

**MEMBERS PRESENT:** Hank Besanceney, Patrick Brennan, Mark Donahoe, Barry Kissack, Stephanie Tolan

**ALSO PRESENT:** Danny Bassette, Brendan Haggerty, Steve Lee

Chair Besanceney called the meeting to order at 7:30 PM.

**SPECIAL EXCEPTION USE AND AREA VARIANCE: 45 MONROE STREET**

Mr. Haggerty explained that he currently has an accessory apartment, located in an accessory structure on his property at 45 Monroe St. He would like to move the structure over by 6 ft (thereby increasing the side setback), put in a cellar and make necessary repairs to the first floor. Mr. Haggerty submitted letters from his adjacent neighbors, stating that they have no objection to this application (see attached).

This apartment is pre-existing but now needs an SE variance since Mr. Haggerty is making changes.

In addition, Mr. Haggerty needs an area variance in order to occupy 100% of the structure as an apartment (zoning code says not more than 50%).

A short discussion ensued and Chair Besanceney opened the discussion to the public at 7:50 PM. There were no additional comments.

Mark Donahoe made a motion to approve the Special Exception Use and the Area Variance, as requested. Barry Kissack seconded the motion

**SPECIAL EXCEPTION USE: ALL IN FAVOR, MOTION CARRIED, Special Exception Use APPROVED**

**AREA VARIANCE: ALL IN FAVOR, MOTION CARRIED, Area Variance APPROVED**

The Board filled out the Special Exception Use and Area Variance Determination Worksheets (see attached).

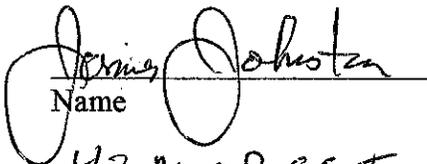
Stephanie Tolan moved that the meeting be adjourned, Barry Kissack seconded the motion.

**ALL IN FAVOR, MEETING ADJOURNED at 8:00 PM.**

*Respectfully submitted,  
Judi Barrett, ZBA Clerk*

My name is Brendan Haggerty and I live at 45 Monroe Street. I am proposing to rebuild the first floor of my stand alone apartment behind the main house. I will also install a new basement and relocate the building so it is 6 feet off the side property line instead of the current 2 feet. The building will receive new siding and blend with the main house.

Because this is the second building on the lot that has a dwelling unit in it I need a variance to do the rebuilding. The purpose of this letter is to alert you as an adjoining neighbor. I am asking that you sign below to indicate that you understand what is being proposed and I have no objection.

  
Name  
43 Monroe St  
Address  
4/21/13

My name is Brendan Haggerty and I live at 45 Monroe Street. I am proposing to rebuild the first floor of my stand alone apartment behind the main house. I will also install a new basement and relocate the building so it is 6 feet off the side property line instead of the current 2 feet. The building will receive new siding and blend with the main house.

Because this is the second building on the lot that has a dwelling unit in it I need a variance to do the rebuilding. The purpose of this letter is to alert you as an adjoining neighbor. I am asking that you sign below to indicate that you understand what is being proposed and I have no objection.

Caroline Maffitt

Name

51 Monroe St Hon. Falls, N.Y.

Address

Village of Honeoye Falls  
ZONING BOARD OF APPEALS  
AREA VARIANCE DETERMINATION

Applicant/Owner: Brendan Haggerty  
Property Address: 45 Monroe St  
Zoning Ordinance(s): 190.6 and 190.56  
Variance(s) Requested: area variance for pre-existing, non-conforming accessory structure

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. **THE BENEFIT SOUGHT BY THE APPLICANT**  CAN  CANNOT BE ACHIEVED BY OTHER FEASIBLE MEANS.

**EXPLAIN:**

To obtain the area variance, the applicant must live on property.

2. **GRANTING OF THE VARIANCE**  WILL  WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES. **EXPLAIN:**

Pre-existing. Improving appearance.

3. **THE REQUESTED VARIANCE**  IS  IS NOT SUBSTANTIAL. **EXPLAIN:**

Puts more clarity to the area variance.

4. **THE VARIANCE**  WILL  WILL NOT HAVE ANY ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECTS ON THE NEIGHBORHOOD OR DISTRICT. **EXPLAIN:**

Pre-existing.

5. **THE ALLEGED DIFFICULTY**  WAS  WAS NOT SELF-CREATED. **EXPLAIN:**

However, the property has always been used this way.

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

GRANTS  DENIES the area variance application.

Henry Besanceney

Digitally signed by Henry Besanceney  
DN: cn=Henry Besanceney, o, ou,  
email=zba@villageofhoneoyefalls.org, c=US  
Date: 2013.04.23 10:42:47 -0400

Chairman Signature

4/22/13

Date

Village of Honeoye Falls  
ZONING BOARD OF APPEALS  
SPECIAL EXCEPTION USES DETERMINATION

Applicant/Owner:                   Brendan Haggerty  
Property Address:                 45 Monroe St  
Special Exception Use Requested: Accessory Apartment

In order for the ZBA to grant a special exception use, an applicant must prove that the special exception use will be in harmony with and promote the general purposes and intent of the Village Code as stated in chapter §190-2.

The Zoning Board made the following findings:

1. **THE PLOT AREA  IS  IS NOT SUFFICIENT, APPROPRIATE AND ADEQUATE FOR THE USE AND REASONABLY ANTICIPATED OPERATION AND EXPANSION THEREOF. *EXPLAIN:***

Use is pre-existing and is under the lot requirements.

2. **THE PROPOSED USE  WILL  WILL NOT PREVENT THE ORDERLY AND REASONABLE USE OF ADJACENT PROPERTIES AND/OR DISTRICTS (*this includes providing of all required buffer yard screening as if it were an allowable use*). *EXPLAIN:***

Use is pre-existing and neighbors have no objections.

3. **THE SITE  IS  IS NOT SUITABLE FOR THE LOCATION OF SUCH USE IN THE COMMUNITY AND THE CHARACTERISTICS OF THE PROPOSED USE  ARE  ARE NOT SUCH THAT ITS PROPOSED LOCATION IS UNSUITABLY NEAR TO A CHURCH, SCHOOL, RECREATIONAL THEATER OR OTHER PLACE OF PUBLIC ASSEMBLY. *EXPLAIN:***

Use is pre-existing, not near other sensitive uses.

4. **THE SPECIAL EXCEPTION USE  WILL  WILL NOT HAVE ANY ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECTS ON THE NEIGHBORHOOD OR DISTRICT. *EXPLAIN:***

Use pre-exists.

Zoning Board Decision: Based upon the above findings, the Zoning Board  
 GRANTS  DENIES the area variance application.

Hank Besanceney

Digitally signed by Hank Besanceney  
DN: cn=Hank Besanceney, o, ou,  
email=besanceney2@me.com, c=US  
Date: 2013.04.23 09:16:03 -0400

Chairman Signature

4/22/13

Date