Zoning Board of Appeals

Minutes

September 19, 2013

Present	**Absent**
	Chairman Dole
Mark Unvericht	
Michael Flavin	
Dale Kellerson	
Diana Powell Keery	

Also Present

Village Attorney Eric Stowe
Building Inspector Patrick Smith
ZBA Secretary Donna Stassen
Stu Chait
Craig Byham
Joan Quigley

Michael Flavin led the Pledge of Allegiance.

Public Hearing

The appeal of Paul Sirianni of 81 Coleman Ave for an area variance for a front setback to construct a 13' x 9' 6" porch addition on property located at same. Such addition will require a 40.5 ft setback. Such area variance is required pursuant to Chapter 340-12-B91). Whereas the building front line setback shall be 50 ft.

Paul Sirianni: The intent is to accentuate the front door and the front of the house. My original plan was to come out with a complete covered porch in the front, when I was told that I would need engineered drawings that would be too much of an added cost. I want to stress again that the intent really is aesthetics over functionality.

The variance that I am asking for is really only for the front steps. The setbacks are consistent in the neighborhood whereas they are less than the 50 ft.

Dale Kellerson: What is the length of the house?

Paul Sirianni: The length of the house is 32 ft.

Dale Kellerson: The porch will run along the entire front of the house?

Paul Sirianni: Yes but only covered in the center.

Dave McLean: I am Paul's neighbor right to the north at 75 Coleman Ave. I have seen the plans and it will look gorgeous I know the neighbors are in full support of what Paul does.

At this time the Zoning Board of Appeals offered the following resolution:

Resolution No 230 **Introduced by Diana Powell Keery**
September 19, 2013 **Seconded by Mark Unvericht**

Resolved that the Zoning Board of Appeals has determined that the application of Paul Sirianni of 81 Coleman Ave, Spencerport NY for an area variance on property located at same is deemed a Type 2 action and no further review is required.

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

Resolution No 231 **Introduce by Diana Powell Keery**
September 19, 2013 **Seconded by Mark Unvericht**

Resolved, that the Zoning Board of Appeals approves the application of Paul Sirianni of 81 Coleman Ave for an area variance for a front setback of 40.5 ft. Such approved variance for the purpose of constructing a 32' x 9'6' porch with an area of 13' covered on property located at same. Variance pursuant to section 340-12-B (1) of the Village of Spencerport code.

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

Next on the agenda is the appeal of Stu Chait, 234 Mill Street, Rochester NY for an area variance and a Special Use Permit for the construction of a 3 car garage with a 920 sq ft 2 bedroom apartment above on property located at 205 Lyell Ave, Spencerport NY. Such garage/apartment will require a Special Use Permit pursuant to Chapter 340-16 and an area variance pursuant to Chapter 340-16- (a) (1). Whereas for two and three family units in R2 Districts the minimum lot size shall be 6500 sq ft per dwelling unit. The existing lot has 19,481 sq ft whereas 19,500 sq ft is required. Also any remodeling or construction of any type of dwelling in residential districts other single family must make application to the Zoning Board of Appeals for approval.

Stu Chait: I am the architect and agent for Mr. D'angelo who is not here this evening. We are here for an area variance of 19 sq ft what we propose to do is build to the rear of 203 & 205 Lyell Ave which is approximately two doors down from the fire hall. We are proposing a 3 car garage with a second floor 920 sq ft apartment. This would bring the total number of units to 3 on this site. The current site is 19,481 sq ft per zoning code we need 6500 sq ft per unit which keeps us 19 sq ft short of what we need. We meet all the setback requirements we have provided 12 parking spaces 3 indoors, 3 outdoors and an additional 4 on a gravel parking lot to the rear. We also need a special use permit to allow us to build this according to code.

Stu Chait: It is built and designed in similar fashion to what Mr. D'Angelo has currently in the village a typical residential structure.

Michael Flavin: It is all dirt back there; where will the runoff go?

Stu Chait: It is cinders it is not asphalt; currently Mr. D'Angelo has a catch basin in the back that is possibly piped out to the storm sewer out in the street and that is probably in the NE corner of where the garage is intended. It is a very flat site and we are going to make sure that we are up above anything but everything will be positively drained through a catch basin that is currently there.

Diana Powell Keery: The other structure is the same way those are apartments on top of a garage and they will face each other? It will be sort of a mirror thing.

Stu Chait: That is right.

Discussion occurred regarding the number of spaces. The number will be confirmed back to the applicant.

Michael Flavin stated that he had concerns that the two properties could be combined into 1 tax parcel and then you are looking at an apartment complex on this chunk of land.

Stu Chait: It could be done and I talked to Mr. D'Angelo about that just because of the drive access and what we are going to end up doing is coming up with cross easements for each property to be able to use for ingress and egress. There is no intention of combining these lots to come up with the ability of creating more units. I am willing to bet you that with the amount of area on this lot now and knowing the amount of units that are here that we couldn't come back anyways because the 6500 sq ft per unit land area this is as good as I can get. A year ago we wanted to put in 4 units and we were told that one was as far as we could go per a discussion with the Building Inspector Jack Crooks.

Dale Kellerson stated that this area is a little run down and he had some concerns if we put another building up he would like to see the property kept up.

Stu Chait: He purchased these two so it might be a fact that he is trying to bring these up to standard.

After board discussion the following resolution was offered:

Resolution No 232 **Introduced by Diana Powell Keery**
September 19, 2013 **Seconded by Mark Unvericht**

Resolved that the Zoning Board of Appeals has determined that the application of Stu Chait of 234 Mill Street, Rochester NY for an area variance and a special permit on property located at 205 Lyell Ave, Spencerport NY is a Type 2 action and no further review is required.

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

Resolution No 233 **Introduced by Diana Powell Keery**
September 19, 2013 **Seconded by Mark Unvericht**

Resolved that the Zoning Board of Appeals approves the application of Stu Chait of 234 Mill Street, Rochester, NY for an area variance of 19 sq ft and a special permit for the construction of a 3 car garage with a 920 sq ft 2 bedroom apartment above located at 205 Lyell Ave, Spencerport, NY pursuant to Village of Spencerport Code Chapter 340-16-A-(2) (a).

Approval of Minutes

Motion made by Michael Flavin and seconded by Dale Kellerson and carried unanimously to approve the minutes of May 16, 2013 as written.

Adjournment

Motion made by Michael Flavin seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 7:30 pm