

# VICTOR ZONING BOARD OF APPEALS MEETING

**TUESDAY, MARCH 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.”*

### NEW PUBLIC HEARINGS

1. GUZZARDO GARAGE  
7727 Lower Fishers Road  
Appl. No. 07-Z-2017

Applicant is requesting to place a garage for the parking of vehicles and storage of equipment 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.

*(draft resolution attached)*

2. DELANEY GARAGE  
60 Goshawk Drive  
Appl. No. 08-Z-2017

Applicant is requesting an area variance to place an 22' x 28' garage ten feet from the side property line, whereas Schedule II, Area and Height Requirements, Part I for Residential Districts requires a 15 foot side setback and more specifically §211-20C states that accessory structures must observe a 15 foot property line setback on residentially zoned property.

*(draft resolution attached)*

### INTERPRETATION

3. GULLACE PROJECT      *Tabled at the 2/21/2017 meeting*  
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 – Guzzardo Garage  
7727 Lower Fishers Rd

DATE: 3-21-17  
Appl. No. 7-Z-17

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on February 23, 2017 from Tim Hughs for Bernadette Guzzardo requesting an area variance to place a 1,564 square foot barn with a 34' x 40' footprint forward of the front line of the existing residence at 7727 Lower Fishers Road , 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 March 12, 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 March 21, 2017 at which time \_\_\_\_\_ resident(s) spoke *for/against* the application; 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, 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 Tim Hughs for Bernadette Guzzardo for an area variance to place a 1,564 square foot garage forward of the front line of the existing structure at 7727 Lower Fishers Road, 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.

RESOLUTION – Delaney Garage –Setback  
160 Goshawk Drive

DATE: 3-21-17  
Appl. No. 8-Z-17

WHEREAS, an area variance application was received by the Secretary of the Zoning Board of Appeals on March 6, 2017 from Tom Delaney of 1374 New Seabury Lane, Victor, NY. The applicant appeared before the Board on October 3, 2016 and the application was tabled in order for the applicant to get accurate information on the distance from his shed to the property line which was received on October 31, 2016; and,

WHEREAS, the applicant requests to place a 10 foot by 12 foot shed with an 11.5 side property line side setback, whereas Schedule II, Area and Height Requirements for Residential Districts requires a 15 foot side setback and more specifically §211-20C states that accessory structures, such as storage sheds, must observe a 15 foot property line setback on residentially zoned property; 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 September 25, 2016 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 Sections 617.5(c)(10) and 617.5(c)(12) and therefore does not require further action; and,

WHEREAS, a Public Hearing was held on October 3, 2016 and November 7, 2016 at which time \_\_\_\_\_ resident spoke *for/against* the application and one letter was received in favor of 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 to place a 10 foot by 12 foot shed with an 11.5 foot side property line setback at 1374 New Seabury Lane, Victor, NY 14564, whereas Schedule II, Area and Height Requirements for Residential Districts requires a 15 foot side setback and more specifically §211-20C states that accessory structures, such as storage sheds, must observe a 15 foot property line setback on residentially zoned property.

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 Ben Chudner, 1374 New Seabury Lane, Victor, NY to place a 10 foot by 12 foot shed with an 11.5 foot side property line setback at 1374 New Seabury Lane, Victor, NY 14564, whereas Schedule II, Area and Height Requirements for Residential Districts requires a 15 foot side setback and more specifically §211-20C states that accessory structures, such as storage sheds, must observe a 15 foot property line setback on residentially zoned property 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.