

VILLAGE OF HONEOYE FALLS ZONING BOARD OF APPEALS

July 22, 2002

MEMBERS PRESENT: C. Harold Gaffin, Chair
Henry Besanceney
Jim Hoh
Theresa Markham
Mark Donohoe

ALSO PRESENT: Michael Tobin, Village Attorney; James Turner, Village Code Enforcement Officer; Mr. Ken Warren.

Chairman Gaffin called the meeting to order at 7:33 p.m.

PUBLIC HEARING : AREA VARIANCE: FENCE : 53 MONROE STREET : WARREN

Chairman Gaffin opened the public hearing at 7:34 p.m. The process for the meeting was explained to the applicant.

Mr. Warren approached the Board to explain his request for an area variance to construct a 6' fence which would extend along the north side of his house. Mr. Warren explained that the north side of his house was bordered by a Frontier Telephone substation, and that his parents, previous owners of the house, had granted Frontier an easement across their property to construct their driveway. Mr. Warren stated that increased traffic and its attendant noise at the substation, along with a desire for increased privacy prompted the variance application. Mr. Warren also stated his desire to have a buffered area in which his young son could play.

The Board discussed the specific location of the proposed fence. Mr. Warren stated it would extend off the front of the house, behind a maple tree in the front yard, and extend down the side of the property. Mr. Gaffin inquired as to the purpose of the front section of fence. Mr. Warren stated that it would not be in the front yard but rather extend off the side of the front corner of the house.

Mr. Gaffin inquired if alternatives such as arboreal hedges or other natural buffers had been explored by the applicant. Mr. Warren replied that there had been a hedgerow along that side of the house, but that it had died off. Mr. Warren also cited a desire to keep his young son off the Frontier driveway. Ms. Markham noted that while the fence might provide adequate privacy, it might not provide a sound barrier as desired by Mr. Warren. Mr. Gaffin inquired if Mr. Warren had approached Frontier with his concerns or a request for buffering. Mr. Warren stated that he had broached the subject with Frontier but they were not interested in constructing a fence or other buffer. Mr. Gaffin inquired if Mr. Warren had notified Frontier about the fence; Mr. Warren stated he had notified them by letter. Mr. Gaffin inquired as to why Mr. Warren felt a 6' fence was warranted. Mr. Warren explained that the vendor supplying the fencing had either 5 or 6 foot heights.

Mr. Gaffin inquired if there were any comments from the assembled. As none were noted, the public hearing was closed at 7:45 p.m.

ACTION ON THE PUBLIC HEARING ITEM

Mr. Gaffin opened the regular business meeting at 7:46 p.m.

Motion by Henry Besanceney, seconded by Theresa Markham to grant approval without contingencies to Kenneth Warren for an area variance to construct a 6' fence where the maximum allowed height of a fence is 4'.

Mr. Gaffin opened discussion on the motion. Mr. Hoh suggested that for clarification, the variance be granted to the front line of the façade of the house back along the property line. Mr. Besanceney stated that

a 6' fence was not an unreasonable request , as this was an unique circumstance due to the proximity of an industrial use to a residence. Ms. Markham stated she had concerns regarding the satisfaction of the homeowner in that he would have adequate privacy, but that the fence might not act as an adequate sound buffer. Mr. Warren stated that he would be more concerned with the safety of his child than with a sound barrier.

Mr. Gaffin inquired if any further discussion or comments were warranted. As none were noted, the following resolution was made:

WHEREAS, Kenneth Warren has applied to the Zoning Board of Appeals for an area variance to construct a fence which would be 6' feet high when 4' is the maximum allowed height, AND;

WHEREAS, a public hearing was conducted on July 22,, 2002 pursuant to public notice, AND;

WHEREAS, the Board after due consideration of the application and the applicants presentation, finds that:

1. The variance would not cause an undesirable change in the neighborhood.
2. The relief requested cannot be accomplished except by an area variance.
3. The hardship is not self created .

NOW THEREFORE BE IT RESOLVED that the application of Kenneth Warren for an area variance is hereby granted based upon the above findings.

The resolution was unanimously passed by the Board on the following vote:

Markham –	Aye
Besanceney -	Aye
Hoh -	Aye
Donohoe -	Aye
Gaffin -	Aye

APPROVE MINUTES : MAY 20, 2002

Motion by Henry Besanceney, seconded by Theresa Markham, to approve the minutes as amended.

OTHER BUSINESS

The Board discussed with Mr. Tobin the issue of notification of neighboring property owners for use or area variance applications. Mr. Tobin stated he would draft a proposed ordinance to consider at the next meeting for submittal to the Village Board of Trustees.

ADJOURN

Motion by Mark Donohoe, seconded by Henry Besanceney to adjourn the meeting at 8:10 p.m.

Motion carried, meeting adjourned.

Respectfully submitted,

*Sheila Coleman
Secretary, Zoning Board of Appeals*

