

# VICTOR ZONING BOARD OF APPEALS MEETING

MONDAY, FEBRUARY 21, 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

#### TABLED PUBLIC HEARING from 2/6/2017 meeting

1. 6405 ERICA TRAIL (Lot #22)  
*Two side setback area variances*  
Appl. No. 02-Z-2017

Applicant is requesting two lot line side setbacks of eight feet each in order to build a 50 foot wide house with one foot overhangs in a 70 foot wide lot, whereas the Planning Board Chairman signed the Ballerina Court Final Subdivision Plans, Phase Two, (*Town of Victor, County of Ontario, State of New York*) on July 28, 2016, and the Drawing Titles, Overall Plan and Plat Plan - Phase Two, each indicate a minimum lot side setback of ten feet.  
*(draft resolution attached)*

### INTERPRETATION

2. GULLACE PROJECT  
995 County Road 9  
Appl. No. 06-Z-2017

Applicant is appealing the Code Enforcement Officer's interpretation regarding the Gullace Project that encompasses the inclusion of townhomes within the limits contained in Schedule II, Part III, specifically minimum lot sizes and maximum density limits for townhouses; and whether, if the development is clustered, duplexes can be included along with three & four unit townhouses without applying the density requirement for duplexes.

RESOLUTION – 6405 Erica Trail  
Two Side Setbacks

DATE: 2-21-17  
Appl. No. 2-Z-17

WHEREAS, an area variance application was received by the Secretary of the Zoning Board of Appeals on January 23, 2017 from Ryan Homes of 1 Fisher Rd, Pittsford, NY requesting two lot line side setbacks of eight feet each in order to build a 50 foot wide house with one foot overhangs in a 70 foot wide lot at 6405 Erica Trail, Victor, NY, whereas the Planning Board Chairman signed the Ballerina Court Final Subdivision Plans, Phase 2 on July 28, 2016, and the Drawing Titles, Overall Plan and Plat Plan – Phase Two, each indicate a minimum lot side setback of ten feet; 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 29, 2017 and whereby all property owners within 500 feet of the application were notified by U. S. Mail; and,

WHEREAS, this application is classified as a Type II action under the State Environmental Quality Review Act per Section 617.5(c)(12) and therefore does not require further action; and,

WHEREAS, a Public Hearing was held on February 6, 2017 and February 21, 2017 at which time \_\_\_\_\_ resident 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 two lot line side setbacks of eight feet each at 6405 Erica Trail, Victor, NY 14564, whereas the Ballerina Court Final Subdivision Plans, Phase 2 indicates a minimum lot side setback of ten feet.

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.

NOW, THEREFORE BE IT RESOLVED that the application of Ryan Homes of 1 Fisher Rd, Pittsford, NY requesting two lot line side setbacks of eight feet each in order to build a 50 foot wide house with one foot overhangs in a 70 foot wide lot at 6405 Erica Trail, Victor, NY, whereas the Planning Board Chairman signed the Ballerina Court Final Subdivision Plans, Phase 2 on July 28, 2016, and the Drawing Titles, Overall Plan and Plat Plan – Phase Two, each indicate a minimum lot side setback of ten feet, BE *DENIED/APPROVED*:

FURTHER RESOLVED that the following conditions are imposed:

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.