowski: It is a 24X24 garage. With the boat in there we can put one car in but our second is in the driveway. We did downsize so I have not had the opportunity to get rid of everything that I own. We came from 14 acres with a house of 4400 square feet to this small place.

At this time Chairman Dole closed the Public Hearing.

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

Building Inspector Smith: The only thing I want to bring to your attention that the new building is 720 square feet; they do have an existing building of 200 square feet giving you a total of 920. They are allowed one class two structure with a maximum of 1,000 square feet. The problem here is that they want to put it in the front yard and it is a second building. So they are allowed a 1,000 square feet total which falls in that category but it's where they are putting it.

Mark Unvericht: Everything was very well explained giving the situation we have to look at them all individually this is probable the only place you can put it and yes there is always people going to be for and against it. The only thing I have is the height of the building is it 10'6" from the tip to the base?

Colleen Wilkowski: Yes, it is going to be the same as the house.

Diana Powell Keery: If you look at the lots there you have back yards looking a side yards looking at front yards. So it comes down to our criteria. We just have to balance those and talk about that. I didn't see any other place and that is why I asked who is looking at what. So that is a big consideration as well as the neighborhood. That is what we have to balance.

Mark Unvericht: It is not uncommon to have this sort of setting. Where I live I look at my neighbor's side yard. So I get it.

Chairman Dole: Talking about the boat it could be stored outside behind the house.

Mark Unvericht: Yes, but if they are not here five months out of the year you would want to have the security that everything is locked in a building. I see that too.

Attorney Stowe: The thing to be careful with that it is that it is self-created hardships and balancing that. Looking at for the permanency of the location it may not always be a boat.

Dale Kellerson: I just think the whole area is condensed in that area, including those houses that were just put in. Everything just seems so close this is adding one more structure in that area. It will just seem to make it closer in that area. It's too much for that area.

Michael Flavin: I agree with Dale you are cramming 10 pounds of stuff into a 5 pound bag. I look at it with the drainage issue because of the elevation where is that water going. From what I have seen there is no storm water drains back there.

Colleen Wilkowski: There is a storm on the southeast.

Michael Flavin: But this is going on the north so where is that watering going it is going down towards to Waterside. So this is going in somebody's back yard. Then someone is going to come in and complain to the village that they have drainage issues. To be real honest with you if it was in my neighborhood I would say no way because it is in your front yard. I get that you have your stuff I get that you are downsizing.

Diana Powell Keery: Do we have any other lots in the village that has a structure like this in the front yard?

Mark Unvericht: We had the one on Martha Street the Weckesser property.

Michael Flavin: Yes but that one was on the side.

Mark Unvericht: This is a similar situation but it is to the side.

Diana Powell Keery: Yes and all the houses face the same way to the front.

Chairman Dole: We did have one other variance that came before us before I was chair and I believe it was on Village Walk or Village Trail where they wanted to put a garage in the front.

Joe Wilkowski: May I clarify the drainage issue, the drain is on the northeast corner of the lot and it is the natural fall line with the grade. It is a large storm drain.

Michael Flavin: Ok, thank you.

At this time the board discussed the criteria that they have to look at for making their decision.

Attorney Stowe stated that for the recorded the only important distinction for that one it is dispositive meaning if it is self-created you must deny it on a use variance for an area variance they changed the rules. That is not the only, if it's yes on the self-created it is not an automatic denial. It is a consideration, so clarifying that for area variance vs. use variance.

RESOLUTION
315/2016

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Colleen and Joseph Wilkowski for two area variances, one to allow a detached accessory building to be located in front of the principal building and a second area variance to allow for a second Class 2 Accessory Building; both variances are for property located at 32 Evergreen Street, Spencerport, New York 14559; and

WHEREAS, an application for an area variance is a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA), and is subject to no further review; and,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of Colleen and Joseph Wilkowski for two area variances are Type II Actions and therefore subject to no further review; and

Motion: Chairman Dole
Second: Michael Flavin

Vote of the Board:

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

At this time Attorney Stowe clarified to the audience that there is a two part step to it. One is compliance with the New York State Environmental Review Act. Which is required for any action, so an area variance on a single, two or three family residences are automatically deemed no environmental impact. That is all that statement is. It is something that has to be done before an action. So that is all that resolution is.

RESOLUTION
316/2016

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Colleen and Joseph Wilkowski, for area variances at 32 Evergreen Street in the Village of Spencerport, to allow a detached accessory building to be located in front of the principal building, whereas detached accessory buildings shall be located to the rear of the front building line of the principal building, for an area variance to all a second Class 2 accessory building on the same lot, whereas each lot shall be permitted only one (1) Class 2 Accessory Building , 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 variances;

2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than area variances;
3. Whether the requested area variances are substantial;
4. Whether the proposed variances 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 be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the area variances because:
    i. The size of the accessory structure
    ii. Placement of accessory structure will be in the front yard
2. The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue other than area variances because:
    i. _____
    ii. _____
3. The area variances change is substantial because:
    i. The size of the second accessory structure.
4. The proposed variances will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:
    i. Change to area with placement of said accessory structure will be in front yard.
5. The alleged difficulty was self-created, however, the self-created difficulty is not the sole reason for the board to deny these variances.

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 variances may have on the neighborhood or community.

The application for the area variances is hereby GRANTED.

Motion: Diana Powell Keery
Second: Mark Unvericht

Vote of the Board:

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

MOTION DENIED

Chairman Dole stated your application has been denied and you will be getting some paperwork in the mail on that.

Joe Wilkowski: Thank you for your consideration.

The application of James Schroeder, 110 Coleman Avenue, Spencerport, New York 14559, for an area variance to allow an existing fence taller than 4' in height on property located at same, whereas, fences shall not exceed 4' in height, pursuant to 340-32 A(1) in a Residential District.

James Schroeder: I have a fence that most of it would is 4 ft., but the grade being what it is between the two properties. Going up the hill and then down the hill part of it exceeded the 4 ft.

Chairman Dole: What is the tallest section of the fence?

James Schroeder: I believe on the map you have I marked the parts that are over 4 ft. The part facing the front of my lot is all 4 ft. When you get to the back yard and side yard you have a stepper grade. I believe a section is 5 ½ ft. With most of it is under 5 ft.

Carol Bell: I have a variance also. Our back yards back up to each other and I have a chain link fence on two sides of my yard. With one of them across the back of my yard which backs up to his house. My chain link fence is a foot in from my property line so that he wants to put the fence on my property and take my chain link fence down. So we would share a fence. We ask for a variance because I have pictures that show my house is up and it goes down a slope. That is why there is a variance of height. I look down into their yard so that is why he is asking for a privacy fence because we look down into each

Carol Bell continues: other's yards. They have two dogs and two little boys. I look into their yard and they really need a privacy fence. Not just for me but for them.

Evelyn Dow: I live across the street from the Schroeder's. This is a very large fence whatever the need to have the high fence I don't know. Here is my problem as how this evolved I would want this project to be precedence for Spencerport village residents wishing to fence in their yard or planning similar projects. How such a large project came into existence without the standard code approval. This is a good study for both the village and town to undertake. The fence exists now. No one would want a built it now apply later method mentality to become common practices in the village or even the town. It is an exercise in retro fitting to call a public hearing to grant a variance on an existing fence; instead of the appropriate procedure to request a variance to allow construction of a fence more than 4 ft. in height. My point is this at some point there was a lack of communication and I believe that is something that somebody if not this board then someone in village government should look into. To assure that what goes on between the village building inspector and town building inspector is totally clear so that both parties understand for the benefit of both municipalities.

At this time Chairman Dole closed the Public Hearing.

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

Building Inspector Smith: I don't have anything to say unless you have questions. As to what Evelyn stated there is only one building Inspector and it is me for the town and the village. When it was brought to my attention that something was going up I checked into it and we had no permit on file. The village code enforcement officer went out and spoke with the homeowner or sent the homeowner a letter. Not sure what happen but I think he sent out a letter. The homeowner Mr. Schroeder came in to apply for a permit and once he applied for a permit we went out as it was already there did an inspection and it was too tall. That's when we said we can't give you a permit until you go to the Zoning Board. So he has not got a permit yet because he has to get your approval before I issue a permit.

Mark Unvericht: To clarify a little isn't a construction of a typically 4ft fence is that not aloud without a permit.

Building inspector Smith: No ever fence has to have a permit. If we would have built it 4ft high all the way around it is of open construction it is not actually a privacy fence but he would have been allowed with just a permit, although he did it without a permit.

Chairman Dole: Did you put up the fence yourself?

James Schroeder: I did. The reason I didn't have the application for a variance was at the time pleading ignorance I guess. I grow up in Chili and in Chili you could build 6ft fences and it was just a permit. But when I got the letter for the permit really not thinking it was going to need a variance and that was completely my fault. That is why the delay happened.

Dale Kellerson: Being that it is open construction and the 4ft portion facing Coleman I don't have any issue with it.

Michael Flavin: I am recusing myself as I am a neighbor.

Mark Unvericht: I don't see any issues, yes it is tall but it is only 5ft.

Diana Powell Keery: I totally understand about wanting to put a fence around your house for the kids and the dogs.

James Schroder: If I could say that where the grade comes down for a lack of a better word a fall off from where the backyard is to the driveway and that was a big consideration with two trouble making boys being out there running around and the immediacy of it as well.

Dale Kellerson: The only question I have is that you mentioned before that the fact you are going to be putting part of this fence on Mrs. Bell property. How will that work legally?

Building Inspector Smith: Only that back part of his fence that is why there is two applications. If you look on the applications you will see he drew a yellow line to see whose fence is whose. The back part of the fence when he brought it to my attention he made a deal with the neighbor so the back part of the fence is on the neighbor's property, the sides and the front are all on his property. That is why we had to do two variances because I can't give him a permit to put a fence on two properties. So the permit will have to be two individual permits. The Zoning Board applications were done separately.

Diana Powell Keery: Just to say that it is an issue that this happened and I am assuming we are going to address it. The point that was brought up you didn't know and done in the wrong order. So that is something that we will acknowledge and look at.

Mark Unvericht: Yes we have had that issue before with a basement that was two big and they had to come in front of us.

Diana Powell Keery: Just wanted it acknowledged on record. So who ever we need to pass this along to we do.

RESOLUTION
317/2016

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from James Schroeder for an area variance to allow an existing fence at 110 Coleman Avenue, Spencerport, New York 14559 to exceed four (4) feet in height, where a fence at said property shall not exceed four (4) feet in height; and

WHEREAS, an application for this type of area variance is a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA), and is subject to no further review; and,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of James Schroeder to allow an existing fence at 110 Coleman Avenue, Spencerport, New York 14559 to exceed four (4) feet in height is a Type II Action and is therefore subject to no further review; and

Motion: Chairman Dole
Second: Dale Kellerson

Vote of the Board:

Ayes: Dole, Kellerson, Powell Keery, Unvericht
Nays: None
Abstain: Flavin

RESOLUTION
318/2016

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of James Schroeder, for an area variance at 110 Coleman Avenue in the Village of Spencerport, to permit an existing fence on property located at the same address to exceed four (4) feet in height, whereas a variance is required for any fence in excess of four (4) feet in height; 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 because:
    i. _____
    ii. _____
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue other than an area variance because:
    i. _____
    ii. _____
3. The area variance is not substantial because:
    i. _____
    ii. _____
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:
    i. _____
    ii. _____
5. The alleged difficulty was self-created, however, the self-created difficulty is not the only reason for the board to deny this variance.

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 Zoning Board of Appeals further determines that the following conditions/restrictions shall be placed on the variance:

i. _____
ii. _____

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 area variance is hereby GRANTED.

Motion: Diana Powell Keery
Second: Mark Unvericht

Vote of the Board:

Ayes: Dole, Kellerson, Powell Keery, Unvericht
Nays: None
Abstain: Flavin

The application of Carol A. Bell, 111 Coolidge Avenue, Spencerport, New York 14559, for an area variance to allow an existing fence taller than 4' in height on property located at same, whereas, fences shall not exceed 4' in height, pursuant to 340-32 A(1) in a Residential District.

Chairman Dole: I know that this is the same construction and because areas of your fence that are over 4ft.

Carol Bell: Yes

Chairman Dole: I would guess we don't have any comments from the audience and we don't need to hear about the fence again as we covered it in the previous application.

At this time Chairman Dole closed the Public Hearing.

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

RESOLUTION
319/2016

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from Carol A. Bell for an area variance to allow an existing fence at 111 Coolidge Avenue, Spencerport, New York 14559 to exceed four (4) feet in height, where a fence at said property shall not exceed four (4) feet in height; and

WHEREAS, an application for this type of area variance is a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA), and is subject to no further review; and,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of Carol A. Bell to allow an existing fence at 111 Coolidge Avenue, Spencerport, New York 14559 to exceed four (4) feet in height is a Type II Action and is therefore subject to no further review; and

Motion: Chairman Dole
Second: Diana Powell Keery

Vote of the Board:

Ayes: Dole, Kellerson, Powell Keery, Unvericht
Nays: None
Abstain: Flavin

We will copy the answers to conditions used in Resolution 318/2016 for the following resolution.

RESOLUTION
320/2016

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Carol A. Bell, for an area variance at 111 Coolidge Avenue in the Village of Spencerport, to permit an existing fence on property located at the same address to exceed four (4) feet in height, whereas a variance is required for any fence in excess of four (4) feet in height; 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 because:

   i. _____

   ii. _____

2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue other than an area variance because:

   i. _____

   ii._____

3. The area variance is not substantial because:

   i. _____

   ii._____

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:

   i._____

   ii._____

5. The alleged difficulty was self-created, however, the self-created difficulty is not the only reason for the board to deny this variance.

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 Zoning Board of Appeals further determines that the following conditions/restrictions shall be placed on the variance:

i. _____

ii. _____

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 area variance is hereby GRANTED.

Motion: Chairman Dole
Second: Mark Unvericht

Vote of the Board:

Ayes: Dole, Kellerson, Powell Keery, Unvericht
Nays: None
Abstain: Flavin

Unfinished Business

Nothing requiring Board action

New Business

Nothing requiring Board action

Approval of Minutes

Motion made by Michael Flavin Seconded by Diana Powell Keery to approve the August 18, 2016 minutes as amended.

Vote of the Board Ayes: Dole, Flavin, Kellerson, Powell Keery
Abstain: Unvericht.

Amendment is to add Building Inspector Smith comments regarding suggestion to Mr. Agostini could wait for the full board before the vote. (Addition has been added to the August 18, 2016 minutes.)

Adjournment

Motion made by Diana Powell Keery seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 8:02 pm.