

**VILLAGE OF HONEOYE FALLS ZONING BOARD June 26, 2006**

**MEMBERS PRESENT:** C. Harold Gaffin, Chair; Theresa Markham;  
James Hoh; Mark Donahoe;

**ALSO PRESENT:** Geriann P. Alford, Code Enforcement Officer; Mike Tobin,  
Village Attorney; Mary Lane; Peter Brincka

Chair Gaffin opened the public hearing at 7:30 PM

**AREA VARIANCE REQUEST: 77 W. MAIN ST.; TAYLOR/MICCICHE**

Applicant is not present. Peter Brincka is attending on their behalf, although not officially because he did not obtain written authorization by the owners. Applicants would like to close in the garden area on the west side of their property to shield from traffic and noise. They would like to make the fence 6' high, where only 4' is allowed.

Chair Gaffin asked if there was any input from the public.

Mary Lane, 82 W. Main St. feels this fence is not appropriate for the area. She suggested they could put up trees or other landscaping. The fence does not fit into historical character of the neighborhood and would be in her direct line of vision.

Peter Brincka, 77 W. Main St. does not have any problems with the fence.

Chair Gaffin closed the public hearing at 7:56 PM.

Motion by Jim Hoh, seconded by Mark Donahoe, to grant the variance for a 6' fence in a side yard at property 77 W. Main St.

Mr. Donahoe noted that in previous applications this Board has not granted such a variance unless a significant hardship exists. At this property there is plenty of property behind the house to gain privacy from the road. If this fence is allowed it would be the only fence of its' type in the neighborhood, this could set a precedent. A 4' foot fence would provide privacy. They could also enhance the area with more plantings.

This Board filled out the attached Area Variance Determination worksheet.

**ROLL CALL VOTE**

**JIM; NO**

**MARK; NO**

**THERESA; NO**

**HAL; NO**

**ALL OPPOSED**

**MOTION DENIED**

**APPROVE MINUTES**

Motion by James Hoh, seconded by Mark Donahoe, to approve the Minutes of the May 22, 2006 Zoning Board Meeting.

ALL IN FAVOR

MOTION PASSED

Motion by James Hoh, seconded by Theresa Markham, to adjourn the meeting at 8:30 PM

ALL IN FAVOR

MOTION PASSED

Respectfully submitted,

Gerianne P. Alford  
Zoning Board Secretary

Village of Honeoye Falls  
ZONING BOARD OF APPEALS  
AREA VARIANCE DETERMINATION

Applicant/Owner: Taylor/Mucciche  
Property Address: 77 West Main St  
Variance(s) Requested: height of fence in front yard

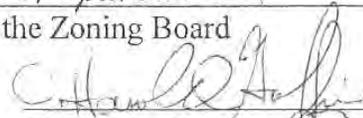
Requirement: In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The Zoning Board made the following findings:

1. An undesirable change  will  will not be produced in the character of the neighborhood or a detriment to nearby properties  will  will not be created by the granting of the area variance, because  
1) only fence of its type in this neighborhood  
2) neighbor's input
2. The benefit sought by the applicant  can  cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance, because  
methods  
Number of possible ways - lower fence, different planting, etc
3. The requested area variance  is  is not substantial, because  
Proposed fence is 30' + - forward of where it would be permitted
4. The proposed variance  will  will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, because  
Creates a substantial physical condition
5. The alleged difficulty  has  has not been self-created, because  
Home was purchased situation was self-created,  
situation was know at time of purchase

Zoning Board Decision: Based upon the above findings the Zoning Board

grants  denies the area variance application.

  
Chairman Signature