

**A regular meeting of the Village of Victor Zoning Board of Appeals (ZBA) was held on Wednesday, September 19, 2018 at the Village Hall, 60 East Main Street.**

**MEMBERS PRESENT:** Chairperson Sean Sanderson  
Vice Chairperson Brian Pancoast  
Member David Chalupa  
Member Brendon Crossing  
Zoning Clerk Roseanne Turner-Adams

**MEMBERS ABSENT:** Member Tim Stone

**OTHERS PRESENT:** Steve Casey

The ZBA meeting was called to order by Chairperson Sean Sanderson at 7:00 pm.

Salute to the Flag

**Resolution #09-18ZBA**

**Acceptance of Minutes**

On a motion made by Brian Pancoast, seconded by David Chalupa, the following resolution was ADOPTED 4 AYES 0 NAYS

**Resolved** to accept the minutes dated April 18, 2018.

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**17 Woodworth/Steve Casey**

**Area Variance-Shed**

Chairperson Sanderson read the legal notice into the record:

A public hearing will be held before the Village of Victor Zoning Board of Appeals on Wednesday, September 19, 2018, at 7:00 p.m., in the Village Hall, 60 East Main Street, Victor, New York, to consider:

1.) The application of Steve Casey, 17 Woodworth Street, for an area variance to the Village of Victor Zoning Code to build a 10' x 16' shed at 17 Woodworth Street.  
The applicant is proposing the shed to be placed 4 feet from the Northwest side property line. Chapter 170-7 A (1) requires a side setback of 10 feet:  
The applicant is seeking an area variance to reduce the accessory building Northwest side setback to 4 feet which is a 6 ft. difference than the code allows.  
Sean Sanderson, Chairperson  
Village of Victor Zoning Board of Appeals

Chairperson Sanderson then read the letter of referral from Codes and Development into the record:

A permit application for a 10' x 16' shed has been denied by this department.

The code requires a 10' side setback and the applicant is looking for a relief from the code by placing the shed 4 feet only from the NW property line. Section 170-7 A (1) of the new code revision is the referenced code section. The remaining measurements would meet all of the other requirements of the code as applied.

Due to the size of the rear yard and the existing living area of the pool and such, the shed needs to be in this area and to go back any further on the property would mean the large pines would have to be trimmed to make room for the shed.

If you have any further questions please contact my office. Thank you.

Doug Scarson  
Code Enforcement Officer

Mr. Steve Casey thanked the Zoning Board for putting his proposal on the agenda and stated that his yard is small and so in terms of measuring it he came up with a dimension that he thought was far enough away from the neighbors' property line on the Northwest side and would accommodate a shed. Mr. Casey explained that he has a lot of pool supplies and furniture and needs a place to store them. Mr. Casey stated that if the shed were to be placed 10' from the property line that it would look off-center in the yard which is the reason for the variance request. Mr. Casey stated that he plans to buy a pre-built shed locally and that the shed would be stained with a gravel base underneath. Mr. Casey explained that the shed would also provide some privacy to his neighbor on the southwest corner who has a fence around a hot tub but that Mr. Casey's deck is raised so he can see in their back yard now where the proposed shed would create a barrier.

Mr. Sanderson asked about the color of the shed but stated that it is not up to the Zoning Board to rule on color. Mr. Casey stated that he was thinking of a clear coat wood stain and having the roof of the shed match the roof of his house. Mr. Sanderson asked for the height of the shed. Mr. Casey stated that the shed would be 9' high.

Mr. Sanderson asked what the cost of the shed would be. Mr. Casey stated that the 10' x 16' shed would be \$3,300 plus tax and the gravel base would be about \$650. Mr. Casey stated that he will be hiring a professional to install the gravel base and shed.

Mr. Pancoast asked how much room there is between the proposed shed and the pool deck. Mr. Casey stated that he would guess roughly 20'- 25' to the stairs of the deck.

Mr. Sanderson stated that there is a mature maple tree in the open space on the survey map and mature pine trees along the back which really limits where the shed could be placed. Mr. Casey stated that if he were to place the shed 10' from the property line it would be in the pine trees which is his reason for seeking the variance. Mr. Casey explained that he also thought it would look more symmetrical with the yard.

*Discussion about placement of the shed*

Mr. Sanderson stated that one of the complexities of this neighborhood in particular is that it was designed to have small yards so having a shed anywhere on any of the properties is tricky and when you add in a pool and playset it becomes too much. Mr. Sanderson stated that the board is trying to preserve the character of the neighborhood and that this is not the first time they have heard a shed variance so all of these things need to be balanced.

Mr. Crossing stated that one thing the Zoning Board has to deal with is whether the request is substantial and that Mr. Casey proposes going from a 10' setback to 4' which is substantial. Mr. Crossing asked Mr. Casey if the shed could be moved to a 5', 6' or 7' variance. Mr. Casey stated that he could go to 5' before it starts getting too close to the pine trees. Mr. Sanderson stated that 5' is better. Mr. Chalupa stated that there also needs to be enough room to mow. Mr. Sanderson stated that with the neighborhood designed intentionally to be tight that every foot does matter. Mr. Sanderson added that it is nicely planted with lilacs so the neighbor will not be staring at the shed.

Mr. Sanderson stated that he understands that if Mr. Casey were to meet the setback requirements it would look like the shed was dropped into the middle of the yard due to the limitations of the pool and deck.

#### *Discussion regarding alternate placement of the shed*

Mr. Sanderson asked if there is a manhole cover or drain of some sort in that corner. Mr. Casey stated that there is an area where a tree was taken down that is now a dirt spot but no manhole cover or drain.

Mr. Crossing asked if notice was provided to the neighbors and if anyone commented or responded. Ms. Turner stated that public hearing notices were mailed to surrounding neighbors.

Mr. Sanderson stated that when he was at the property he spoke to the neighbor across the street named Paul who said that he did not have a problem with the shed.

Mr. Crossing asked Mr. Casey to help him clarify what is preventing him from moving the shed to the east and asked if it would be due to the fact that the pine trees would need to be trimmed. Mr. Casey stated that the row of pines would have to be trimmed but more importantly to him that the shed would look odd and like it was in the center of the yard. Mr. Casey stated that he could trim the pine trees but that he feels it would look odd. Mr. Casey stated that he thinks he could go to 5' and have it still look balanced.

Mr. Pancoast asked if when the gravel pad is installed they will have to dig down a little bit. Mr. Casey stated that he has two options: One option is to dig down 4" and add 4"

of crushed stone or he could get 6 x 6 pressure treated wood and it could be filled in. Mr. Pancoast stated that he is concerned about getting into the root system of the trees. Mr. Casey stated that there are quite a few roots and that he should probably use the 6 x 6 pressure treated wood option.

Mr. Sanderson asked Mr. Casey if he had considered turning the shed 90 degrees. Mr. Casey stated that the pine trees come deep into the yard so if he were to turn the shed 90 degrees it would look like it was too close to the deck and unbalanced. Mr. Casey stated that he thinks the way that he proposed the shed on the variance application looks more balanced.

Mr. Crossing stated that the challenge he is having is that it is hard to hear an argument for aesthetics. Mr. Crossing explained that he understands but that 4' is a substantial variance from 10'. Mr. Crossing stated that if Mr. Casey is OK with 5', that is better but 8' or 9' is a lot better. Mr. Crossing stated that he would prefer that the trees be trimmed to allow for a less substantial variance.

Mr. Crossing stated that 10 x 16 is a big shed and asked Mr. Casey if he would consider a smaller shed. Mr. Casey stated that he chose the 10 x 16 shed because it has a loft and even if he were to consider a smaller shed he would still seek a variance because he would like to place the shed in the same location. Mr. Crossing asked Mr. Casey if he could move the shed 8' or 9' away instead of 4' away. Mr. Crossing stated that he would love to see the shed line up with the house. Mr. Casey stated that he thinks that the shed would look off center if it were in line with the house. Mr. Sanderson stated that to be clear Mr. Casey doesn't have to line the shed up with the house but it is his call.

Mr. Sanderson stated that he believes in the past the Zoning Board would go through the balancing test and determine if they all agreed but going forward thinks that each member can have their own opinion.

The ZBA then went through the Area Variance Criteria balancing test for the setbacks

- Whether the benefit can be achieved by other means feasible
- Will the variance create an undesirable change in the neighborhood
- That the request is substantial
- Whether the request will have adverse physical or environmental effects
- That the alleged hardship was self-created

#### *Discussion amongst board on balancing test*

Mr. Chalupa asked how the drainage is at the location of the proposed shed. Mr. Casey stated that the location is level but elevated a bit and slopes down where the pine trees are so the drainage is good.

Mr. Pancoast asked Mr. Casey to consider matching the shed to his house so it blends in more. Mr. Casey stated that he would be willing to match the color of the shed to his house.

*Mr. Sanderson opened the public hearing*

0 persons spoke in favor of the application and 0 persons spoke against the application;

*Mr. Sanderson closed the public hearing and noted that he spoke with the neighbor across the street named Paul who said that he is ok with the shed*

Mr. Sanderson asked Mr. Casey if he would like to keep his variance application as is or amend it to propose a smaller shed or less of a variance. Mr. Crossing stated that he is struggling with the current application and would like to see either a smaller shed or less of a variance.

Mr. Sanderson asked Mr. Casey when he would like to put in the shed. Mr. Casey stated that he would like to get it in before snowfall. Mr. Sanderson stated that the case could be tabled until next month.

Mr. Casey stated that he would not like to buy a smaller shed but would like to propose amending the shed to 6' off the property line rather than 4'.

*Discussion amongst board as to wording of the variance*

**Resolution #10-18ZBA**  
**17 Woodworth/Steve Casey**  
**Area Variance-Shed**

On a motion made by Brian Pancoast, seconded by David Chalupa, the following resolution was APPROVED 3 AYES 1 NAY (Brendon Crossing)

To grant a variance to construct a 10' x 16' x 9' h shed 18 ft. off the rear property line and 6' off the northwest property line at 17 Woodworth Street to be constructed within one year from the date of the resolution.

**WHEREAS**, an application was received by Roseanne Turner-Adams, Zoning Clerk, for the Zoning Board of Appeals, from Steve Casey; on August 16, 2018, requesting an area variance to build a 10' x 16' shed to be placed 4 feet from the northwest side property line.

**WHEREAS**, said application was denied by the Code Enforcement Officer for the Village of Victor on the basis of Section 170-7 A (1) and,

**WHEREAS**, a Public Hearing was duly called for and was published in "The Daily Messenger" on August 24, 2018; and,

**WHEREAS**, all adjacent property owners were timely notified of the hearing and the purpose of the hearing by mail; and,

**WHEREAS**, a Public Hearing was held on September 19, 2018 at which time all those who desired to be heard were heard and 0 persons spoke in favor of the application and 0 persons spoke against the application; and,

**WHEREAS**, after viewing the premises and after reviewing the file and after due deliberation, the Village of Victor Zoning Board of Appeals made the following findings of fact:

- Through much discussion the board asked Mr. Casey to move the proposed shed from 4' off the northwest property line to 6'.
- That the applicant would have one year from the date of the resolution to construct the shed.

**NOW, THEREFORE BE IT RESOLVED** that the application of Steve Casey to grant a variance to construct a 10' x 16' x 9' h shed 18 ft. off the rear property line and 6' off the northwest property line at 17 Woodworth Street to be constructed within one year from the date of the resolution **Be Approved**.

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**ADJOURNMENT**

Meeting was adjourned on motion at 8:05 pm.

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Roseanne Turner-Adams, Minutes Clerk