

Honeoye Falls Village Zoning Board
Proposed Meeting Minutes January 25, 2016

Members Present: Hank Besanceney, Stephanie Tolan, Barry Kissack

Members Absent: Patrick Brennan, Mark Donahoe

Also Present: Michael Tobin (Village Attorney), Charlie Johnson (Code Enforcement Officer), Dan Bassette, Walter Latiuk, Shanna Piacente

Chairman Besanceney called the meeting to order at 7:35 p.m.

Area Variance – 60 East Street – Walter Latiuk

The applicant, Walter Latiuk (with a submitted approval letter from owner, James Hughes), is requesting an area variance to allow construction of a rear deck that does not meet the minimum required side yard setback of 12 feet. The proposed rear deck will have a 2 foot side yard setback. The existing northwest corner of the house encroaches on the adjoining property by 1.1 feet making it a pre-existing, non-conforming structure. The applicant proposes to construct a deck that links the existing rear facing sliding glass door with the newly constructed deck on the east side of the house.

The applicant is also proposing a deck screen of 6 feet. With the deck already 2 feet from the ground, the applicant would need a variance for the extra 2 feet as this would make the screen 8 feet high. Code for fence height is 6 feet. The applicant stated they will bring it down to 4 feet so that another variance will not be necessary.

Chair Besanceney opened the meeting for public comment. There were no comments.

The applicant signed the sign posting affidavit.

In making its variance determination, the Zoning Board of Appeals made the following findings:

1. The benefit sought by the applicant cannot be achieved by other feasible means because of the location of the sliding door and pre-existing condition.
2. Granting of the variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. The deck is only visible from the back and has been placed in logical proportion to the house.
3. The requested variance is substantial. While the measurement is substantial, because of the pre-existing condition of the house being over the lot line, it is not visually substantial.
4. The variance will not have any adverse physical or environmental effects on the neighborhood or district. The variance is not visible except behind the house.
5. The alleged difficulty was self-created due to the addition of the deck.

Based upon the above findings, a motion was made by S. Tolan to grant the area variance to accept the setback from 12 feet to 2 feet as a minimum setback. B. Kissack seconded. A roll call vote was taken: H. Besanceney-Aye, S. Tolan-Aye, B. Kissack-Aye. Motion carried.

A motion was made by B. Kissack to adjourn the meeting at 7:53 p.m. S. Tolan seconded. Motion unanimously approved.

Respectfully submitted,
Patty Pragle
ZBA Clerk

DRAFT