

**VILLAGE OF HONEOYE FALLS ZONING BOARD**

**April 28, 2008**

**MEMBERS PRESENT:** Hal Gaffin, Chair; Hank Besanceney; Mark Donahoe; Jim Hoh; Theresa Markham

**ALSO PRESENT:** Ryan Stoner, Mathstone Corp; Dan Bassette

Chair Gaffin called the public hearing to order at 7:34 PM

**PUBLIC HEARING: USE VARIANCE: 32 NORTON STREET: MATHSTONE**

Ryan Stoner presented on behalf of Mathstone Corporation. They are applying for a Use Variance for 32 Norton St. to allow two residential structures on the same lot. This lot already has an existing structure and Mathstone is proposing to build a new, four unit structure behind the existing one. Mr. Stoner explained that he had gone before the Planning Board on April 4, 2008, and requested permission to tear down the existing structure and replace it with a new, four unit building. The Planning Board expressed concern about tearing down the existing structure since it is one of the oldest houses in the Village.

At that time, Mr. Stoner presented an alternative plan whereby he would restore the existing building and build a four unit structure behind that house. However, the new plans violated sections 190-9, 190-38 and 190-39 of the Village Code, thereby necessitating a zoning variance.

Chair Gaffin asked Mr. Stoner what his plans were for the existing building. Mr. Stoner said that the house currently has a tenant. When the tenant's lease is up (in approximately nine months), they will restore the house if possible. If it can't be restore, then he will return to the Planning Board to discuss options.

As there was no input from the public, the public hearing was closed at 7:43 PM

Motion by Hank Besanceney, seconded by Theresa Markham, to grant the variance for two residential structures on one lot in a TV Zone.

Chair Gaffin referred to the October 29, 2007 letter written to the Planning Board about 18 Norton Street. Mr. Hoh asked if there was any difference between this application and the application for 18 Norton St. Mr. Ryan said the only difference is that 18 Norton St. has structures with mixed use and 32 Norton St. has two structures with only residential use.

Mr. Donahoe asked if the Planning board had re-written that section of code. Mr. Johnson said that, although not yet completed, he has been assured by the Village attorney that the plan is to re-write the relevant sections of the Village Code in order to remove the contradictions.

**ROLL CALL VOTE**

1. H. Besanceney – Aye
2. H. Gaffin – Aye
3. M. Donahoe - Aye
4. J. Hoh – Aye
5. T. Markham - Aye

**ALL IN FAVOR**

**MOTION CARRIED – USE VARIANCE GRANTED**

The Board granted the variance based upon its findings set forth in the Use Variance Determination Worksheet which is attached and made part of the minutes.

**APPROVE MINUTES**

Theresa Markham requested that the quote beginning “*Chairperson Markham...*” be changed to read “*Acting Chair Markham...*”.

Motion by Jim Hoh, seconded by Mark Donahoe to approve the minutes of the March 24, 2008 Zoning Board meeting, as amended.

ALL IN FAVOR  
MOTION CARRIED

Motion by Jim Hoh, seconded Theresa Markham to adjourn the meeting 8:00 PM.

ALL IN FAVOR  
MOTION CARRIED – MEETING ADJOURNED

*Respectfully submitted,*

*Judi Barrett  
Clerk for the Zoning Board of Appeals*

4/28/08

Village of Honeoye Falls  
ZONING BOARD OF APPEALS  
USE VARIANCE DETERMINATION

Applicant/Owner: Ryan Stoner/Mathstone

Property Address: 32 Norton Street

Variance Requested: Mathstone requests four apartments in a new building at 32 Norton St., which has an existing building on the same lot containing a residential use. This variance relates to sections 190-9, 190-38 and 190-39 of the Zoning Code.

No use variance shall be granted by this Board without an application showing that applicable zoning regulations and restrictions have caused unnecessary hardship.

The Zoning Board made the following findings:

1. The applicant  will  will not realize a reasonable financial return, provided that lack of return is substantial as demonstrated by competent financial evidence, because particularly  
financial return is not relevant. Variance request is to clarify conflicting code language.
2. The alleged hardship relating to the property is unique, and does not apply to a substantial portion of the district or neighborhood;  yes  no, because of the character of the neighbor is similar.
3. The requested use variance, if granted,  will  will not alter the essential character of the neighborhood, because the nature of the proposed use
4. The alleged hardship  has  has not been self-created, because of the conflicting code language.

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

grants  denies the use variance application. X

Chairman Signature