

VILLAGE OF HONEOYE FALLS ZONING BOARD OF APPEALS

July 28, 2003

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

ALSO PRESENT: Michael Tobin, Village Attorney; James Turner, Code Enforcement Officer; Greg Emerson, Village Administrator; Donna Reynolds, applicant; Hans Lindenhovous, builder; James Fischetti; neighbors and friends of Ms. Reynolds.

Chairman Gaffin called the public hearing to order at 7:30 p.m.

PUBLIC HEARING : AREA VARIANCE : 65 FAIRLEA : GARAGE : REYNOLDS

Chairman Gaffin opened the public hearing at 7:32 p.m. The public notice was read and procedure explained to the applicant.

Ms. Reynolds approached the Board to discuss her application for an area variance for a 16'x23' attached garage she wished to build at her 65 Fairlea Drive residence. Ms. Reynolds explained that due to the design of her lot, which is pie-shaped, there would not be adequate room for 12' side setback as required by Village Code. Ms. Reynolds stated that the shape of her lot, and the location of the house back on the lot left her with a large front yard, but no side yard. The Board reviewed aerial photos of the lot, as well as site plans showing the location of the proposed garage. Ms. Reynolds admitted she had purchased the property in 1991 with no knowledge of Code requirements for setbacks on her lot, but at that time she had no desire to add to her home.

Chairman Gaffin inquired how Ms. Reynolds determined the size of the proposed garage. Ms. Reynolds stated she drove around her neighborhood and looked at neighboring homes to determine the size of the garage so that hers would conform with houses in her area. Ms. Reynolds noted that her garage, while attached, would have a varied roofline to add depth and avoid the appearance of one long expanse. Chairman Gaffin inquired as to the intended use of the garage; Ms. Reynolds replied that it would be used for parking her car and for storage. Chairman Gaffin inquired as to the interior size of the garage. Ms. Reynolds stated that the garage would be a one-car garage, 16 feet wide, with a loft area for storage. A discussion on the sizes of one-car garages ensued.

Chairman Gaffin produced letters written by Ms. Reynolds' neighbors who said they had no objection to the proposed garage. Mr. Gaffin inquired if there were any physical border between Ms. Reynolds property and her neighbors, such as a fence or hedge. Ms. Reynolds replied there were not. Mr. Hoh noted that the setback would be only 1'7" at the corner of the garage. A discussion ensued regarding the 1'7" setback at the corner of the garage near the Fischetti residence. Chairman Gaffin inquired of Mr. Fischetti, who was present at the meeting, if the garage would be a nuisance to him once it was constructed. Mr. Fischetti stated he had no objection to the proposed garage.

Chairman Gaffin inquired if there were any comments from the assembled. As none were noted, the public hearing was closed at 7:44 p.m.

REGULAR BUSINESS MEETING

Mr. Gaffin opened the regular business meeting at 7:45 p.m.

ACTION ON THE PUBLIC HEARING ITEM

Motion by Jim Hoh, seconded by Theresa Markham to grant an area variance to Donna Reynolds for relief from Village Code, 190-41(C) (1), which states that side setbacks must have a 12' minimum.

DISCUSSION

Chairman Gaffin asked Mr. Tobin if this lot were a non-conforming lot and would qualify as a legal hardship. Mr. Tobin replied it would not. Mr. Donohoe stated the lot was unique and that the proposed garage was keeping in character with those in the neighborhood. The Board discussed the options of relocating the driveway and/or the garage. Mr. Leuvenhous stated that relocating the garage further back would affect aesthetics, while relocating the driveway would place it and the garage adjacent to the bedrooms, which would be an awkward point of entry.

Chairman Gaffin expressed concern regarding the close proximity to the Fischetti property. Chairman Gaffin stated that should the variance be granted, in the case that the Fischetti's might move, that there was no guarantee that new neighbors would like the proximity. Mr. Besanceney noted that many other houses in that neighborhood were built close to the lot lines with garages added later. Mr. Hoh remarked that if the garage were built on the other side of the house, it would not conform with setback regulations. Ms. Markham stated that the proposed garage fit with the nature of the neighborhood, was a good use, and would be a positive contribution to the aesthetics of the house. Mr. Tobin noted that if the garage were a freestanding garage, the setbacks would only be 3'. Mr. Gaffin noted this information as a point well taken but stated that the need for a variance would still not be alleviated.

Chairman Gaffin inquired if there were any more discussion from the Board. None was noted.

ROLL CALL VOTE

Gaffin	AYE
Besanceney	AYE
Hoh	AYE
Markham	AYE
Donohoe	AYE

Motion unanimously approved.

APPROVE MINUTES

Motion by Mark Donohoe, seconded by Theresa Markham to approve the minutes of July 14, 2003 as amended.

Motion carried.

ADJOURN

Motion by Henry Besanceney, seconded by Theresa Markham to adjourn the meeting at 8:07 p.m.

Motion carried, meeting adjourned.

Respectfully submitted,

*Sheila Byrne Coleman
Secretary, Zoning Board of Appeals*

