

**VICTOR ZONING BOARD OF APPEALS MEETING**

**MONDAY, JANUARY 23, 2017**

**DRAFT RESOLUTION PACKET**

*"Zoning Board of Appeals Draft Resolutions are in **draft** form and are subject to change prior to or during the public meeting. Additional information may be obtained in the Planning & Building Office."*

**PUBLIC HEARINGS**

1. BROSTEK – ADDITION(S)  
7971 Boughton Hill Road (County Rd. 41)  
Appl. No. 29-Z-2016

Applicant is requesting to add two 16' x 40' lean-to's on either side of an existing garage that is already forward of the front line of the existing residence, whereas Section 211-31G(2) indicates that an accessory structure is not allowed forward of the front line of the principal structure. Also to allow the enlargement of the mentioned existing garage, whereas §211-3B(2) prohibits the enlargement of a nonconforming structure. There are two area variance requests in total.

*(draft resolution attached)*

2. 7951 COUNTY RD. 41 – BARN  
7951 Boughton Hill Road (County Rd. 41)  
Appl. No. 1-Z-2017

Applicant is requesting to construct a 1,143 square foot barn forward of the front line of the principal structure, whereas Section 211-31G(2) indicates that an accessory structure is not allowed forward of the front line of the principal structure.

*(draft resolution attached)*

RESOLUTION – Brostek Additions  
7971 County Rd. 41

DATE: 1-23-17  
Appl. No. 29-Z-16

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on December 20, 2016 from Robert Brostek requesting an area variance to construct two additions of 16 feet by 40 feet on the north and south sides of a previously existing accessory structure which is forward of the front line of the existing residence at 7971 County Road 41, whereas §211-31G(2) indicates that an accessory structure is not allowed forward of the front line of the principal structure; and,

WHEREAS, the existing accessory structure is preexisting nonconforming, an area variance is also requested to §211-3B(2) which prohibits the enlargement of a nonconforming structure; and,

WHEREAS, said application was referred by Alan Benedict, Code Enforcement Officer of the Town of Victor on the basis of the variances requested to the Town of Victor Code; and,

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on January 15, 2017 and whereby all property owners within 500 feet of the application were notified by U. S. Mail; and,

WHEREAS, the Ontario County Planning Board assigned the referral as a Class 1, AR-1 on January 5, 2017, referral no. 8-2017, and returned it to the local board indicating they will make no formal recommendation to deny or approve the application and indicated that the submitted application is clearly exempted from the County Planning Board review requirements by intermunicipal agreement; and,

WHEREAS, this application is classified as a Type II action under the State Environmental Quality Review Act per Sections 617.5(c)(10) and therefore does not require further action; and,

WHEREAS, a Public Hearing was held on January 23, 2017 at which time \_\_\_\_\_ resident(s) spoke *for/against* the application; and,

WHEREAS, after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings of fact for the accessory structure additions to be allowed forward of the front line of the primary structure:

1. An undesirable change *would/would not* be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification:

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.

Justification:

3. The requested area variance *is/is not* substantial.

Justification:

4. The proposed variance *will/will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Justification:

5. The alleged difficulty *is/is not* self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

DECISION:

NOW, THEREFORE BE IT RESOLVED that the application of Robert Brostek, 7971 County Road 41, Victor, NY 14564, for two area variances to construct two additions of 16 feet by 40 feet on the north and south sides of a previously existing accessory structure forward of the front line of the existing residence BE *APPROVED/DENIED*.

AND BE IT FURTHER RESOLVED that the following conditions are imposed:

1. Building permits are required for work including, but not limited to, erecting structures, placing signs, pools, fences, mechanical systems, etc. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Planning and Building Department.

RESOLUTION – 7951 County Rd. 41-Barn  
7971 County Rd. 41

DATE: 1-23-17  
Appl. No. 1-Z-17

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on January 6, 2017 from Andrew Torpey requesting an area variance to place a 1,143 square foot barn forward of the front line of the existing residence at 7951 County Road 41, whereas §211-31G(2) indicates that an accessory structure is not allowed forward of the front line of the principal structure; and,

WHEREAS, said application was referred by Alan Benedict, Code Enforcement Officer of the Town of Victor on the basis of the variance requested to the Town of Victor Code; and,

WHEREAS, a Public Hearing was duly called for and was published in "The Daily Messenger" on January 15, 2017 and whereby all property owners within 500 feet of the application were notified by U. S. Mail; and,

WHEREAS, a Public Hearing was held on January 23, 2017 at which time \_\_\_\_\_ resident(s) spoke *for/against* the application and one petition was received which three residents signed that accepted and supported the project; and,

WHEREAS, this application is classified as a Type II action under the State Environmental Quality Review Act per Sections 617.5(c)(10) and therefore does not require further action; and,

WHEREAS, the Ontario County Planning Board assigned the referral as a Class 1, AR-1 on January 17, 2017, referral no. 14-2017, and returned it to the local board indicating they will make no formal recommendation to deny or approve the application and indicated that the submitted application is clearly exempted from the County Planning Board review requirements by intermunicipal agreement; and,

WHEREAS, after reviewing the file, the testimony given at the Public Hearing and after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings of fact for the accessory structure to be allowed forward of the front line of the primary structure:

1. An undesirable change *would/would not* be produced in the character of the neighborhood or a detriment to nearby properties created by the granting of the area variance.

Justification:

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.

Justification:

3. The requested area variance *is/is not* substantial.

Justification:

4. The proposed variance *will/will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Justification:

5. The alleged difficulty *is/is not* self-created. This consideration is relevant to the decision of the board, but shall not necessarily preclude the granting of the area variance.

DECISION:

NOW, THEREFORE BE IT RESOLVED that the application of Andrew Torpey for an area variance to place a 1,143 square foot barn forward of the front line of the existing residence at 7951 County Road 41, Victor, NY 14564, BE *APPROVED/DENIED*.

AND BE IT FURTHER RESOLVED that the following conditions are imposed:

1. Building permits are required for work including, but not limited to, erecting structures, placing signs, pools, fences, mechanical systems, etc. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Planning and Building Department.