## TOWN OF PITTSFORD ZONING BOARD OF APPEALS AGENDA September 21, 2020

## PUBLIC HEARING FOR AN AREA VARIANCE - NEW

- 12 Locke Drive, Tax # 192.08-2-67, Applicant is requesting relief from Town Code §185 17 (L) (1) & 185 113 (B) (1) (2) & (6) to locate an oversized and over height accessory structure (storage shed) in the rear yard of the home encroaching on the side setback of the property. This property is a flag lot and is zoned RN Residential Neighborhood District
- 345 Kilbourn Road, Tax # 138.18-3-1, Applicant is requesting relief from Town Code §185 17 (H); 185 -17 (E) & 185 113 (B) (6) to allow the placement of an air conditioning compressor, grill structure and deck encroaching into the side setback. Also, the lot coverage of the lot exceeds the maximum allowed by code. Property is zoned RN Residential Neighborhood District.
- 166 Mill Road, Tax # 178.04-1-72, Applicant is requesting relief from Town Code §185 113 (B) (3) to locate an accessory structure (garden shed) on the side of the home forward of the rear wall of the structure. This property is a flag lot and is zoned RN – Residential Neighborhood District
- 10 Poinciana Drive, Tax # 177.01-2-6.31, Applicant is requesting relief from Town Code §185 113 (B) (1) (2) (3) & (6) and 185 -17 (E) to locate an oversized and over height accessory structure (detached garage) located forward of the rear wall of the home encroaching on the side setback of the property. This property is a flag lot and is zoned RN Residential Neighborhood District

## **REVIEW OF MEETING MINUTES OF AUGUST 17, 2020**

ZBA Meeting Agenda September 21, 2020 Page 2 of 2

How to view the meeting:

- 1. Zoom
  - In your web browser, go to <u>https://townofpittsford.zoom.us/j/86156430950?pwd=VjAvNHlpbXhvYm4rdkZoUEJHY1RlUT09</u>
  - You will be connected to the meeting.
- 2. Telephone
  - You can access the meeting by phone. Use any of the phone numbers below, then enter the meeting ID when prompted. The Meeting ID is 861 5643 0950. No password is necessary.

(929) 205-6099	(312) 626-6799
(253) 215-8782	(301) 715-8592
(346) 248-7799	(669) 900-6833

## draft TOWN OF PITTSFORD ZONING BOARD OF APPEALS MINUTES August 17, 2020

## PRESENT

Mary Ellen Spennacchio-Wagner, Phil Castleberry, James Pergolizzi, David Rowe

#### ALSO PRESENT

Mark Lenzi, Building Inspector; Robert Koegel, Town Attorney; Susan Donnelly, Secretary to the Board; Cathy Koshykar, Town Board liaison

## ABSENT

George Dounce, Chairperson; Mike Rose, Barbara Servé

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, August 17 at 7:00 P.M. local time. The meeting took place with Board members and applicants participating remotely using Zoom virtual meeting software.

David Rowe, Acting Chairperson, called the regularly scheduled meeting of the Zoning Board of Appeals to order at 7:00 pm.

The applications before the Board this evening are Type II Actions under 6-NYCRR §617.5 (c) (7) or (12) & (13) and, therefore, is not subject to Environmental Review under SEQRA. The applications are exempt from review by the Monroe County Planning Department based on an agreement with Monroe County dated October 7, 2008.

## PUBLIC HEARING FOR AN AREA VARIANCE - RETURNING

25 Parker Drive, Tax # 164.10-2-67, Applicant is requesting relief from Town Code § 185 -113 B (1)
 & (2) and § 185 -17 E to construct an addition encroaching into the side setback. This property is zoned RN – Residential Neighborhood District.

This application for an area variance for a garage addition was held over from the July 20, 2020 meeting .

This application has been withdrawn by the Applicant.

Phil Castleberry made a motion to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

## PUBLIC HEARING FOR AN AREA VARIANCE - NEW

31 Merryhill Lane, Tax # 163.16-2-23, Applicant is requesting relief from Town Code §185-17 (B) (1)
 & §185 – 119 (A) (1) to allow the placement of a pool filter and heater forward of the building line and forward of the rear wall of the home. Property is zoned RN – Residential Neighborhood District.

David Rowe opened the Public Hearing.

The homeowners, Mark and Megan Williams, were present to discuss the application with the Board.

There was no public comment.

Mary Ellen Spennacchio- Wagner moved to close the Public Hearing.

Phil Castleberry seconded.

All Ayes.

#### DECISION FOR 31 MERRYHILL LANE – AREA VARIANCE

A written Resolution to grant the area variance for 31 Merryhill Lane was moved by Jim Pergolizzi and seconded by Phil Castleberry.

David Rowe called for a roll call vote.

Dounce	absent
Servé	absent
Pergolizzi voted	aye
Spennacchio-Wagner voted	aye
Castleberry voted	aye
Rowe voted	aye
Rose	absent

The approved Resolution contains the following Specific Conditions:

- 1. This variance is granted only for the plans submitted and prepared by the Applicant dated June 18, 2020.
- 2. All construction is to be completed by December 31, 2021.
- 55 N Country Club Drive, Tax # 151.05-1-25, Applicant is requesting relief from Town Code §185 17 (B) (1) to allow construction of an addition forward of the building line. Property is zoned RN – Residential Neighborhood District.

David Rowe moved to open the Public Hearing.

The contractor, Aaron Wolfe was present to discuss the project with the Board.

There were no further questions from the Board.

There was no public comment.

Mary Ellen Spennacchio-Wagner moved to close the Public Hearing.

Jim Pergolizzi seconded.

All Ayes.

## **DECISION FOR 55 N. COUNTRY CLUB ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 55 N. Country Club Road was moved by Mary Ellen Spennacchio-Wagner and seconded by Phil Castleberry.

David Rowe called for a roll call vote.

Dounce	absent
Servé	absent

Pergolizzi votedayeSpennacchio-Wagner votedayeCastleberry votedayeRowe votedayeRoseabsent

The approved Resolution contains the following Specific Conditions:

- 1. This variance is granted only for the plans submitted and prepared by the Applicant dated June 12, 2020.
- 2. All construction is to be completed by December 31, 2022.
- 3. The application does need the approval of the Design Review and Historic Preservation Board
- 21 Wind Mill Road, Tax # 178.07-1-48, Applicant is requesting relief from Town Codes §185 17 (B) (1) & §185 17 (K) (2) for the construction of an addition encroaching into the side setback and extending forward of the building line. This property is a corner lot and is zoned RN-Residential Neighborhood.

David Rowe moved to open the Public Hearing.

The homeowner, Steve Johnson, and architect, Jack Sigrist, were present to discuss the project with the Board.

The lot is a corner lot with a 50 ft. setback on two sides and the proposed location is the only option available to the homeowner.

There was no public comment.

David Rowe moved to close the public hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

## DECISION FOR 21 WIND MILL ROAD – AREA VARIANCE

A written Resolution to grant the area variance for 21 Wind Mill Road was moved by Mary Ellen Spennacchio-Wagner and seconded by Phil Castleberry.

David Rowe called for a roll call vote.

Dounce	absent
Servé	absent
Pergolizzi voted	aye
Spennacchio-Wagner voted	aye
Castleberry voted	aye
Rowe voted	aye
Rose	absent

The approved Resolution contains the following Specific Conditions:

- 1. This variance is granted only for the plans submitted and prepared by the Applicant dated June 30, 2020.
- 2. All construction is to be completed by December 31, 2022.
- 3. The application does need the approval of the Design Review and Historic Preservation Board.

76 Knollwood Drive, Tax # 138.17-1-8, Applicant is requesting relief from Town Codes §185 – 17 (B) (1) for the construction of an addition extending forward of the building line. This property is zoned RN-Residential Neighborhood.

David Rowe moved to open the Public Hearing.

The homeowner, Sara Odenbach, was present.

The Board had no questions for the Applicant.

There was no public comment.

Phil Castleberry moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

## **DECISION FOR 76 KNOLLWOOD DRIVE – AREA VARIANCE**

A written Resolution to grant the area variance for 76 Knollwood Drive was moved by Jim Pergolizzi and seconded by Phil Castleberry

David Rowe called for a roll call vote.

Dounce	absent
Servé	absent
Pergolizzi voted	aye
Spennacchio-Wagner voted	aye
Castleberry voted	aye
Rowe voted	aye
Rose was	absent

The approved Resolution contains the following Specific Conditions:

- 1. This variance is granted only for the existing garage as shown and described by the Applicant dated July 13, 2020.
- 2. All construction will be completed by December 31, 2022.
- 3. This application is subject to approval of the Design Review and Historic Preservation Board.
- 16 Cedarwood Circle, Tax # 178.11-2-26, Applicant is requesting relief from Town Code §185 17 (L) (1) & 185 113 (B) (6) to locate an accessory structure (standby generator) on the side of the home encroaching on the side setback of the property. This property is a flag lot and is zoned RN Residential Neighborhood District

David Rowe opened the Public Hearing.

The homeowner, Brian Williamson, was present.

The proposed generator will have minimal effect on the neighboring properties. The generator will be facing the garage of the closest neighbor. The gas and electric meters will be on the same side of the home as the generator.

There was no public comment.

David Rowe moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

## DECISION FOR 16 CEDARWOOD CIRCLE – AREA VARIANCE

A written Resolution to grant the area variance for 16 Cedarwood Circle was moved by Phil Castleberry and seconded by Mary Ellen Spennacchio-Wagner.

David Rowe called for a roll call vote.

Dounce	absent
Servé	absent
Pergolizzi voted	aye
Spennacchio-Wagner voted	aye
Castleberry voted	aye
	aye
Rose	absent

The approved Resolution contains the following Specific Conditions:

- 1. This variance is granted only for the plans submitted and prepared by the Applicant dated July 17, 2020.
- 2. All construction is to be completed by December 31, 2021.
- 3765 East Avenue. Tax # 138.18-2-15, Applicant is requesting relief from Town Code § 185 17 (E) to construct an addition encroaching into the side setback. This property is zoned RN Residential Neighborhood District.

David Rowe opened the Public Hearing.

The homeowner Glenn Paynter and architect Joe O' Donnell were present.

The application was discussed and the applicant explained that additional space for storage is needed by the family and a bigger garage is needed to provide space for larger vehicles and lawn equipment.

There is no neighborhood opposition to this application.

There was no public comment.

David Rowe moved to close the Public Hearing.

Phil Castleberry seconded.

All Ayes.

## DECISION FOR 3765 EAST AVENUE – AREA VARIANCE

A written Resolution to grant the area variance for 3765 East Avenue was moved by Phil Castleberry and seconded by David Rowe.

David Rowe called for a roll call vote.

Dounce	absent
Servé	absent

Pergolizzi votedayeSpennacchio-Wagner voted ayeCastleberry votedayeRowe votedayeRoseabsent

The approved Resolution contains the following Specific Conditions:

- 1. This variance is granted only for the plans submitted and prepared by the Applicant dated July 17, 2020.
- 2. All construction is to be completed by December 31, 2023.
- 3. This application is subject to the approval of the Design Review and Historic Preservation Board.

## **REVIEW OF MEETING MINUTES OF JULY 20, 2020**

Acting Chairman David Rowe moved to accept the meeting minutes of July 20, 2020 as written. Jim Pergolizzi seconded.

A poll was taken of the Board.

Mary Ellen Spennacchio-Wagner voted	aye
Phil Castleberry voted	aye
Jim Pergolizzi voted	aye
David Rowe voted	aye

## OTHER

POINT PERSONS FOR September 21, 2020 MEETING

166 Mill Road – Barb Serve

12 Locke Drive – Mary Ellen Spennacchio-Wagner

10 Poinciana Drive - Jim Pergolizzo

345 Kilbourn Road – David Rowe

## MEETING ADJOURNMENT

David Rowe moved to adjourn the meeting at 8:15 pm.

David Rowe called for a roll call vote.

Phil Castleberry voted	aye
Mary Ellen Spennacchio-Wagner	voted aye
James Pergolizzi voted	aye
David Rowe voted	aye

Respectfully submitted,

Susan K. Donnelly Secretary to the Zoning Board of Appeals

# Zoning Board of Appeals Referral Form Information

## **Property Address:**

12 Locke Drive PITTSFORD, NY 14534

## **Property Owner:**

Colin Hogarth 12 Locke Dr Pittsford, NY 14534-1827

## Applicant or Agent:

Colin Hogarth 12 Locke Dr Pittsford, NY 14534-1827

**Present Zoning of Property:** RN Residential Neighborhood Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:	
Right Lot Line:	0	Right Lot Line:	0	Right Lot Line:	0.0
Left Lot Line:	60	Left Lot Line:	10	Left Lot Line:	50.0
Front Setback:	0	Front Setback:	0	Front Setback:	0.0
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0
Height:	12	Height:	14	Height:	-2.0
Size:	180	Size:	320	Size:	-140.0

## Code Section(s):

Description: Applicant is requesting relief from Town Code \$185 - 17 (L) (1) \$185 - 113 (B) (1) (2) \$ (6) to locate an oversized and over height accessory structure (storage shed) in the rear yard of the home encroaching on the side setback of the property. This property is a flag lot with 60 foot side and rear setbacks. The shed is proposed to be approximately 14' high, 10' from the property line and 320 Sq. Ft.

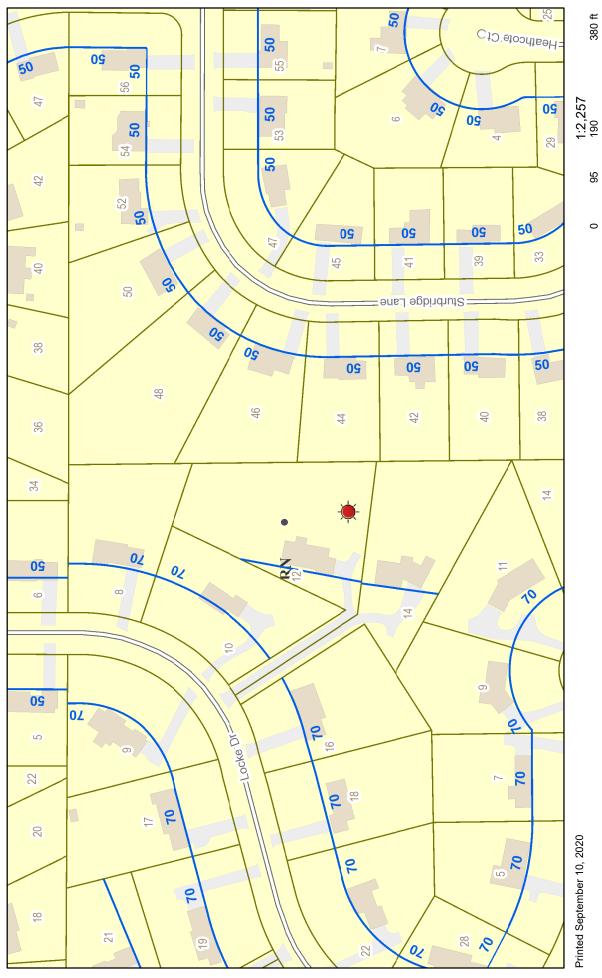
September 10, 2020

J Lenfl

Date

Mark Lenzi - Building Inspector CEO





The information depicted on this map is representational and should be used for general reference purposes only. No warranties, expressed or implied, are provided for the data or its use or interpretation.

Town of Pittsford GIS

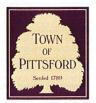
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# TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date:	Hearing Date:
Applicant: Colin Hogarth	
Address: 12 Locke Dr	
Phone: (585) 613-5212	E-Mail: colinhogarth19@gmail.com
Agent:	
(if differ	ent than Applicant)
Address:	
	E-Mail:
Property Owner:	
(if differ	ent than Applicant)
Address:	
Phone:	E-Mail:
(If applicant is not the property owner please o	complete the Authorization to Make Application Form.)
Property Location:	Current Zoning:
Tax Map Number:	
Application For: 🔽 Residential	] Commercial 🔲 Other

Please describe, in detail, the proposed project:

I would like to place a shed on my property for storage purposes. I am proposing a 16 x 20 shed as I have a growing family and need the added space. I do however need to apply for a few variances. After speaking with the town, I will need to apply for the oversized, and overheight structure variance, as well as the side set back variance. My property is significantly sloped/graded so the only location I can really put a shed is to the far right of my property. I have already discussed this with my neighbor and the family is comfortable with my idea/proposal.

**SWORN STATEMENT:** As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

(Owner or Applicant Signature)



# NEW YORK STATE STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

# **TESTS FOR GRANTING AREA VARIANCES**

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

(Please answer the following questions to the best of your knowledge)

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

My property is very private to begin with - my neighbor to my right has the most exposure to my back yard but I have already discussed this proposal with him and he and his family welcomed my proposal. The backyards of my other neighbors are blocked by uncut wildflowers/wooded areas.

The only other neighbor I have is in the front of my house and this will not be visable to them.

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

The oversized and overheight go hand-in-hand. A simple 10x12 shed would not be big enough for what I need to use it for.

The side setback variance is necessary due to the slope/grade of my property. Where I would like to put the shed is the only realistic/potential location.

## **TESTS FOR GRANTING AREA VARIANCES (Continued)**

3. Please explain whether the requested area variance is minimal or substantial:

More on the substantial side but my property does not make any other options feasible.

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

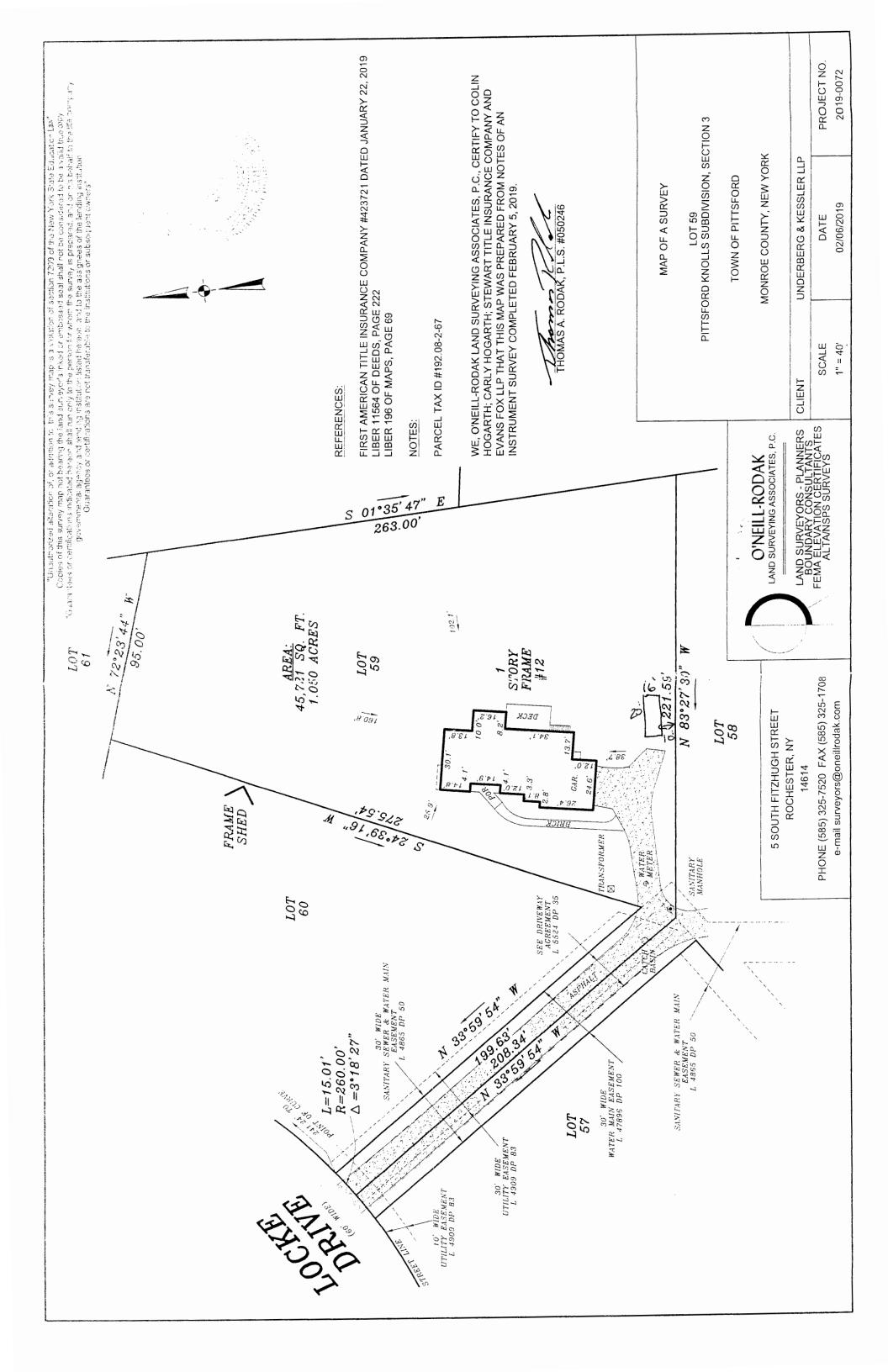
My property is offset from anyone other than my neighbor who I share a driveway with and my neighbor in front. The neighbor I discussed this with is OK with the idea and the neighbor in the front cannot see the structure location from their property.

There will be no environmental concerns as there will not be any drainage issues or anything of that nature.

• NOTE: Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;

5. Is the alleged difficulty self-created?

Oversized - yes but necessary for what I would like to do. Side setback - No. due to the grade of my property.















# Zoning Board of Appeals Referral Form Information

## **Property Address:**

345 Kilbourn Road ROCHESTER, NY 14618

## **Property Owner:**

Stahl Properties 1 Mendon Center Rd Pittsford, NY 14534

## Applicant or Agent:

Same

**Present Zoning of Property:** RN Residential Neighborhood Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:	
Right Lot Line:	0	Right Lot Line:	0	Right Lot Line:	0.0
Left Lot Line:	0	Left Lot Line:	3	Left Lot Line:	-3.0
Front Setback:	0	Front Setback:	0	Front Setback:	0.0
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0
Height:	0	Height:	0	Height:	0.0
Size:	6327	Size:	8699	Size:	-2372.0

Description: Applicant is requesting relief from Town Code \$185 - 17 (H); 185 -17 (E) & 185 113 (B) (6) to allow the placement of an air conditioning compressor and deck encroaching into the side setback. Also, the lot coverage of the lot exceeds the maximum allowed by code.

Note: The Grill structure shown in the pictures and noted in the application has been removed and is no longer part of this application.

In December of 2017 this applicant was granted a variance to exceed the lot coverage by 1513 sq. ft. which brought them to 7840 sq. ft. of hard surface lot coverage. They are now asking for an additional 859 sq. ft. of hard surface lot coverage.

September 10, 2020

M & Level

Mark Lenzi - Building Inspector CEO

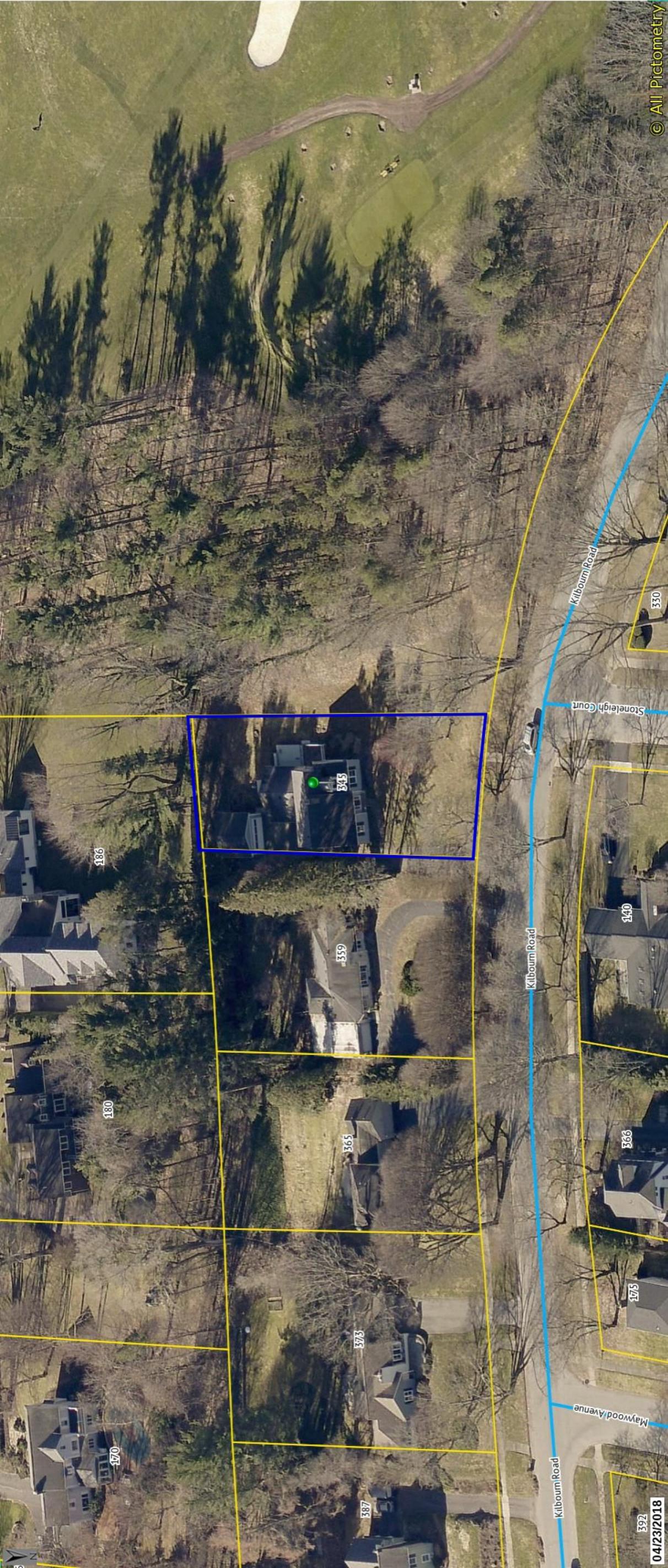
Date

# **RN Residential Neighborhood Zoning**



The information depicted on this map is representational and should be used for general reference purposes only. No warranties, expressed or implied, are provided for the data or its use or interpretation.

Town of Pittsford GIS



Print Form Reset Form	
TOWN OF PITTSFORD ZONING BOARD OF APPEALS 17 2020	
APPLICATION FOR AREA VARIANCE	U
Submission Date: 8-13-20 Hearing Date:	FORD
Applicant: Stell Planaute Iconister LLC	
Address: 345 Kilbourn Rochester NY 14618	
Phone: 585-615-9901 E-Mail: pater thestorage mall: a	The
Agent:	
(if different than Applicant)	
Address:	
Phone: E-Mail:  Property Owner:	-
(if different than Applicant)	
Address:	
Phone: E-Mail:	
(If applicant is not the property owner please complete the Authorization to Make Application Forr	n.)
Property Location: Current Zoning:	
Tax Map Number:	
Application For: 🗹 Residential 🗌 Commercial 🔲 Other	
Please describe, in detail, the proposed project:	
We are Requesting avariance for lot coverage and a Variance for a grill unit, a/c compressor, and deck.	setback
Variance for a grill unit, a/c compressor, and deck.	
SWORN STATEMENT: As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and ac the best of my knowledge	curate to

(Owner or Applicant Signature)

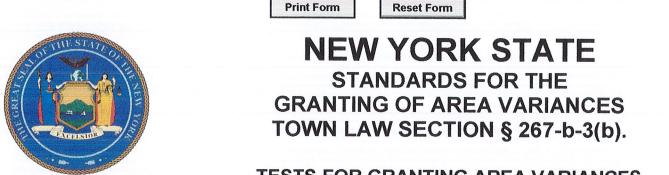
8-13-20 (Date)



Reset Form

# **Disclosure Form E**

COUNTY OF MONROE       TOWN OF PITTSF         In the Matter of $345 \ K_1 \ 1200 \ Nme)$ (Project Name)         The undersigned, being the applicant(s) to the							
345 Killourn (Project Name)							
Town Board 🖸 Zoning Board of Appeals 🔲 Planning Board 🔲 Architectural Review	3oard						
of the Town of Pittsford, for a							
☐ change of zoning ☐ special permit ☐ building permit ☐ permit ☐ amendr	nent						
variance approval of a plat exemption from a plat or official map							
issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constituting the zoning and planning ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this certificate.							
I do further certify that there is no officer of the State of New York, the County of Monroe or of the Town of Pittsford any other municipality of which the Town of Pittsford is a part who is interested in the favorable exercise of discretic said Board as to this application, except for those named below:	or of in by						
Name(s) Address(es)							
	<u></u>						
(Signature of Applicant) (Dated)							
3737 MONTOR AVE (Street Address) PITTSFORD NY 14534							
<u>PITTSFORD NY 14534</u> (City/Town State Zin Code)							



## **TESTS FOR GRANTING AREA VARIANCES**

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

(Please answer the following questions to the best of your knowledge)

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

The request for a grill is not a detriment as it is not visible to neighbor hood or neighboring properties. The setback issue is along the golf course side of the property and does not impact the golf course or the neighbor hood and

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

In order to meet lot coverage ratio we need the Variance to allow for a small patio and the setback is needed for a few inches on a small portion of the house



**Reset Form** 

## **TESTS FOR GRANTING AREA VARIANCES (Continued)**

3. Please explain whether the requested area variance is minimal or substantial:

Minimal due to the amount of coverage requested and small margin on setbacks. Also, the property is adjacent to the golfcourse and is not impacting neighboring site

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

Due to the location of the grill, it is not visible to neighboors and has been built in line with the character of the neighborhood. The sit back will not have adverse effect as it is on the golf course side and won't impact the neighboorhood

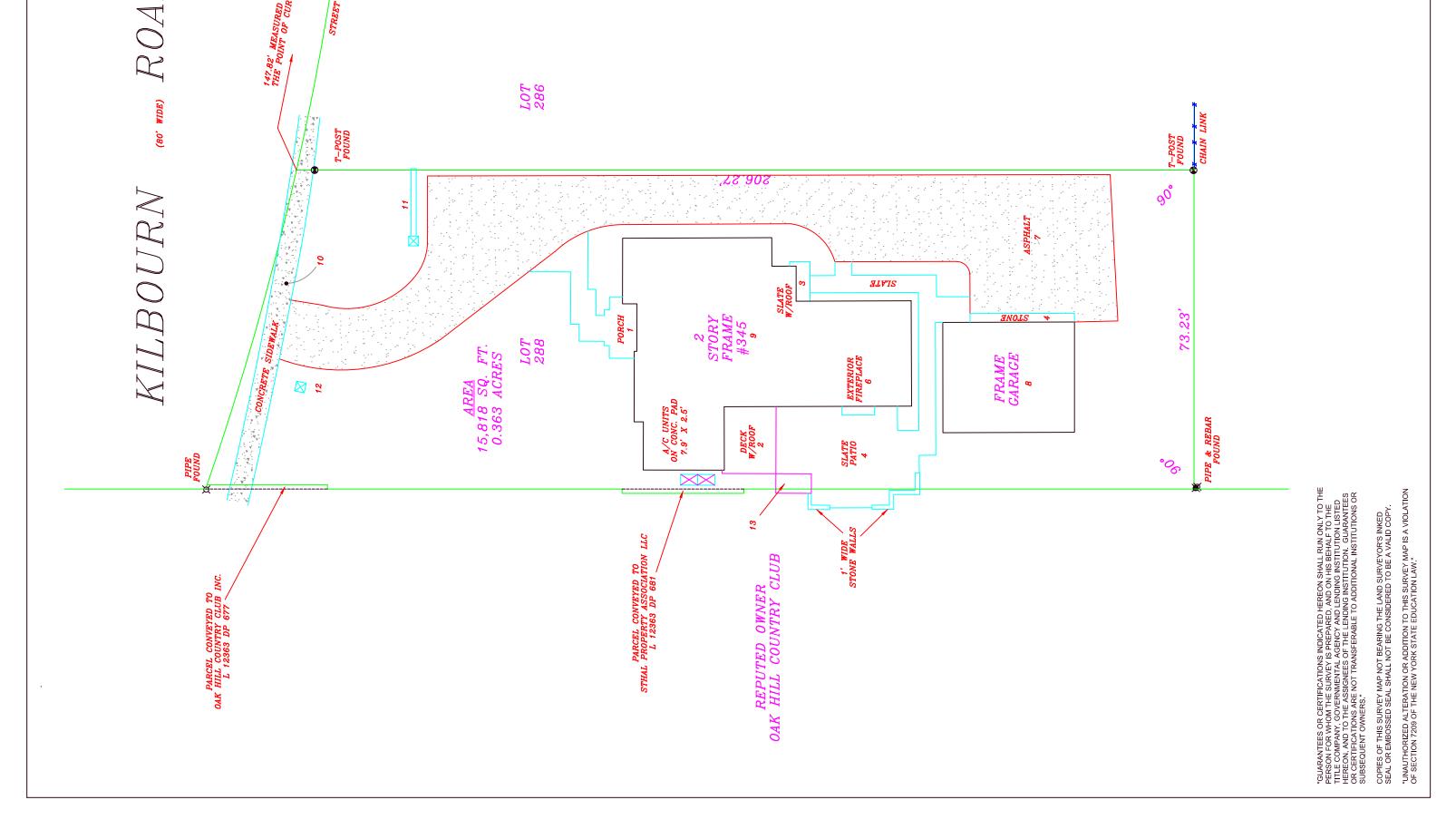
 NOTE: Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;

5. Is the alleged difficulty self-created?

The difficulty was created due to a very narrow lot size and acheiving the desired look and character of the house we will exceed lot coverage ratios.

8

IMPROVED AREAS         1) 261 SQ. FT. = PORCH/SIDEWALK         2) 183 SQ. FT. = DECK         3) 30 SQ. FT.         4) 874 SQ. FT. = DECK         5) 15 SQ. FT. = ELATE PATIO         6) 15 SQ. FT. = SLATE PATIO         6) 15 SQ. FT. = SLATE PATIO         7) 3,803 SQ. FT. = SLATE PATIO         6) 15 SQ. FT. = SLATE PATIO         7) 3,803 SQ. FT. = DRIVEWAY         8) 767 SQ. FT. = DRIVEWAY         9) 2,359 SQ. FT. = HOUSE         10) 360 SQ. FT. = SIDEWALK         11) 23 SQ. FT. = STONE WALL         12) 5 SQ. FT. = STONE WALL         13) 29 SQ. FT. = PATIO         14) 23 SQ. FT. = STONE WALL         17) 24 SQ. FT. = STONE WALL         17) 28 SQ. FT. = STONE WALL         17) 28 SQ. FT. = STONE WALL         18) 29 SQ. FT. = STONE WALL         19) 29 SQ. FT. = PATIO         10) 360 SQ. FT. = PATIO         12) 5 SQ. FT. = PATIO         13) 29 SQ. FT. = PATIO         14] 5 SQ. FT.	TOTAL IMPROVED AREA 8,699 SQ. FT. LOT AREA = 15,818 SQ. FT. 54.99% LOT COVERACE	REFERENCES: LIBER 11924 OF DEEDS, PAGE 86 LIBER 54 OF MAPS, PAGE 13 LIBER 54 OF MAPS, PAGE 13 NOTES: SURVEY IS SUBJECT TO THE REVIEW OF AN UPDATED ABSTRACT OF TITLE. PARCEL TAX ID #138.18-3-1	WE, O'NEILL-RODAK LAND SURVEYING ASSOCIATES, P.C., CERTIFY TO STAHL PROPERTY ASSOCIATES LLC THAT THIS MAP WAS PREPARED FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED NOVEMBER 8, 2019. THOMAS A. RODAK, P.L.S. #050246	Image: Scale
4 D 3 3 4 4 4 4 4 7 6 6 9 3 9 7 11 1 12 1 13 1 EXIST LOT 1	TOTAL IMI LOT AREA 54.99%	REFERENCES: LIBER 11924 OF DEEDS, PAGE 86 LIBER 54 OF MAPS, PAGE 13 <u>NOTES:</u> SURVEY IS SUBJECT TO THE REV PARCEL TAX ID #138.18-3-1	WE, O'NEILL-RODAK LAND SURVI ASSOCIATES LLC THAT THIS MAF SURVEY COMPLETED NOVEMBEI THOMAS A. R	8       14       1       14       1         6       4       3       REMOVED GRILL NOTATION       9/9/20       TAR         3       REMOVED GRILL NOTATION       9/9/20       TAR       1       1         2       ADDED NEW IMPROVEMENTS       8/14/20       TAR       1







# Zoning Board of Appeals Referral Form Information

## **Property Address:**

166 Mill Road PITTSFORD, NY 14534

## **Property Owner:**

Paul Zachmann 166 Mill Rd Pittsford, NY 14534

## Applicant or Agent:

Paul Zachmann 166 Mill Rd Pittsford, NY 14534

**Present Zoning of Property:** RN Residential Neighborhood Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions: Re		Resulting in the Following Variance:	
Right Lot Line:	0	Right Lot Line:	0	Right Lot Line:	0.0
Left Lot Line:	0	Left Lot Line:	0	Left Lot Line:	0.0
Front Setback:	0	Front Setback:	0	Front Setback:	0.0
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0
Height:	0	Height:	0	Height:	0.0
Size:	0	Size:	0	Size:	0.0

## Code Section(s): 185-113 B(3)

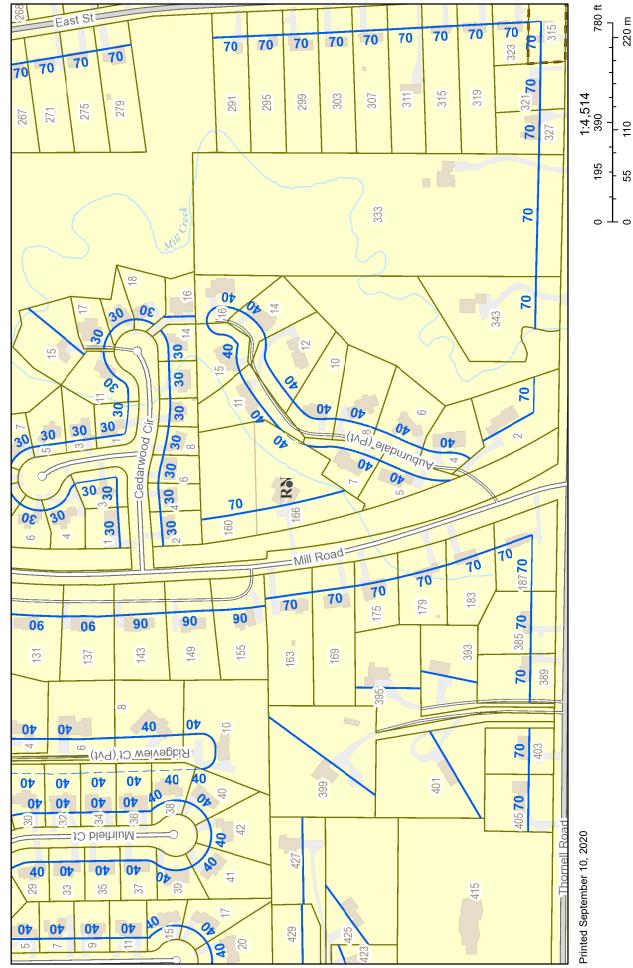
Description: Applicant is requesting relief from Town Code §185 – 113 (B) (3) to locate an accessory structure (garden shed) on the side of the home forward of the rear wall of the structure.

September 10, 2020

Date

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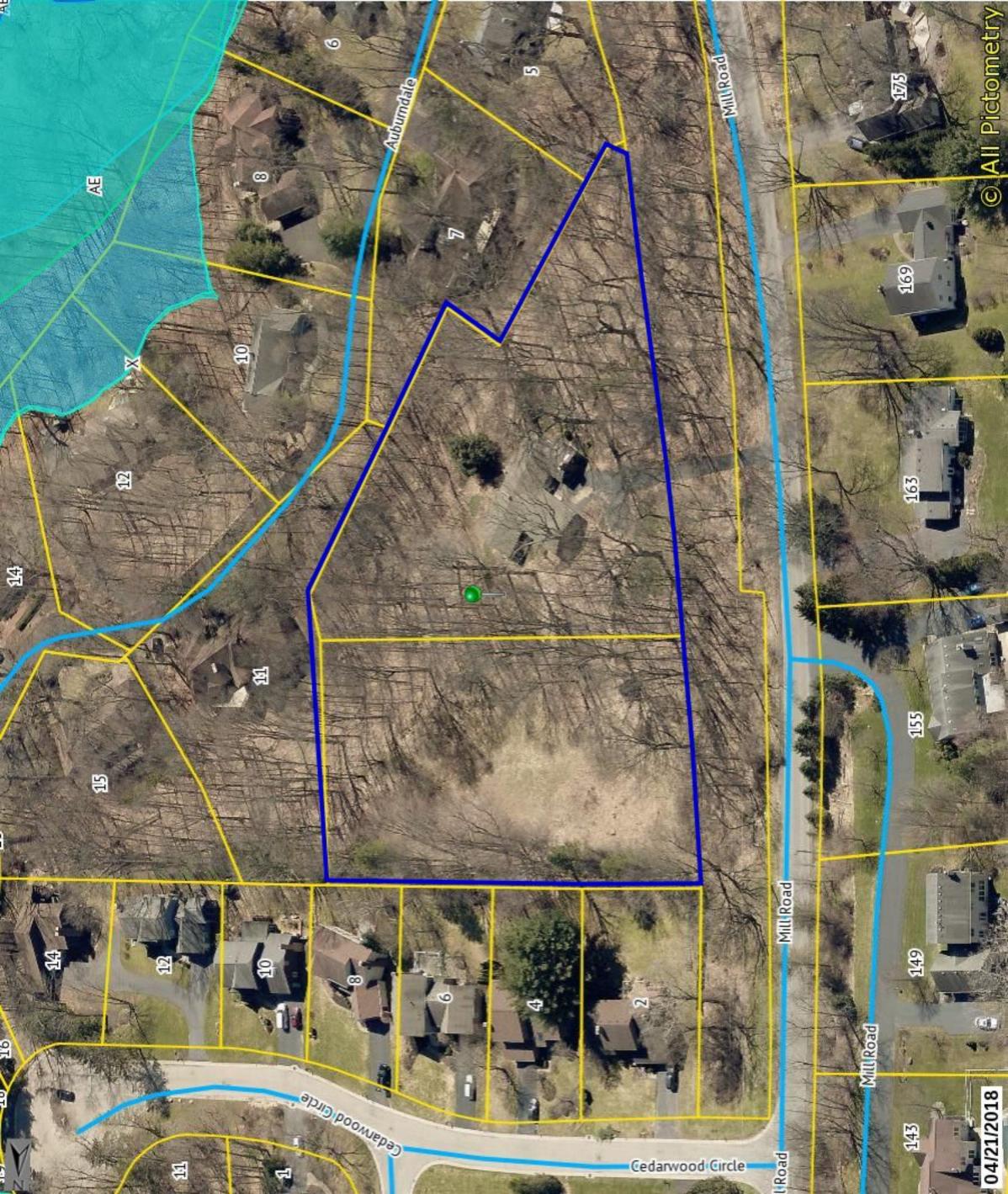
Mark Lenzi - Building Inspector CEO

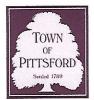


RN Residential Neighborhood Zoning

The information depicted on this map is representational and should be used for general reference purposes only. No warranties, expressed or implied, are provided for the data or its use or interpretation.

Town of Pittsford GIS





# TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: August 11, 2020	Hearing Date: September 21, 2020				
Applicant: Paul Zachman					
Address: 166 Mill Road Pittsford, NY 1453	4				
Phone: (585) 732-2961	E-Mail: p.zachman@frontiernet.net				
Agent: (if diffe					
(if diffe	rent than Applicant)				
Address:					
Phone:	E-Mail:				
Property Owner: See Applicant					
(if diffe	rent than Applicant)				
Address:					
Phone:	E-Mail:				
(If applicant is not the property owner please complete the Authorization to Make Application Form.)					
Property Location: 166 Mill Road Pittsford 14	1534 Current Zoning: Residential				
Tax Map Number: 178.04-1-72					
Application For: 🛛 Residential	Commercial D Other				
Please describe, in detail, the proposed project:					
Placing a garden shed forward of the main real	wall of the house				

**SWORN STATEMENT:** As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

1020 OWNER ZUL ZACHMANN (Owner or Applicant Signature) -



# NEW YORK STATE STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

# **TESTS FOR GRANTING AREA VARIANCES**

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

(Please answer the following questions to the best of your knowledge)

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

The property is a non-typical heavily wooded 1.414 acre lot, and the house is situated at an angle to the street. In addition there is a 60' wooded right of way between the subject property and the street. The proposed placement of the garden shed behind the garage on level ground, forward of the rear wall of the house, is a logical and functional location given the the property features as described above. The location of the shed will not create an undesirable change in character of the neighborhood.

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

The topography of the property behind the main rear wall of the house is steeply sloped, and the only flat area behind the house is occupied by a patio that is entered onto through the rear walk-out basement. This area is far away from the area behind the garage, which would be the common sense location for a garden shed. Most of the items that would be stored in the shed would be tools, lawn mower, leaf blower etc .. Items that will be relocated from the garage.

## **TESTS FOR GRANTING AREA VARIANCES (Continued)**

3. Please explain whether the requested area variance is minimal or substantial:

Because of the angled position of the house, and the fact that the long garage rear wall is perpendicular to the main rear wall of the house, the area behind the garage is somewhat analogous to being "behind" the house, and it would not appear from the street that the shed location is in a side yard. So the area variance request is not substantial.

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

The garden shed will be place in an area that will not require any grade changes or removal of trees, and will not negatively impact any drainage or other environmental conditions of the neighborhood. It will not effect views or sight lines of the open woods.

# • NOTE: Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;

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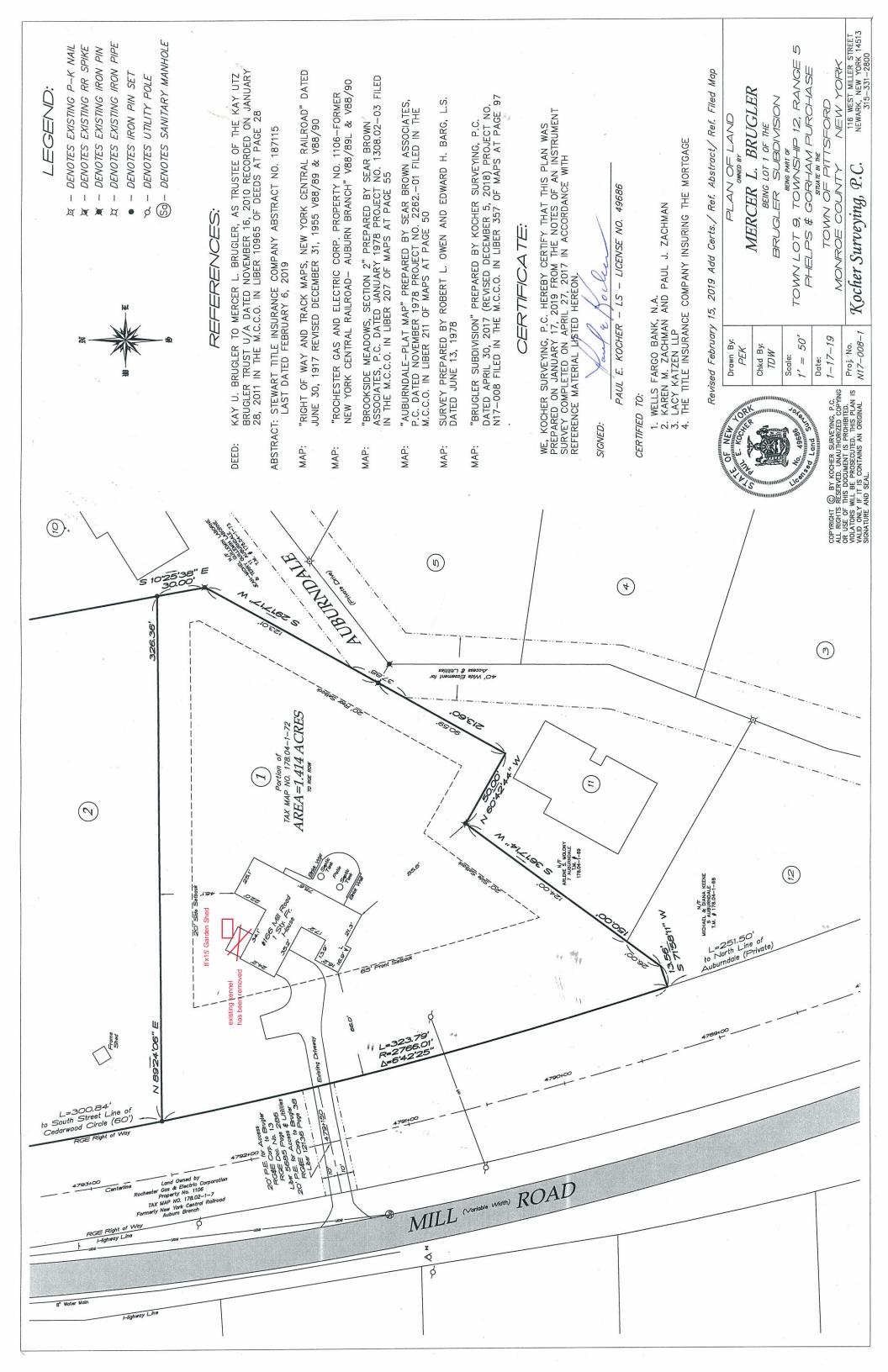
5. Is the alleged difficulty self-created?

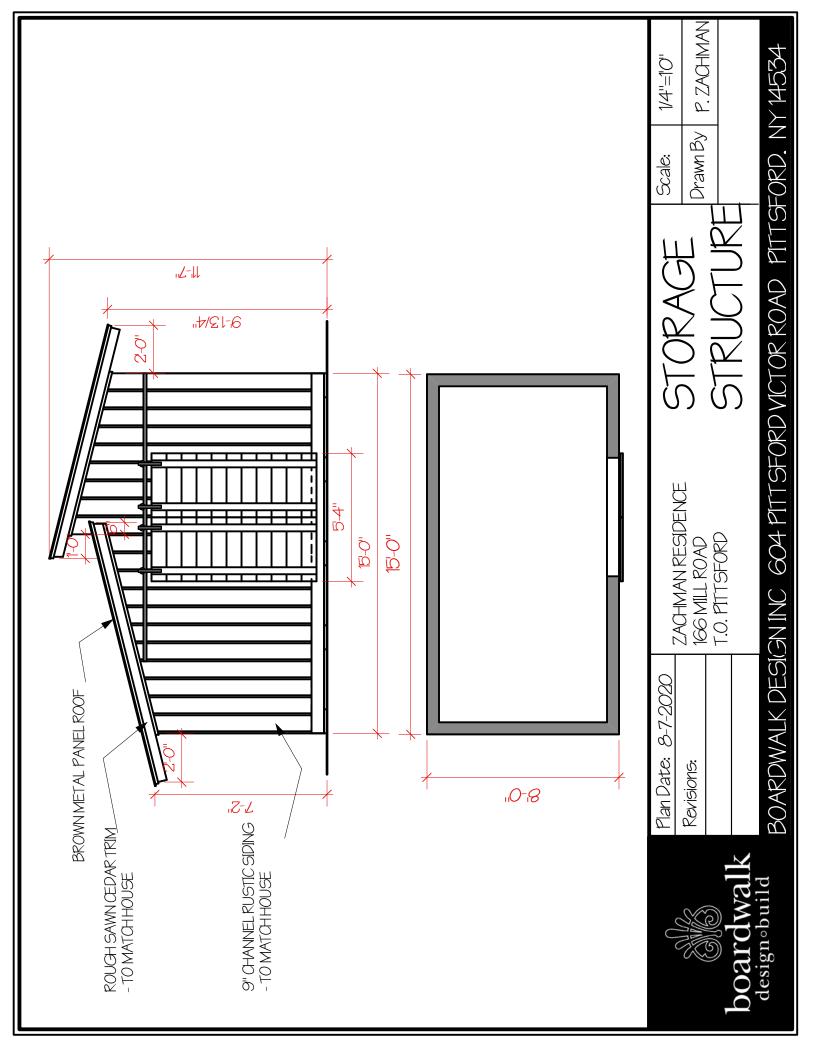
The alleged difficulty is due to preexisting conditions of the topography and placement of the house, and is not self-created

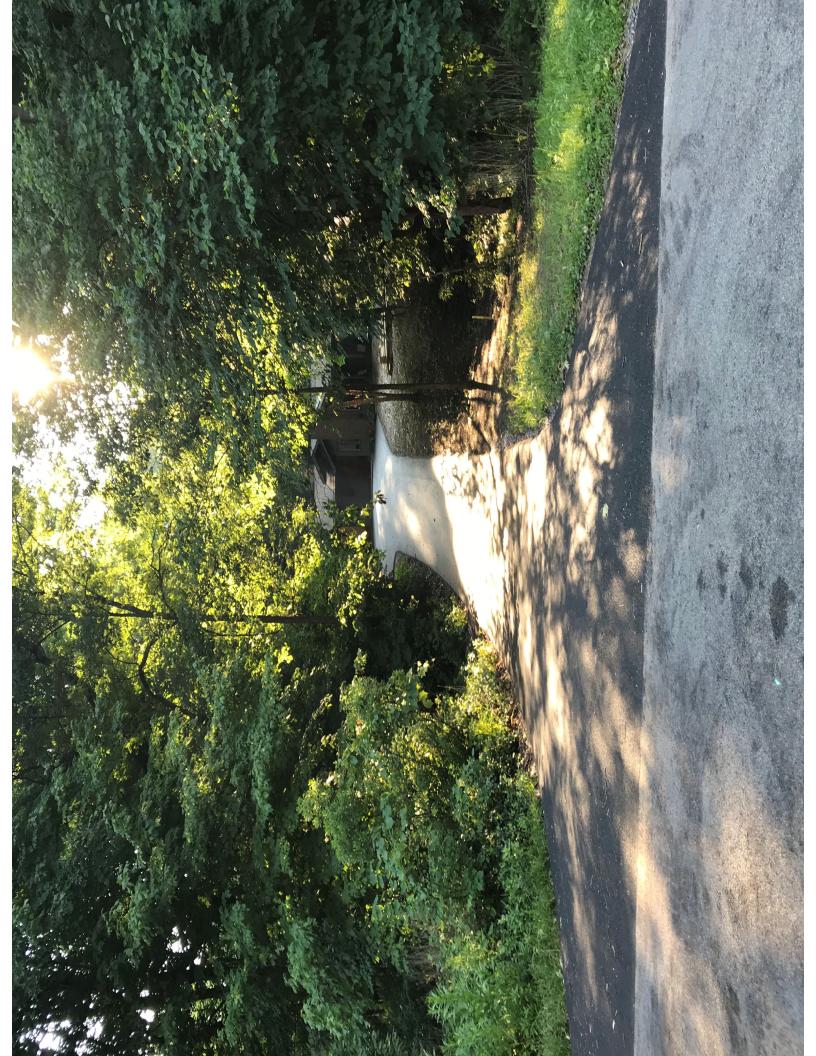
# **Disclosure Form E**

STATE	OF N	EW Y	ORK
COUNT	YOF	MON	ROE

					In the	Ma	tter of				
	166 Mill F	Road	Garc	len Shed	(Proje	ect Na	ame)				
The	undersigned, be	eing the	e appli	cant(s) to the							
	Town Board		Zoni	ng Board of Ap	peals		Planning Boar	rd [	Archi	tectural	Review Board
of	the Town of Pit	tsford,	for a								
	change of zon	ing		special permit		b	uilding permit		permit		amendment
Z	variance		appr	oval of a plat		e)	cemption from a	plat or	r official m	ар	
ordi	issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constituting the zoning and planning ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provisions of Section §809 of the General Municipal Law of the State of New York attached to this certificate.										
any	I do further certify that there is no officer of the State of New York, the County of Monroe or of the Town of Pittsford or of any other municipality of which the Town of Pittsford is a part who is interested in the favorable exercise of discretion by said Board as to this application, except for those named below:										
	Name(s) Address(es)							3)			
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									in drahos / in a second second		
								7			
		L		-	NOR		A	ugus	t 11, 20	20	
166	Mill/Road			re of Applicant)	an Lac	thuy	N			(Dated)	
Pitt	sford, NY 14			eet Address)							
		(C	ity/Towr	, State, Zip Code)							

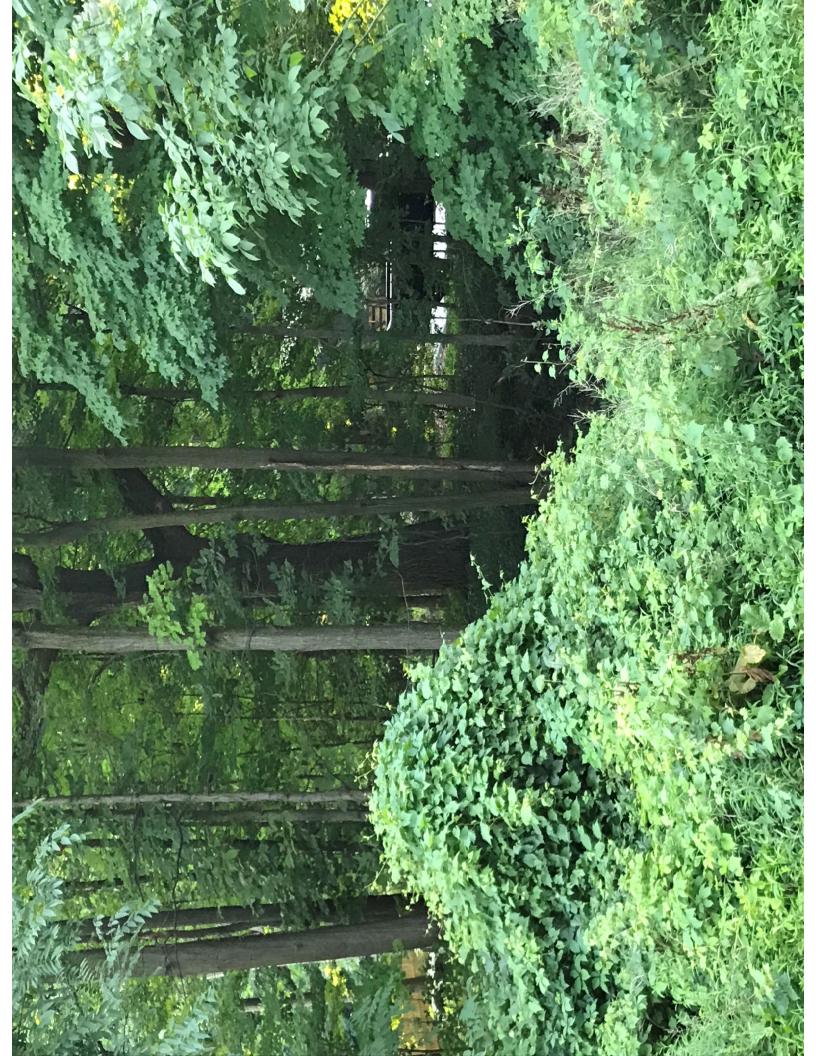


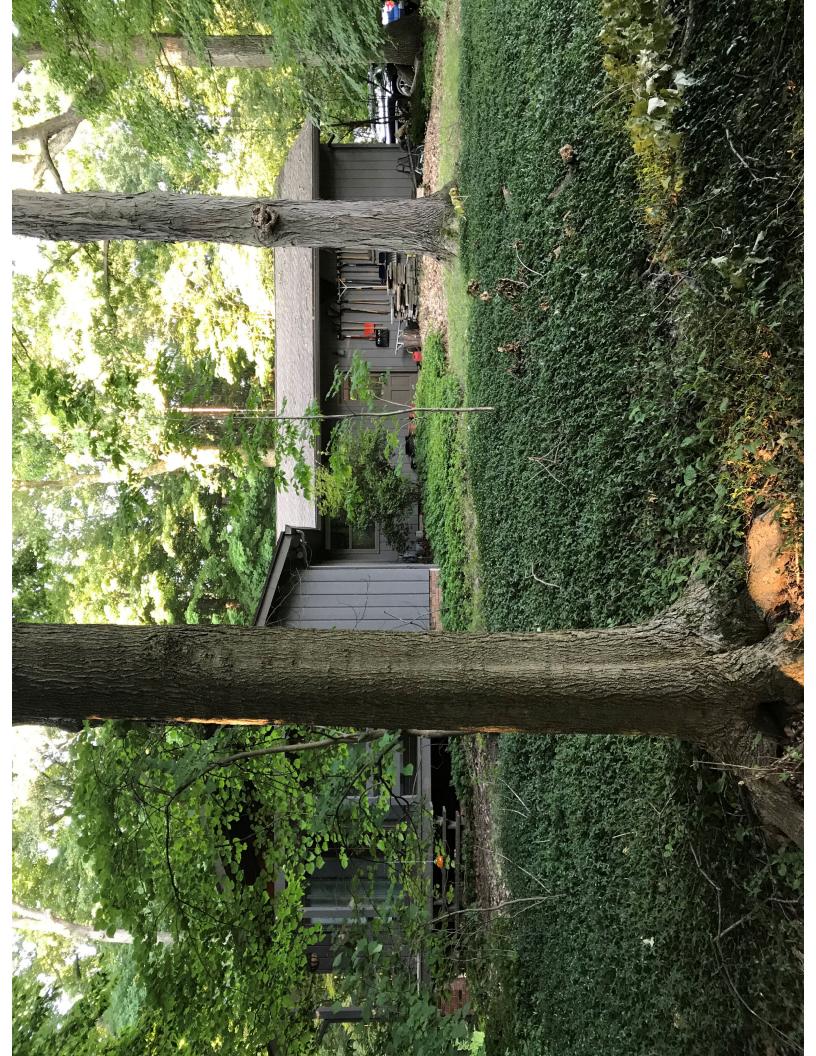


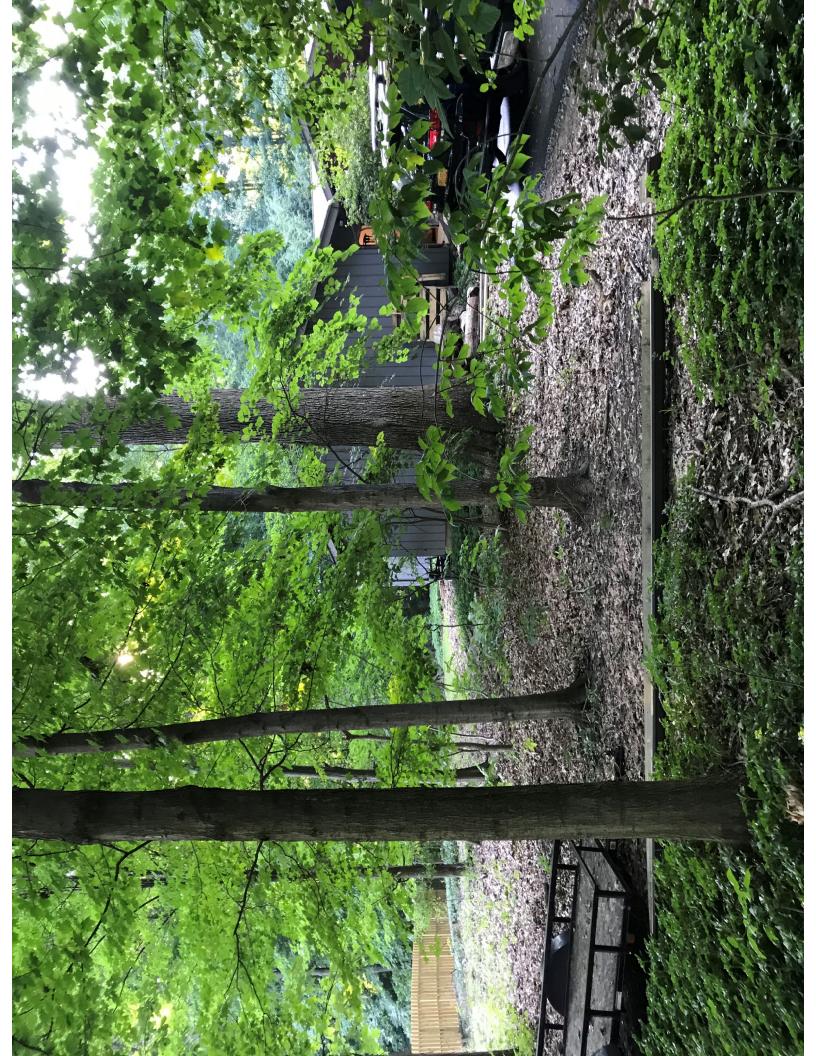












### Zoning Board of Appeals Referral Form Information

#### **Property Address:**

10 Poinciana Drive PITTSFORD, NY 14534

#### **Property Owner:**

Goorman, Koen M 10 Poinciana Dr (Pvt) Pittsford, NY 14534

#### Applicant or Agent:

Goorman, Koen M 10 Poinciana Dr (Pvt) Pittsford, NY 14534

**Present Zoning of Property:** RN Residential Neighborhood Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Conditions:		Resulting in the Following Variance:		
Right Lot Line:	20	Right Lot Line:	17	Right Lot Line:	3.0	
Left Lot Line:	0	Left Lot Line:	0	Left Lot Line:	0.0	
Front Setback:	0	Front Setback:	0	Front Setback:	0.0	
Rear Setback:	0	Rear Setback:	0	Rear Setback:	0.0	
Height:	12	Height:	22	Height:	-10.0	
Size:	180	Size:	1543	Size:	-1363.0	

Code Section(s): 185-113 B (1)(2)(3)(6) 185-17 E

Description: Applicant is requesting relief from Town Code §185 – 113 (B) (1) (2) (3) & (6) and 185 -17 (E) to locate an oversized and over height accessory structure (detached garage) located forward of the rear wall of the home encroaching on the side setback of the property. The garage is proposed to be 20' from the right side property line, 22' high and 1,543 Sq. Ft.

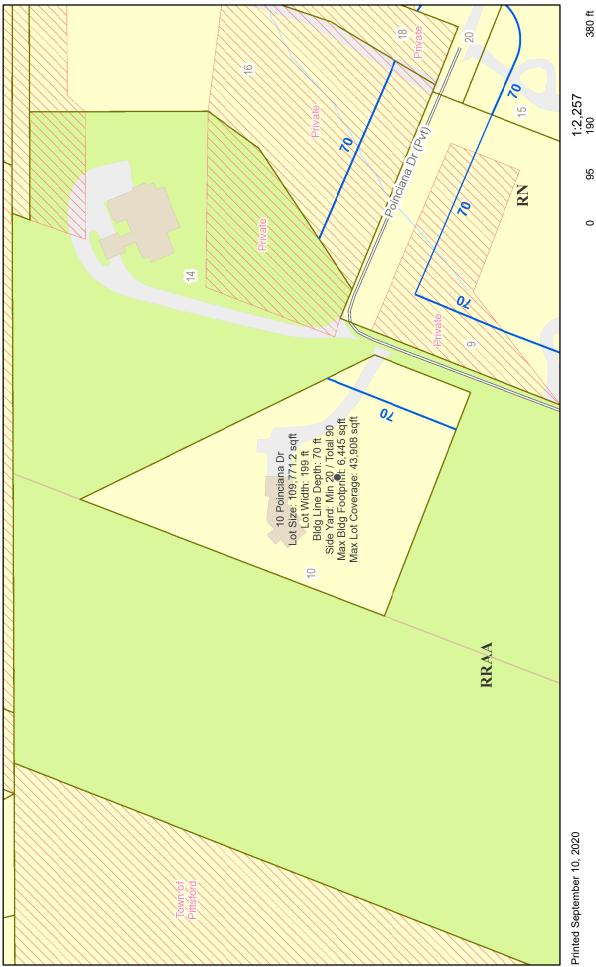
September 10, 2020

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Date

Mark Lenzi - Building Inspector CEO





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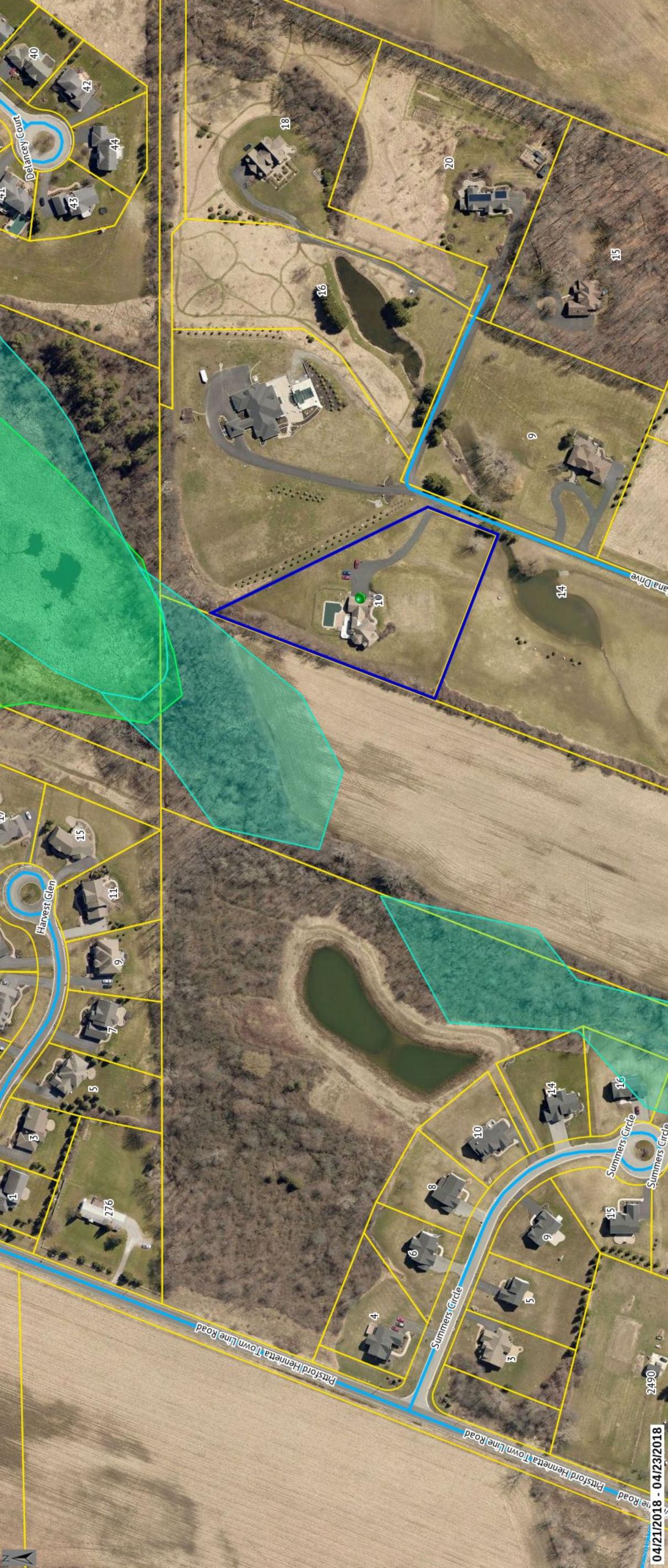
Town of Pittsford GIS

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# TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date:				_ Hearing	Date:			
Applicant: Koe	n Goorman							
Address: 10 Po	inciana Driv	e, Pittsford	i, NY 14	534				
Phone: (585) 3	83-8991			E-Mail:	KMGoo	rman@g	mail.co	m
Agent:								· .
			(if different th					
Address:								
Phone:				E-Mail:				
Property Owner:								
			(if different th					
Address:		· · ·	an the second			. *		· . · ·
Phone:				E-Mail:				
(If applican	t is not the prop	perty owner p	lease com	plete the A	uthorization	n to Make A	Applicatio	n Form.)
Property Location:	10 Poincia	na Drive		_ Current	Zoning:			
Tax Map Number:								
Application For:		Residential		Commercia	al 🗌	Other		
Please describe, in	detail, the prop	osed project:						
Accessory Struc sq. ft.	ture to house	vehicles an	d for hobb	oies. Stru	cture will b	be 22 ft in	height a	nd be 1,543

**SWORN STATEMENT:** As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

(Owner or Applicant Signature)

8/12/2020 (Date)



## NEW YORK STATE STANDARDS FOR THE GRANTING OF AREA VARIANCES TOWN LAW SECTION § 267-b-3(b).

### **TESTS FOR GRANTING AREA VARIANCES**

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the board shall also consider the following:

(Please answer the following questions to the best of your knowledge)

1. Please explain why you feel the requested variance will not produce an undesirable change in the character of the neighborhood and why a detriment to nearby properties will not be created by the granting of this area variance:

This is not an undesirable change in the character of the neighborhood. Frank Imburgia's property next door is quite large and across the street, Chris Hill's home has a large garage that is attached to the main structure by a second story enclosed bridge. Also across the street, Mr Gordon has an airplane hangar on his property. The enclosed structure is in keeping with the character of the neighborhood, which consists of large rural lots.

2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

The additional space is needed for vehicle storage and hobbies. We considered attaching the structure to the home, but this was not possible due to the location of the pool. The proposed garage could not be attached to the home in an aesthetically pleasing manner.

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## **TESTS FOR GRANTING AREA VARIANCES (Continued)**

3. Please explain whether the requested area variance is minimal or substantial:

Although the requested variance is substantial, it is mitigated by the following factors: It is approximately 1,154 ft from LeHigh Station Road. The speed of passerby's would have to be a lot slower in order to notice the structure. The size of the structure is in line with the size of the existing home.

4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

No adverse effect or impact on the physical or environmental conditions in the neighborhood or district is anticipated.

- NOTE: Consideration of the following question shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of an area variance;
- 5. Is the alleged difficulty self-created?

The difficulty is self-created. This size structure is needed due to the need for vehicle storage and hobby. The significant distance from the road and the landscaping reduce the impact and make this a feasible project based on what is proposed.

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# Disclosure Form E

STATE OF NEW YORK COUNTY OF MONROE	TOWN OF PITTSFORD
In the Matter of	
10 Poinciona Driva, Accesson, Structura	
10 Poinciana Drive, Accessory Structure	
(Project Name)	
The undersigned, being the applicant(s) to the	
☐ Town Board	Architectural Review Board
of the Town of Pittsford, for a	
C change of zoning Special permit building permit p	ermit 🔲 amendment
variance approval of a plat exemption from a plat or of	fficial map
issued under the provisions of the Ordinances, Local Laws, Rule or Regulations constitute ordinances regulations of the Town of Pittsford, do hereby certify that I have read the provide General Municipal Law of the State of New York attached to this certificate.	
I do further certify that there is no officer of the State of New York, the County of Monroe of any other municipality of which the Town of Pittsford is a part who is interested in the favo said Board as to this application, except for those named below:	
<u>Name(s)</u>	Address(es)
$\cdot \wedge$	
100m 8/1	2 /2020
(Signature of Applicant) 10 Poinciana Drive	(Dated)
(Street Address)	
Pittsford, NY 14534	
(City/Town, State, Zip Code)	

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