

VICTOR ZONING BOARD OF APPEALS MEETING

MONDAY, FEBRUARY 5, 2018

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. 7210 DRYER ROAD – ADDITION

Area Variance

1-Z-2018

Applicant would like to build an addition to their house. The addition is proposed to be 22 feet by 18 feet. The requested rear setback is less than required by the Town Code which states that the minimum rear yard setback is 40 feet in a residential district.

(draft resolution attached)

2. HOLTZ PROPERTY –Area Variance

Richardson Road & Blazey Road – 7.00-1-93.110

2-Z-2018

Applicant requests an area variance to construct an accessory structure forward of a proposed single-family home on a proposed residential building lot whereas Section 211-31G(2) states that no accessory structure shall be forward of the front line of the primary building.

RESOLUTION – 7210 Dryer Road
Rear Setback AV

DATE: 2-5-18
Appl. No. 1-Z-18

WHEREAS, an area variance application was received by the Secretary of the Zoning Board of Appeals on January 18, 2018 from Jennifer Forrester & Dave Lathrop, 7210 Dryer Road, Victor, NY 14564 to construct an addition to their house with a rear setback of 30 feet whereas Schedule II Area and Height Requirements require a 40 feet rear setback for a district zoned Residential 2; 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 28, 2018 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, the house at 7210 Dryer Road is on the Town of Victor Historical Inventory with a low historical value and on January 29, 2018 Babette Huber, Town Historian, wrote in an email that she had no concerns about the addition proposed as the applicant assured it would complement the rest of the house; and,

WHEREAS, a Public Hearing was held on February 5, 2018 at which time _____ resident(s) 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 for the construction of an addition to 7210 Dryer Road, Victor, NY 14564 with a 30 foot rear setback, whereas Schedule II, Area and Height Requirements for Residential 2 Districts requires a 40 feet rear setback making the request for a 10 foot variance:

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 Jennifer Forrester and Dave Lathrop, to construct an addition with a 30 foot rear property line setback at 7210 Dryer Road, Victor, NY 14564, whereas Schedule II, Area and Height Requirements for Residential 2 Districts requires a 40 foot rear setback 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.