Zoning Board of Appeals
Minutes
December 17, 2015

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

Also Present

Building Inspector Patrick Smith
Zoning Board Attorney Eric Stowe
Zoning Board Secretary Pam Gilbert
Carol Nellis Ewell
Douglas 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 amend the original variance of 2.5' from the side property line to 1.5' 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 a Residential District.

Doug Heiler: The previous variance we asked for 2.5' and that was a measurement I took off an old survey and it was from the line going by the garage which bows a little bit. That was the measurement from where the bow is. The new survey shows the measurement from the back of the garage which is now 1.5'. The total difference between the old measurement and the new is about 5 inches. So to make it simple I am looking for 1.5' variance.

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 stated that when I went to inspect I asked him for a map as I would have no way to know there the line is and he brought me the new map and it was 1.5' which wasn't what you

Building Inspector Smith continues: gave him. It would have caught up with him eventually when he tried to sell the house so he is better off coming in now and do it the right way. It is just a formality.

Resolution No 288/2015

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of Douglas Heiler for an area variance to amend the original variance at 161 Maplewood Avenue in the Village of Spencerport, to demolish and rebuild a garage in the same footprint from 2.5' from the side property line to 1.5', 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.

Motion: Michael Flavin
Second: Dale Kellerson

Vote of the Board:

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

Unfinished Business

Nothing requiring Board action

New Business

Nothing requiring Board action

Approval of Minutes

Motion made by Diana Powell Keery seconded by Michael Flavin and carried unanimously to approve the November 19, 2015 minutes as written.

Adjournment

Motion made by Diana Powell Keery seconded by Dale Kellerson and carried unanimously to adjourn the meeting at 7:07 pm.