

VICTOR ZONING BOARD OF APPEALS MEETING

MONDAY, APRIL 18, 2016

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 HEARING

1. CITY TAVERN – COVERED PATIO (Area Variance)
7635 State Route 96
Appl. No. 3-Z-16

Applicant is requesting a 41 foot front setback to construct a covered outdoor seating area, whereas Schedule II, Area and Height Requirements for Commercial Districts requires an 80 foot front setback.

(draft resolution attached)

2. SCHOFF OUT BUILDING/GARAGE
7126 Valentown Road
Appl. No. 4-Z-16

Applicant is requesting to construct a an outbuilding / garage to be placed forward of the front line of existing residence, whereas an accessory structure is not allowed forward of the front line of the principal structure per Section 211-31G(2) of the Town of Victor Code.

(draft resolution attached)

RESOLUTION – City Tavern – Covered Patio
7635 State Route 96, Victor, NY 14564

DATE: 4-18-16
Appl. No. 3-Z-16

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on March 29, 2016 from East Coast Tavern, LLC, 348 East Avenue, Rochester, NY 14607, requesting an area variance to allow a 41 foot front setback at 7635 NYS Route 96, in order to construct a covered outdoor patio whereas, Schedule II, Area and Height Requirements for Commercial Districts requires an 80 foot front setback; and,

WHEREAS, on September 14, 200, the New York State Supreme Court reversed the decision of the Town of Victor Zoning Board of Appeals of April 30, 2001 to allow a building setback of 73 feet whereas 80 feet was required and a 70 foot parking space setback whereas 80 feet was required; 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 published in “The Daily Messenger” on April 10, 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 and therefore does not require further action; and,

WHEREAS, the Ontario County Planning Board referred the application back to the Town of Victor Zoning Board of Appeals on April 13, 2016 assigning the referral as a Class 1 Action and; and,

WHEREAS, a Public Hearing was held on April 18, 2016 at which time _____ resident(s) spoke *for/against* the application; and,

WHEREAS, after reviewing the file, the testimony given at the April 18, 2016 Public Hearing of the Zoning Board of Appeals, and after due deliberation, the Town of Victor Zoning Board of Appeals made the following findings of fact for allowing a 41 foot front setback at , 7635 State Route 96, Victor, NY 14564:

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 East Coast Tavern, LLC, 348 East Avenue, Rochester, NY 14607, requesting an area variance to allow a 41 foot front setback at 7635 NYS Route 96, in order to construct a covered outdoor patio whereas, Schedule II, Area and Height Requirements for Commercial Districts requires an 80 foot front setback BE **APPROVED/DENIED:**

FURTHER RESOLVED that the following conditions are imposed:

RESOLUTION – Schoff Outbuilding
7126 Valentown Road

DATE: 4-18-16
Appl. No. 4-Z-16

WHEREAS, an application was received by the Secretary of the Zoning Board of Appeals on April 4, 2016 from Bill and Sue Schoff, 7126 Valentown Road, Victor, NY 14564, requesting an area variance to construct an 836 square foot outbuilding forward of the front line of the existing residence, 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 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 April 10, 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 and therefore does not require further action; and,

WHEREAS, a Public Hearing was held on April 18, 2016 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 the accessory structure to be forward of the front line of the primary structure at 7126 Valentown Road, Victor, NY 14564:

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 Bill and Sue Schoff, 7126 Valentown Road, Victor, New York 14564, for an area variance to construct an 836 square foot outbuilding to be located forward of the front line of the existing house BE
DENIED/APPROVED:

FURTHER RESOLVED that the following conditions are imposed to minimize any adverse impact such variances may have on the neighborhood or community:

- 1.