

**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
AGENDA  
August 19, 2019**

**PUBLIC HEARING FOR AN AREA VARIANCE**

- 5 Kalleston Drive, Pittsford, Tax # 178.09-1-46, Applicant is requesting relief from Town Code §185-113 B (3) & (6) & 185 – 17 K (2) to allow the placement of a 10' x 16' shed approximately 15 feet from the side property line and located forward of the front wall of the home. This lot is a corner lot. Town Code requires a 20-foot side yard setback for corner lots and accessory structures to be located behind the rear wall of the primary structure. Property zoned RN – Residential Neighborhood District
- 5 Krislynn Drive, Tax # 177.03-2-49, Applicant is requesting relief from Town Code(s) §185-17 (L) to construct a 1<sup>st</sup> and 2<sup>nd</sup> floor addition encroaching into the side setback. The addition is proposed to be located at approximately 56' from the west property line where code requires 60'. Property is zoned RN – Residential Neighborhood District
- Lot 8 Clover Street, Tax # 150.11-2-22, Applicant is requesting relief from Town Code §185-17 M for the construction of a two story residential home with a height of approximately 45'-3". Town Code limits the height of buildings to 30 feet. Property is zoned RN – Residential Neighborhood District.
- 345 Kilbourn Road, Tax # 138.18-3-1, Applicant is requesting relief from Town Code §185-113 B (1) & (2) for an oversized and over height accessory structure (Detached Garage) located in the rear yard. The oversized accessory structure will be constructed to a height of approximately 25' and approximately 750 sq. ft. Property is zoned RN – Residential Neighborhood District.

**OTHER**

- Review and Approval of the July 15, 2019 Minutes

*draft*  
**TOWN OF PITTSFORD  
ZONING BOARD OF APPEALS  
MINUTES  
July 15, 2019**

**PRESENT**

George Dounce, Chairperson; Mary Ellen Spennacchio-Wagner, David Rowe, Barbara Servé, Jaime Waldman

**ALSO PRESENT**

Stephanie Townsend, Town Board Liaison; Robert Koegel, Town Attorney; Mark Lenzi, Building Inspector; Susan Donnelly, Secretary to the Board

**ABSENT**

Phil Castleberry, Mike Rose

George Dounce, Chairperson, called the regularly scheduled meeting of the Zoning Board of Appeals to order at 7:00 pm.

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

**PUBLIC HEARING FOR AN RV SPECIAL PERMIT - RETURNING**

- 1 Sassafras Lane, Tax # 179.09-1-11, Applicant is requesting a special permit pursuant to §148-9 C to allow the storage of a 30' long 10' 6" high recreational vehicle to be located on the side of the garage. The recreational vehicle is proposed to be stored at the property from April 30 to October 30. Property zoned RN – Residential Neighborhood District

This public hearing remained open from the previous meeting.

The homeowner, Douglas Hannie, was present. Mr. Hannie has planted three 6 ft. hemlock trees between his home and the property at 3 Sassafras Lane and reduced the requested special permit time allowance to three months from six.

Susan Neal of 44 Burr Oak testified that the new work done by the Hannie's furthered obscured the RV from view.

Sara Malgieri of 3 Sassafras Lane who shares a common property line with the Hannie's reiterated her concerns regarding the RV. She expressed that the changes have not made a difference to her perspective. She has concerns for her property value. She referenced pictures and an email that she had provided to the Town. She expressed concerns about the lack of information of what the pad will look like.

It was noted that Town staff has received an email of support from the homeowners at 40 Burr Oak.

Rauni English of 36 Burr Oak indicated that she cannot see the RV from her vantage point and gave the owners of 1 Sassafras Lane credit for concealing the RV from site. She did question the appropriate distance from neighboring properties for an RV of this size and that the concerns of who is affected the most be taken into account.

Barbara Servé commented that the Mr. Hannie has taken efforts to conceal the RV behind the home and minimize the time that the RV is on site.

David Rowe moved to close the Public Hearing.

Jaime Waldman seconded.

All Ayes.

#### **PUBLIC HEARING FOR AN AREA VARIANCE – RETURNING**

- 160 Mill Road, Tax # 178.04-1-72, Applicant is requesting relief from Town Codes §185 – 121 A to construct a 6 foot tall fence forward of the front wall of the home on the north and south property lines. Town Code limits the height of fences to 3 feet when placed forward of the front of a home. This property is zoned RN-Residential Neighborhood.

Mark Lenzi announced that the Applicant for 160 Mill Road has withdrawn the application.

#### **PUBLIC HEARING FOR AN AREA VARIANCE - NEW**

- 21 Merry Hill Lane, Tax # 163.16-2-1, Applicant is requesting relief from Town Code §185-113 B (6) & 185 – 17 E to allow the placement of a 8' x 14' garden shed approximately 4 feet from the right side property line. Property zoned RN – Residential Neighborhood District

Chairman George Dounce opened the Public Hearing.

Daniel and April Daniele were present to discuss the application with the Board.

Mr. Daniele shared that the shed was placed in its current location in order to be in the most inconspicuous place on their property. He stated that if the shed was placed in the location within code, it could be seen from the road.

Barbara Serve stated that the shed is located in a more preferable location out of the way of a French drain.

A letter of opposition was received from the neighbor at 20 Merry Hill Lane.

There was no public comment.

Jaime Waldman moved to close the Public Hearing.

David Rowe seconded.

All Ayes.

- 1762 Calkins Road, Tax # 163.03-1-68, Applicant is requesting relief from Town Codes §185 – 121 A; §185 - 113 B (1) & (2) to construct an 8' 4" tall gated driveway entry fence forward of the front wall of the home approximately 43' 2" from the edge of the road and to relocate an existing 420 Sq. Ft. 14' tall accessory structure to the rear yard. Town Code limits the height of fences to 3 feet when placed forward of the front of a home. This property is zoned RRAA-Rural Residential District.

Chairman George Dounce opened the Public Hearing.

Wendy Meagher of Meagher Engineering was present to review the application with the Board.

Ms. Meagher indicated the requested fence would be used for privacy and security and be surrounded by extensive landscaping. She stated it would be 30+ feet from Calkins Road. Mark Lenzi clarified that the application and legal ad specified 43' 2" from the road and Ms. Meagher indicated that this is acceptable.

The Board made note that there are not many gates of this nature in Pittsford.

In addition, a garage will be moved from near the road to be repurposed and renovated as a pool house. This structure will require approval by the Design Review and Historic Preservation Board.

There was no public comment.

Barbara Serve moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

- 305 W. Bloomfield Road, Tax # 192.01-1-29.1, Applicant is requesting relief from Town Code §185-113 B (1) & (2) for the construction of a Residential Storage Building approximately 40' x 60' with a 12' x 60' covered open area (3120 Sq. Ft.) located in the rear yard. The building is proposed to be approximately 25' tall at the cupola. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

Michael Krenzer and Leigh Van Ostrand were present to discuss the application with the Board.

The requested variance involves the demolition of a current garage and the construction of a pole barn to store cars and lawn equipment. The height is required to store the vehicles on lifts. The barn will be constructed on a property that is 5 acres.

There was no public comment.

Jaime Waldman moved to close the Public Hearing.

George Dounce seconded.

All Ayes.

- 39 Van Voorhis Road, Tax # 192.02-1-19, Applicant is requesting relief from Town Code §185-113 B (1) & (2) construction of a Residential Storage Building of approximately 512 sq. ft. located in the rear yard. The oversized accessory structure will be constructed to a height of approximately 17'. Property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

The homeowner, Brian Roes, was present.

Mr. Roes indicated that his property is on a two-acre lot and the shed would be located in the backyard in an area that is covered with brush. The shed will store toys, lawn and snow equipment. The color has not been decided but Mr. Roes indicated that it will be similar in color to the home. There will be no driveway to the shed. The shed will be built off site and brought in.

The timeframe for construction is this year.

There was no public comment.

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

David Rowe seconded.

All Ayes.

- 36 Founders Green, Tax # 164.03-5-17, Applicant is requesting relief from Town Code §185 – 113 B (3) to place a hot tub located forward of the rear wall of the home. Town Code requires accessory structures to be located behind the rear wall of the home. This property is zoned RN – Residential Neighborhood District.

Chairman George Dounce opened the Public Hearing.

The homeowner, Mary Sarkis, was present.

She indicated the hot tub will not be visible as it will be fenced in and landscaped. She added that the next door neighbor has a hot tub. She has permission from the Homeowner's Association as referenced in an email received by the Town by the Homeowner's Association president. In addition, the proposed white vinyl fence has already been approved by the HOA. She would like to do the install in August.

There was no public comment.

Jaime Waldman moved to close the Public Hearing.

Mary Ellen Spennacchio-Wagner seconded.

All Ayes.

## **DECISION FOR 1 SASSAFRAS LANE – SPECIAL USE PERMIT**

A written Resolution to grant a special use permit for 1 SassafRAS Lane was moved by Barbara Servé and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

|                                     |        |
|-------------------------------------|--------|
| Michael Rose voted                  | absent |
| Barbara Servé voted                 | aye    |
| Jaime Waldman voted                 | aye    |
| David Rowe voted                    | aye    |
| Mary Ellen Spennacchio-Wagner voted | aye    |
| George Dounce voted                 | aye    |
| Phil Castleberry voted              | absent |

The approved Resolution contains the following Specific Conditions:

1. This special permit is granted to allow the storage of the existing recreational vehicle or one equal to or smaller, located on the north side of the property line between garage and hedgerow of plantings described in the June 5, 2019 application.
2. The owner shall install a gravel/asphalt pad leading from the driveway to the parking area to create a parking pad for this recreational vehicle. The access way and the parking pad shall be approved by the Building Department.

3. The recreational vehicle shall be allowed for extended parking on the property between June 30 and September 30 yearly.

### **DECISION FOR 21 MERRY HILL LANE – AREA VARIANCE**

A written Resolution to grant the area variance for 21 Merry Hill Lane was moved by Mary Ellen Spennacchio-Wagner and seconded by George Dounce.

Chairman George Dounce called for a roll call vote.

|                                     |        |
|-------------------------------------|--------|
| Michael Rose voted                  | absent |
| Barbara Servé voted                 | aye    |
| Jaime Waldman voted                 | aye    |
| David Rowe voted                    | aye    |
| Mary Ellen Spennacchio-Wagner voted | aye    |
| George Dounce voted                 | aye    |
| Phil Castleberry voted              | 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 May 20, 2019.

### **DECISION FOR 1762 CALKINS ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 1762 Calkins Road Trail was moved by George Dounce and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

|                                     |        |
|-------------------------------------|--------|
| Michael Rose voted                  | absent |
| Barbara Servé voted                 | aye    |
| Jaime Waldman voted                 | aye    |
| David Rowe voted                    | aye    |
| Mary Ellen Spennacchio-Wagner voted | aye    |
| George Dounce voted                 | aye    |
| Phil Castleberry voted              | 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 2, 2019.
2. All construction is to be completed by December 31, 2021.
3. The accessory structure is subject to the approval of the Design Review & Historic Preservation Board.

### **DECISION FOR 305 WEST BLOOMFIELD ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 305 West Bloomfield Road was moved by Barb Serve and seconded by Mary Ellen Spennacchio-Wagner.

Chairman George Dounce called for a roll call vote.

|                     |        |
|---------------------|--------|
| Michael Rose voted  | absent |
| Barbara Servé voted | aye    |
| Jaime Waldman voted | aye    |

|                                     |        |
|-------------------------------------|--------|
| David Rowe voted                    | aye    |
| Mary Ellen Spennacchio-Wagner voted | aye    |
| George Dounce voted                 | aye    |
| Phil Castleberry voted              | 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 1, 2019.
2. All construction is to be completed by December 31, 2021.
3. This application is subject to the approval of the Design Review & Historic Preservation Board.

### **DECISION FOR 39 VAN VOORHIS ROAD – AREA VARIANCE**

A written Resolution to grant the area variance for 39 Van Voorhis Road was moved by David Rowe and seconded by George Dounce.

Chairman George Dounce called for a roll call vote.

|                                     |        |
|-------------------------------------|--------|
| Michael Rose voted                  | absent |
| Barbara Servé voted                 | aye    |
| Jaime Waldman voted                 | aye    |
| David Rowe voted                    | aye    |
| Mary Ellen Spennacchio-Wagner voted | aye    |
| George Dounce voted                 | aye    |
| Phil Castleberry voted              | 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 15, 2019.
2. This application is subject to Design Review and Historic Preservation Board review.
3. All construction is to be completed by December 31, 2021.

### **DECISION FOR 36 FOUNDERS GREEN – AREA VARIANCE**

A written Resolution to grant the area variance for 36 Founders Green was moved by David Rowe and seconded by Jaime Waldman.

Chairman George Dounce called for a roll call vote.

|                                     |        |
|-------------------------------------|--------|
| Michael Rose voted                  | absent |
| Barbara Servé voted                 | aye    |
| Jaime Waldman voted                 | aye    |
| David Rowe voted                    | aye    |
| Mary Ellen Spennacchio-Wagner voted | aye    |
| George Dounce voted                 | aye    |
| Phil Castleberry voted              | 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 6/13/2019.
2. Installation is to be completed by December 31, 2021.

### **APPROVAL OF THE MEETING MINUTES OF JUNE 17, 2019**

George Dounce moved to accept the minutes of June 17, 2019 with corrections.

VOICE VOTE: Ayes – All

**OTHER – Point Persons for August 19 meeting**

5 Kalleston Drive – George Dounce

Clover Street – Barbara Servé

345 Kilbourn Road – Mary Ellen Spennacchio-Wagner

5 Krislynn Drive – Jaime Waldman

David Rowe announced he would not be at the August meeting and Barbara Serve announced she would not be at the September meeting.

**MEETING ADJOURNMENT**

George Dounce moved to adjourn the meeting at 8:25 pm.

VOICE VOTE: Ayes – All

Respectfully submitted,

Susan Donnelly  
Secretary to the Zoning Board of Appeals

DRAFT

# Zoning Board of Appeals Referral Form Information

**Property Address:**

5 Kalleston Drive PITTSFORD, NY 14534

**Property Owner:**

Walker, Patrick J  
5 Kalleston Dr  
Pittsford, NY 14534

**Applicant or Agent:**

Walker, Patrick J  
5 Kalleston Dr  
Pittsford, NY 14534

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

| <b>Town Code Requirement is:</b> |    | <b>Proposed Conditions:</b> |    | <b>Resulting in the Following Variance:</b> |     |
|----------------------------------|----|-----------------------------|----|---|-----|
| Right Lot Line:                  | 0  | Right Lot Line:             | 0  | Right Lot Line:                             | 0.0 |
| Left Lot Line:                   | 20 | Left Lot Line:              | 15 | Left Lot Line:                              | 5.0 |
| 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):** 185-17 K (2)

Description: Applicant is requesting relief from Town Code to allow the placement of a 10' x 16' shed approximately 15 feet from the side property line. This lot is a corner lot. Town Code requires a 20 foot side yard setback for corner lots and accessory structures to be located behind the rear wall of the primary structure.

August 08, 2019



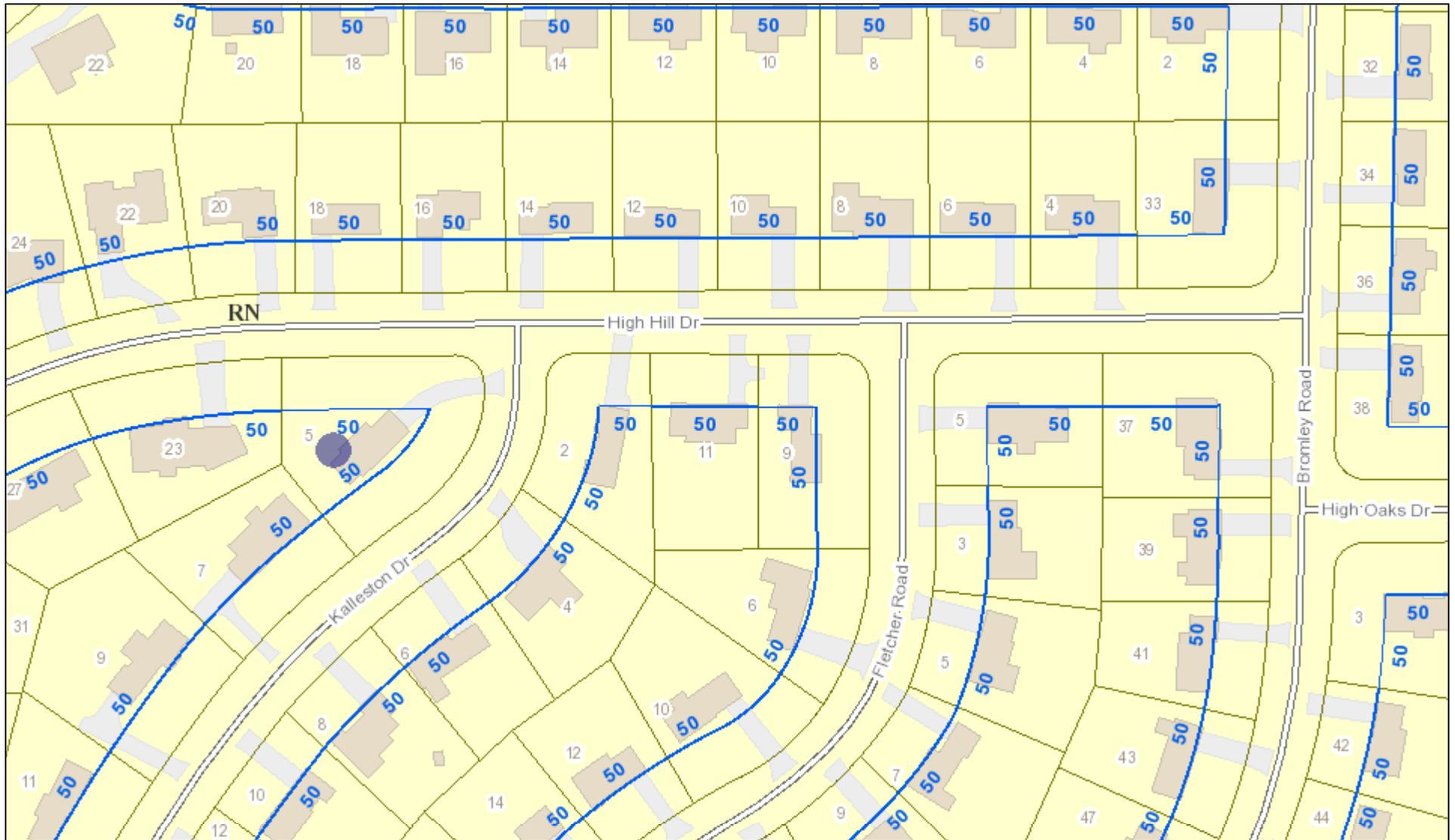
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Date

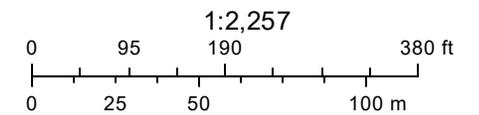
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Mark Lenzi - Building Inspector CEO

# RN Residential Neighborhood Zoning



Printed July 22, 2019



Town of Pittsford GIS

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.



24

22

20

18

16

14

12

10

High Hill Drive

High Hill Drive

23

5

2

11

27

7

Kallestom Drive

4

6

6

9

04/21/2018

© 2018 Pictometry

**HIGH HILL DRIVE**  
(60.00' WIDE)

MAP OF AN INSTRUMENT SURVEY OF  
**5 KALLESTON DRIVE**

BEING  
**LOT 97 of the**  
**PITTSFORD HIGHLANDS SUBDIVISION**  
**SECTION 3**

SITUATE IN THE  
TOWN OF PITTSFORD  
COUNTY OF MONROE STATE OF NEW YORK  
SCALE 1 INCH = 30 FEET DATE: JUNE 26, 2016

GROVER & BATES ASSOCIATES  
406 WEST SPRUCE STREET  
EAST ROCHESTER, NEW YORK  
585-381-0021

UNAUTHORIZED ALTERATION OR ADDITION TO  
A SURVEY MAP BEARING A LICENSED LAND  
SURVEYOR'S SEAL IS A VIOLATION OF SECTION  
7209, SUBDIVISION 2, OR THE NEW YORK STATE  
EDUCATION LAW.

CERTIFICATIONS LISTED HEREON SIGNIFY THAT THIS  
SURVEY WAS PREPARED IN ACCORDANCE WITH THE  
EXISTING CODE OF PRACTICE FOR LAND SURVEYS  
ADOPTED BY THE G.V.L.S.A. AND THE MONROE  
COUNTY BAR ASSOCIATION.

REFERENCES:

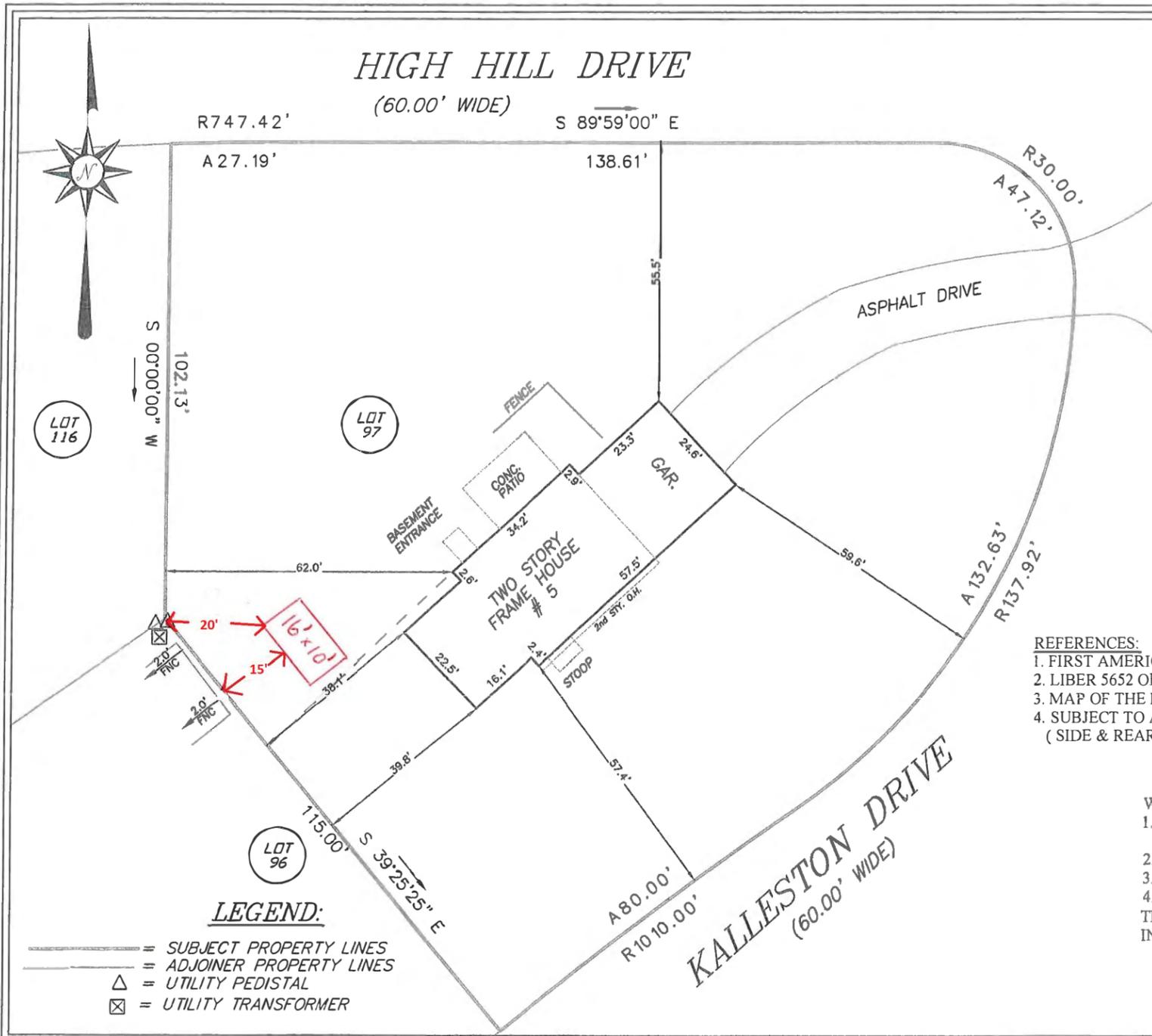
1. FIRST AMERICAN TITLE INSURANCE COMPANY FILE No. 402527 LAST DATED JUNE 9, 2016.
2. LIBER 5652 OF DEEDS, PAGE 187.
3. MAP OF THE PITTSFORD HIGHLANDS SUBDIVISION, SECTION 3, LIBER 184 OF MAPS, PAGE 52.
4. SUBJECT TO AN EASEMENT TO R.G. & E. AND R.T.C. PER LIBER 4121 OF DEEDS, PAGE 78.  
(SIDE & REAR BOUNDARIES ALSO THROUGH, UNDER, ALONG & ACROSS THE STREETS)

WE, GROVER & BATES ASSOCIATES DO HEREBY CERTIFY TO THE FOLLOWING;  
1. HOMESTEAD FUNDING CORP., ITS SUCCESSORS AND/OR  
ASSIGNS AS THEIR INTERESTS MAY APPEAR;  
2. CHICAGO TITLE INSURANCE;  
3. D'AUZIZIO LAW OFFICES; and  
4. PATRICK J. WALKER and DEBRA M. MEYER,  
THAT THIS MAP WAS MADE FROM NOTES OF AN  
INSTRUMENT SURVEY COMPLETED ON JUNE 23, 2016.



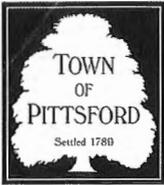
*James E. Bates, Jr.*  
JAMES E. BATES, Jr. LICENSE No. 49464

JUB No. 16-R263



**LEGEND:**

- = SUBJECT PROPERTY LINES
- - - = ADJOINER PROPERTY LINES
- △ = UTILITY PEDISTAL
- ⊠ = UTILITY TRANSFORMER



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

Submission Date: 6/12/19 Hearing Date: \_\_\_\_\_

Applicant: Debra + Patrick Walker

Address: 5 Kalleston Drive

Phone: 585-749-6322 E-Mail: dmarie979@gmail.com

Agent: N/A  
(if different than Applicant)

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Property Owner: N/A  
(if different than Applicant)

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

**(If applicant is not the property owner please complete the Authorization to Make Application Form.)**

Property Location: 5 Kalleston Drive Current Zoning: RN

Tax Map Number: \_\_\_\_\_

Application For:  Residential  Commercial  Other

Please describe, in detail, the proposed project:

160 sq. ft shed, 15 feet off property line

**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) 6/12/19 (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 a standard shed, like many other in the neighborhood. In addition, we chose a style closely matching our house so as to complement property*

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

*We have a unique lot with a very small area available to locate the shed. There are hills on the side and rear area which also make placement difficult.*

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

minimal. we are asking for placement 15 feet off lot line due to unique lot, placement of house on lot and hills.

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:

This is a standard garden shed, like many others in our neighborhood.

- **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?

Yes. Due to unique lot placement of house we are very limited as to where we can place the shed.

# Disclosure Form E

STATE OF NEW YORK  
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

5 Kalleston Drive Pittsford  
(Project Name)

The undersigned, being the applicant(s) to the...

Town Board     Zoning Board of Appeals     Planning Board     Architectural Review Board

...of the Town of Pittsford, for a...

change of zoning     special permit     building permit     permit     amendment  
 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 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)

NA

*Sh. Man Walk*  
(Signature of Applicant)

6/12/19  
(Dated)

5 Kalleston Drive  
(Street Address)

Pittsford NY 14534  
(City/Town, State, Zip Code)

**NEW  
ENGLAND**  
*Deluxe*







# Zoning Board of Appeals Referral Form Information

**Property Address:**

5 Krislynn Drive PITTSFORD, NY 14534

**Property Owner:**

Gurell, Michael N  
5 Krislynn Drive (Pvt)  
Pittsford, NY 14534

**Applicant or Agent:**

Gurell, Michael N  
5 Krislynn Drive (Pvt)  
Pittsford, NY 14534

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

| <b>Town Code Requirement is:</b> |    | <b>Proposed Conditions:</b> |    | <b>Resulting in the Following Variance:</b> |     |
|----------------------------------|----|-----------------------------|----|---|-----|
| Right Lot Line:                  | 0  | Right Lot Line:             | 0  | Right Lot Line:                             | 0.0 |
| Left Lot Line:                   | 20 | Left Lot Line:              | 15 | Left Lot Line:                              | 5.0 |
| 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):** 185-17 L

Description: Applicant is requesting relief from Town Code to construct a 1<sup>st</sup> and 2<sup>nd</sup> floor addition encroaching into the side setback. The addition is proposed to be located at approximately 56' from the west property line where code requires 60'.

August 08, 2019



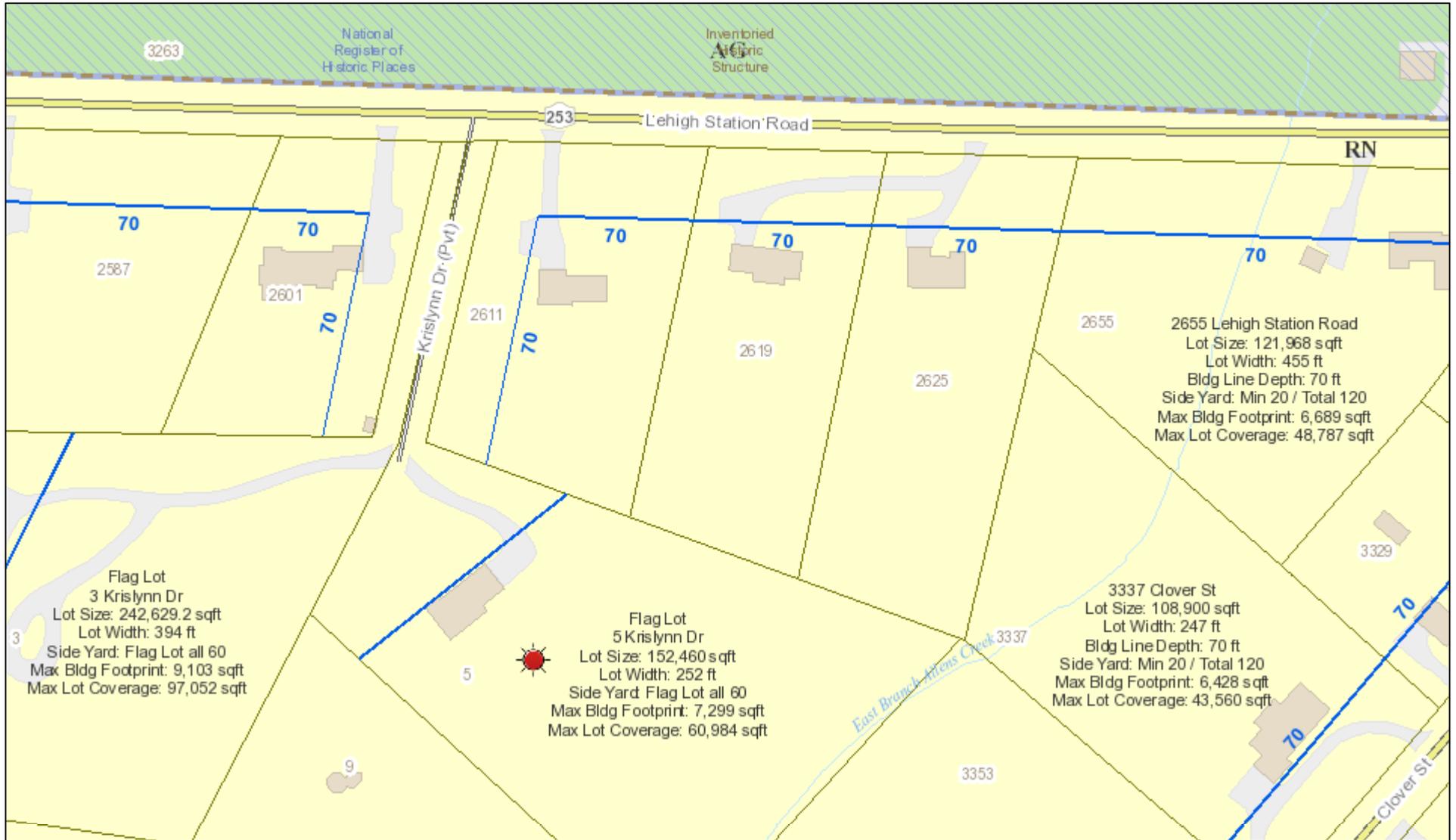
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Date

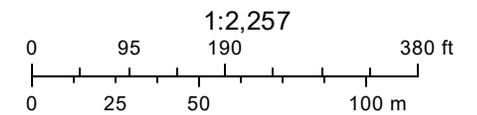
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Mark Lenzi - Building Inspector CEO

# RN Residential Neighborhood Zoning



Printed August 8, 2019



Town of Pittsford GIS

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Lehigh Station Road

Lehigh Station Road

Lehigh Station Road

Lehigh Station Road

Clover Street

Clover Street

Driveway

2587

2601

2611

2619

2625

2655

3317

3306

3310

3263

3321

3325

3329

3337

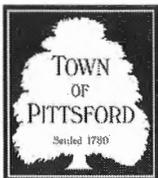
3353

3336

3342

9

15



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

Submission Date: June 13, 2019 Hearing Date: July 15, 2019

Applicant: Michael & Megan Gurell

Address: 5 Krislynn Dr. Pittsford NY 14534

Phone: (585) 944-2512 E-Mail: michael.gurell@rochesterregional.org

Agent: Andrew Bouquin

*(if different than Applicant)*

Address: 600 East Ave, Suite 100 Rochester NY

Phone: (585) 944-3556 E-Mail: abouquin@christa.com

Property Owner: N/A

*(if different than Applicant)*

Address: N/A

Phone: \_\_\_\_\_ E-Mail: N/A

**(If applicant is not the property owner please complete the Authorization to Make Application Form.)**

Property Location: 5 Krislynn Dr. Current Zoning: \_\_\_\_\_

Tax Map Number: 264689 177.03-2-49

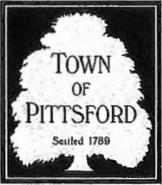
Application For:  Residential  Commercial  Other

Please describe, in detail, the proposed project:

The project consists of a 2 story, wood framed, 1,040 SF family room addition off of the west side of the existing home and a small 10'x12" storage area built off the back (south side) of the new addition to be used for pool storage. The new addition and storage area siding & roofing are to match existing. (Color and Material).

**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) 6/13/19  
(Date)



# TOWN OF PITTSFORD

## AREA VARIANCE AUTHORIZATION TO MAKE APPLICATION

Zoning Board of Appeals – 11 S. Main Street – Pittsford, 14534 – 248-6260

*If the applicant is not the owner of the subject property, this form must be completed and signed by the owner.*

I, Michael Gurell, the owner of the property located at:  
S Kristlyn Dr Pittsford NY 14534  
(Street) (Town) (Zip)

Tax Parcel # \_\_\_\_\_ do hereby authorize  
\_\_\_\_\_ to make application to the  
Town of Pittsford Zoning Board of Appeals, 11 South Main Street, Pittsford, NY 14534 for the purpose(s) of \_\_\_\_\_

(Signature of Owner)

6/10/19  
(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:

We feel this project will not produce an undesirable change in the character of the neighborhood due to the fact the the new addition is to match current houses existing ascetic. It is to be constructed in the same manor (wood frame) and have the same roofing, siding and windows at the existing home. Upon completion of the addition and storage area, the home will look as though it was all built at the same time.

There will be no detriment to nearby properties due to the reasons stated above, as well as the fact that there is no current viable line of sight into the property. Currently, the house is situated in a way that it rests on the downward side of a slope, lowering the structure below the tree-line. There are also large pine trees along the western property line, as well as trees and/or bushes situated on the northern property line. The house is not visible until one proceeds 20-30' into the driveway towards the house.

Additionally, the buiding will be screened by mature vegetation and the distance to the neighboring structure is more than 100 feet away.

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 current Flag Lot regulations state that the home and/or substitute structures need to be 60 LF from the closest property line. The addition was sized in accordance with how the space is to be utilized. The addition is 26' (East to West) and 19'-4" (North and South). For the addition to fall within the code requirements, the 26' length running east to west would have to be reduced by 4+ feet. Increasing the north/south dimension by 4 additional feet, to make up the difference is SF from meeting the side setback, involves the removal of substantially more earth during excavation due to the fact that the house resides on a downward slope, and a much more costly water mitigation system on the north face of the foundation. Because this house is on a slope, the northern face of the foundation needs to have additional foundations drains to remove any water runoff that may be heading down the slope the house is situated on. Additional precautions will also have to be made for the increased depth the the foundation on the north side. Keeping the design "as is" would be the simplest solution moving forward.

## TESTS FOR GRANTING AREA VARIANCES (Continued)

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

Considering the required setback regulation of 60 LF, this variance request would be considered Minimal. We are asking for only and 6% of the 60' requirement. Additionally, the distance to adjacent homes is significant at greater than 100 feet and will be screened by mature vegetation that separates the homes, therefore the impact to neighbors is negligible.

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:

We feel that this area variance will not have any adverse effect on the existing environmental conditions or zoning district, as the variance relief being requested is minimal, only 4 feet, and the increase in building footprint is negligible based on the overall size of the lot and home. Additionally, the fact that the house is set far off the road and is a great distance away from adjacent neighbors, there will be little to no impact to adjacent properties.

- **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 size of the difficulty is self created in that the addition is being built by the owner for their growing family. However, due to the existing lot conditions and topography, this building additional layout is the most feasible in terms of construction.

GENERAL NOTES

- Construction shall conform to the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Code.
- All work shall conform with all Local City / Town Zoning Ordinances. Contractor shall be responsible for obtaining all required permits.
- All Exterior and Interior Finish Material selections shall be made by the Owner and Contractor, unless otherwise specified.
- The Contractor shall check and verify all dimensions in the field. Do not scale any dimensions. In cases of omitted dimensions, contact the Architect for information. All materials, products and finishes shall be installed in accordance with the manufactures printed recommendations.
- This plan has been reviewed for Structural design and is not valid for permit without original "wet seal" placed in the title block area.
- Bearing capacity of soil is assumed to be 3000 PSF. Actual soil capacity of the soil shall be verified at the site prior to commencement of the work. Footings to bear on firm, level undisturbed natural soil, free of frost or loose material.
- Concrete design and construction shall conform to ACI 318-14 and ACI 301-16
- Concrete strength at 28 days: Footings: 2,500 PSI  
All other: 3,000 PSI
- General Contractor is to set all grades. Layout of building on the Site to be coordinated between the Owner and Contractor.
- At all concrete slab on grade areas, Contractor shall strip and stockpile all topsoil and unsuitable material. Subgrade to be proofrolled prior to placement and compaction of crushed stone base.
- Beam pockets are to be grouted solid with 3,000 PSI concrete.
- Structural steel shall conform to 2011 American Institute of Steel Construction[AISC] Specification and Code of Standard Practice. Structural steel to be ASTM A36. Steel pipe to be ASTM A501 or ASTM A53, Type E or S, Grade B. Bolts shall be ASTM A325 unless otherwise noted. Anchor bolts shall be ASTM A307 or ASTM A36.
- Wood construction shall conform to the National Forest Product's Association's [NFPA] 2015 NDS. Structural lumber shall be No. 2 Hem - Fir or better: Fb = 850 psi [ BASE ]  
E = 1,300,000 psi

|                                       |                                      |
|---------------------------------------|--------------------------------------|
| <b>DIMENSION LUMBER:</b>              | <b>POSTS AND TIMBERS:</b>            |
| #2 HEM-FIR                            | HEM-FIR SELECT STR                   |
| Fb=850 psi                            | Fb=1200 psi                          |
| Fv=150 psi                            | Fc=975 psi                           |
| E = 1,300 ksi                         | E = 1,300 ksi                        |
| <b>LAMINATED VENEER LUMBER (LVL):</b> | <b>PARALLEL STRAND LUMBER (PSL):</b> |
| Fb = 2,600 psi                        | Fb = 2,900 psi                       |
| Fc = 2,510 psi                        | Fc = 2,900 psi                       |
| Fv = 285 psi                          | Fv = 290 psi                         |
| E = 1,900 ksi                         | E = 2,000 ksi                        |

- Openings in exterior or interior bearing walls shall be as indicated on the drawings. In absence of header notation, provide as follows:
 

|             |          |
|-------------|----------|
| Up to 5'-0" | [3] 2x8  |
| Up to 6'-6" | [3] 2x10 |
| Up to 8'-0" | [3] 2x12 |

 Beyond 8'-0", consult with the Architect in cases where header size is not indicated.
- Floors shall be designed for the following loads:
 

|                               |        |
|-------------------------------|--------|
| Live Load - Living Areas:     | 40 PSF |
| Live Load - Sleeping Areas:   | 30 PSF |
| Dead Loads:                   |        |
| Structure:                    | 7 PSF  |
| Floor:                        | 3 PSF  |
| Ceiling:                      | 3 PSF  |
| Mechanical:                   | 2 PSF  |
| Total Dead Load:              | 15 PSF |
| Total Design- Living Areas:   | 55 PSF |
| Total Design- Sleeping Areas: | 45 PSF |
- Roof rafters / trusses shall be designed for the following loads:
 

|                    |        |
|--------------------|--------|
| Snow load:         | 35 PSF |
| Dead loads:        | 15 PSF |
| Total Design Load: | 50 PSF |

 Note: Shop drawings for all roof trusses shall be submitted, prepared and sealed by a Professional Engineer licensed in the State of New York to the Architect for review prior to beginning fabrication.
- Plywood roof and wall sheathing shall be exterior grade, APA rated. Wood in contact with masonry, concrete or earth shall be pressure preservative treated.
- Framing anchors, joist hangers and miscellaneous connecting devices for wood framing shall be galvanized steel of at least 16 gauge thickness. Install in strict accordance with manufacturers instructions for the specific load generated at each location. Use nail size and nailing pattern stipulated by or recommended by the manufacturer.
- Double all joists under parallel walls, plumbing fixtures, and at floor openings. Provide bridging at all framing midspans beyond 8'-0". Wood plates shall be secured to top flanges of steel beams at 4'-0" O.C. with Ramset or equal.
- Unless otherwise noted, Roofing shall be 25 yr. min. fiberglass shingles and roofing underlayment, installed in accordance with manufacturers printed requirements for installation. Roof venting shall equal 1 SF Net / 300 SF Attic Space.
- Design of Plumbing, Mechanical and Electrical systems is by others.
- Window unit manufacture T.B.D. Verify with Owner and Contractor actual unit types, sizes, miscellaneous window accessories (such as window grill patterns) and manufacturer prior to ordering. G.C. shall verify with owner all window unit selections and final locations.
- Smoke Detectors & Carbon Monoxide Detectors shall be provided at all living and sleeping areas per N.Y.S. Code requirements.

# Gurell Residence Addition

5 Krislynn Drive  
Pittsford, New York

NOTES:

- THE CONTRACTOR SHALL GENERALLY REVIEW THE CONTRACT DOCUMENTS AND INFORM THE PROJECT ARCHITECT OF ANY INCONSISTENCIES OR INADEQUATE DESCRIPTIONS OF WORK PRIOR TO THE SUBMITTAL OF BIDS.
- ALL WORK OF THIS PROJECT SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING CODE, THE STATE ENERGY CONSERVATION CODE, AND ALL OTHER APPLICABLE STATE AND FEDERAL CODES AND REGULATIONS.
- CONTRACTORS SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS AT THE JOB SITE PRIOR TO LAYING OUT NEW WORK.
- NOTIFY PROJECT ARCHITECT IMMEDIATELY IF EXISTING CONDITIONS, DIMENSIONS, ETC. VARY FROM THOSE SHOWN ON THE DRAWINGS.
- MATERIALS, DETAILS, AND WORK PRACTICES INDICATED ON ONE PORTION OF CONTRACT DOCUMENTS SHALL BE OF THE SAME NATURE AT SAME OR SIMILAR SITUATIONS SHOWN ON THE DRAWINGS, EXCEPT AS OTHERWISE NOTED.
- WHEN EXISTING CONSTRUCTION IS REMOVED, DISTURBED, DAMAGED, REPLACED OR RENOVATED IN ANY WAY, CONTRACTOR SHALL PROVIDE PATCHING, PAINTING AND MATERIALS OF SAME TYPE AND QUALITY AS TO MATCH EXISTING ADJACENT SURFACES. FINISH SURFACES AS NECESSARY TO PROVIDE AN EVEN CONTIGUOUS FINISH.
- DURING CUTTING, PATCHING AND REMOVAL OF WORK, CLEAN AND PROTECT WORK IN PROGRESS, ADJOINING WORK, AND EXISTING CONSTRUCTION ON A BASIS OF CONTINUOUS MAINTENANCE.
- ALL SALVAGEABLE ITEMS NOTED ON DRAWINGS SHALL BE DELIVERED TO THE FACILITIES AREA EXCEPT AS OTHERWISE DIRECTED BY OWNER. ITEMS THAT ARE NOTED ON THE DRAWINGS FOR REUSE SHALL BE PROTECTED, HANDLED, STORED, AND REINSTALLED IN LOCATIONS INDICATED AND OPERATE CONSISTENT WITH THAT PRIOR TO WORK.
- REMOVE AND DISPOSE OF ALL DEBRIS, RUBBISH AND OTHER WASTE MATERIALS RESULTING FROM WORK OF THIS PROJECT.
- PROVIDE ALL BLOCKING, RUNNING, AND SHIPPING NECESSARY FOR INSTALLATION AND COMPLETION OF WORK.
- ALL NEW WORK SHALL BE PLUMB, LEVEL, AND SQUARE. SCRIBE AND MAKE FIT ALL NEW WORK TO EXISTING.
- THE CONTRACTOR SHALL INFORM THE PROJECT ARCHITECT, PRIOR TO THE SUBMISSION OF BID, OF ANY ITEMS OR QUANTITY OF ITEMS NOT SPECIFIED OR REFERENCED ON THE DRAWINGS BUT REQUIRED FOR THE COMPLETION OF THE WORK. FAILURE TO DO SO WILL NOT RELIEVE THE CONTRACTOR FROM PROVIDING ALL WORK AS REQUIRED TO COMPLETE PROJECT REQUIREMENTS.

ENERGY CODE COMPLIANCE:

THE ENERGY CODE COMPLIANCE IS BY PRESCRIPTIVE METHOD OF THE INTERNATIONAL ENERGY CONSERVATION CODE - 2015, AND SHALL MEET OR EXCEED THE TABLED VALUES WHERE APPLICABLE:

IECC TABLE R402.1.2:

|                  |                   |
|------------------|-------------------|
| FENESTRATION-    | U-0.32            |
| WOOD FRAME WALL- | R-20              |
| BASEMENT WALL-   | R-15 CAVITY       |
| SLAB-            | R-10 TO 24" DEPTH |

IECC R402.2.2:

|                               |           |
|-------------------------------|-----------|
| CEILING WITHOUT ATTIC SPACES- | R-30 MIN. |
|-------------------------------|-----------|

BUILDING THERMAL ENVELOPE TO MEET AIR LEAKAGE REQUIREMENTS PER IECC R402.4.

DRAWING INDEX

|    |                             |
|----|-----------------------------|
| CS | COVER SHEET                 |
| A1 | BASEMENT & FIRST FLOOR PLAN |
| A2 | ROOF PLAN & SECTIONS        |
| A3 | ELEVATIONS & 3D VIEWS       |
| A4 | TYP. WALL SECTION           |



**HANLON ARCHITECTS**  
100 UNIVERSITY AVENUE  
ROCHESTER, NY 14607  
WWW.HANLONARCHITECTS.COM  
T: 585.232.6440  
F: 585.383.0271

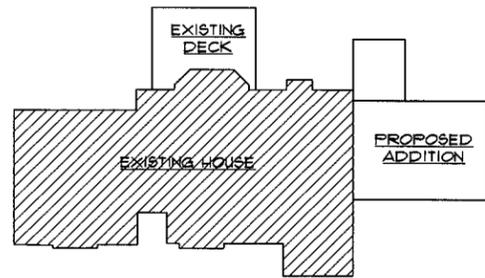
Gurell Residence Addition  
5 Krislynn Drive  
Pittsford, New York

REVISED:

DATE: 5-29-19  
COVER SHEET

DRAWING TITLE:  
**CS**

SHEET NO:  
PROJECT NO: 18-134



KEY PLAN  
1/4" = 1'-0"  
NORTH

FLOOR PLAN KEY NOTES:

- 1 WINDOW HEAD SHOWN AT +6'-6" AFF. VERIFY HEAD HEIGHT OF EXISTING BASEMENT WINDOWS AND MATCH.
- 2 REFER TO 2/A2 FOR SILL & HEAD HEIGHT.
- 3 TRANSOM WINDOWS ABOVE, 84"x32". HEAD HEIGHT = +10'-0" AFF.
- 4 STAIRS TO REMAIN. WALL TO BE REMOVED AT T.O. LANDING. REMOVE SECOND FLOOR HALF WALL. NEW RAILING TO BE INSTALLED IN PLACE @ +36" MEASURED FROM SLOPED PLANE ADJOINING TREAD NOSING. RAILING STYLE AND DESIGN TBD BY OWNER. CONTINUE RAILING ALONG SECOND FLOOR TO EXISTING MASTER BEDROOM WALL.
- 5 TRANSOM WINDOWS ABOVE. SIZE AND STYLE TO MATCH EXISTING GREAT ROOM WINDOWS. APPROX. DIMENSIONS 58"x18". VERIFY IN FIELD. HEAD HEIGHT TO MATCH EXISTING. APPROX. +8'-10" AFF.
- 6 STEP MASONRY WALL BACK 3/4" TO ALLOW FOR FURRING & SIDING INSTALLATION TO FOLLOW GRADE. VERIFY FURRING / STRAPPING NEEDS PER SELECTED SIDING MANUFACTURER AND ADJUST AS NECESSARY.
- 7 RELOCATION OR ADJUSTMENT OF SUMP CROCK OR ASSOCIATED PLUMBING TBD IN FIELD BY QUALIFIED PROFESSIONAL.
- 8 REMOVE EXISTING WOOD STOVE. EXTEND / MODIFY EXISTING GAS LINE TO SERVICE NEW GAS FIREPLACE INSERT ON FIRST FLOOR.

GENERAL NOTES:

1. COORDINATE WITH EXISTING SITE CONDITIONS (EXISTING UTILITIES, STORM COLLECTION PIPING, ETC.). MODIFY TO EXTENTS NECESSARY.
2. FULL FOUNDATION WATERPROOFING TO BE PROVIDED.
3. ALL FINISHES & HARDWARE TO BE COORDINATED WITH OWNER.
4. ALL NEW WINDOWS SHALL MATCH STYLE OF EXISTING MANUFACTURER TBD. DIMENSIONS & PLACEMENT TO BE VERIFIED IN FIELD AND ADJUSTED AS NECESSARY.
5. ALL EXTERIOR HEADERS, (UNLESS NOTED OTHERWISE), (3) 2x8.
6. ALL SIZING OF HEADERS, FOOTINGS, AND POSTS MAY CHANGE PENDING STRUCTURAL REVIEW.
7. WINDOW HEAD HEIGHTS @ +1'-0" AFF UNLESS NOTED OTHERWISE.

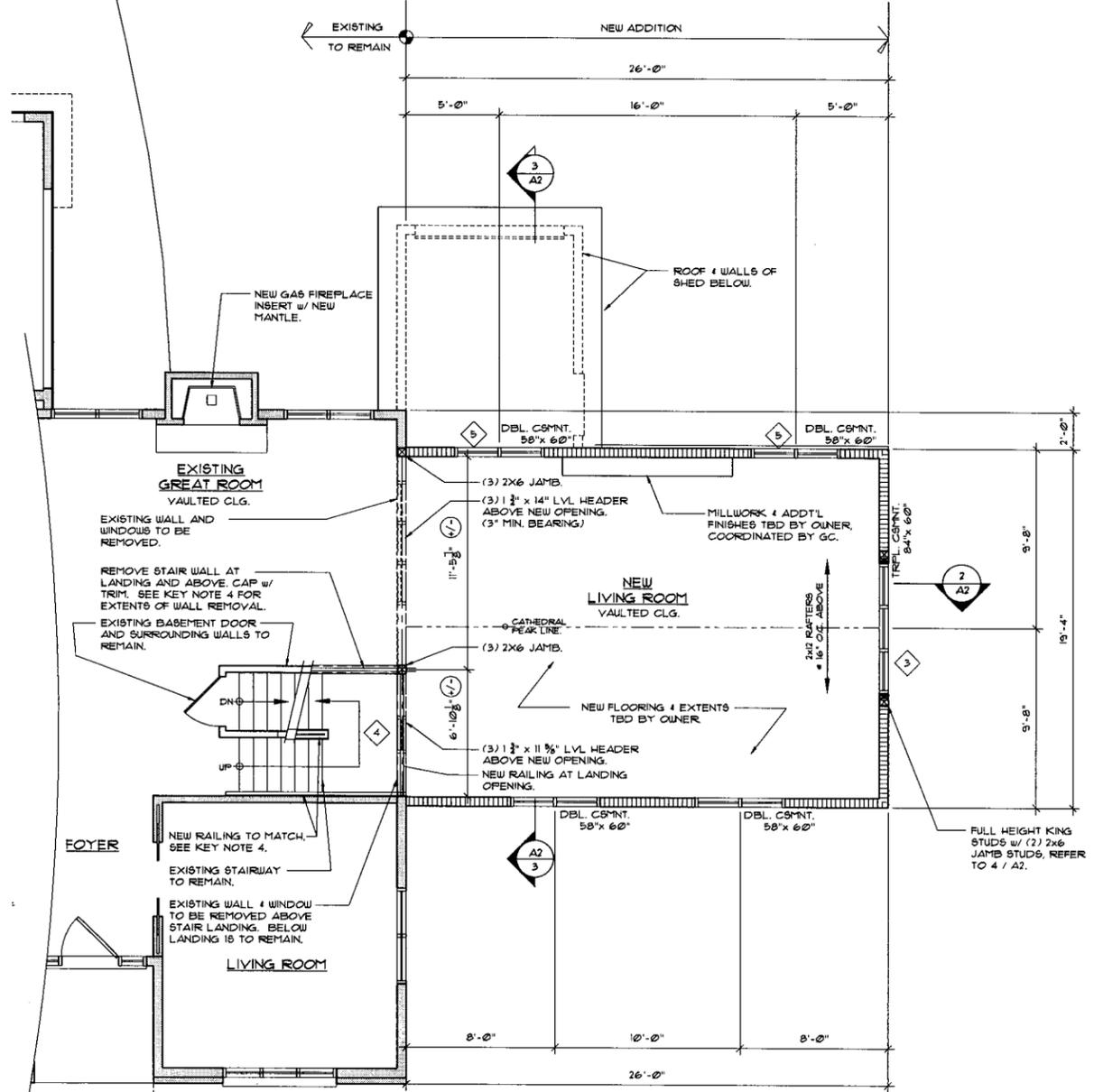
LEGEND

|  |                                   |
|--|-----------------------------------|
|  | 2x6 STUD FRAMING @ 16" O.C.       |
|  | 2x4 STUD FRAMING @ 16" O.C.       |
|  | 12" CONCRETE MASONRY WALL, U.N.O. |
|  | EXISTING WALL FRAMING TO REMAIN   |

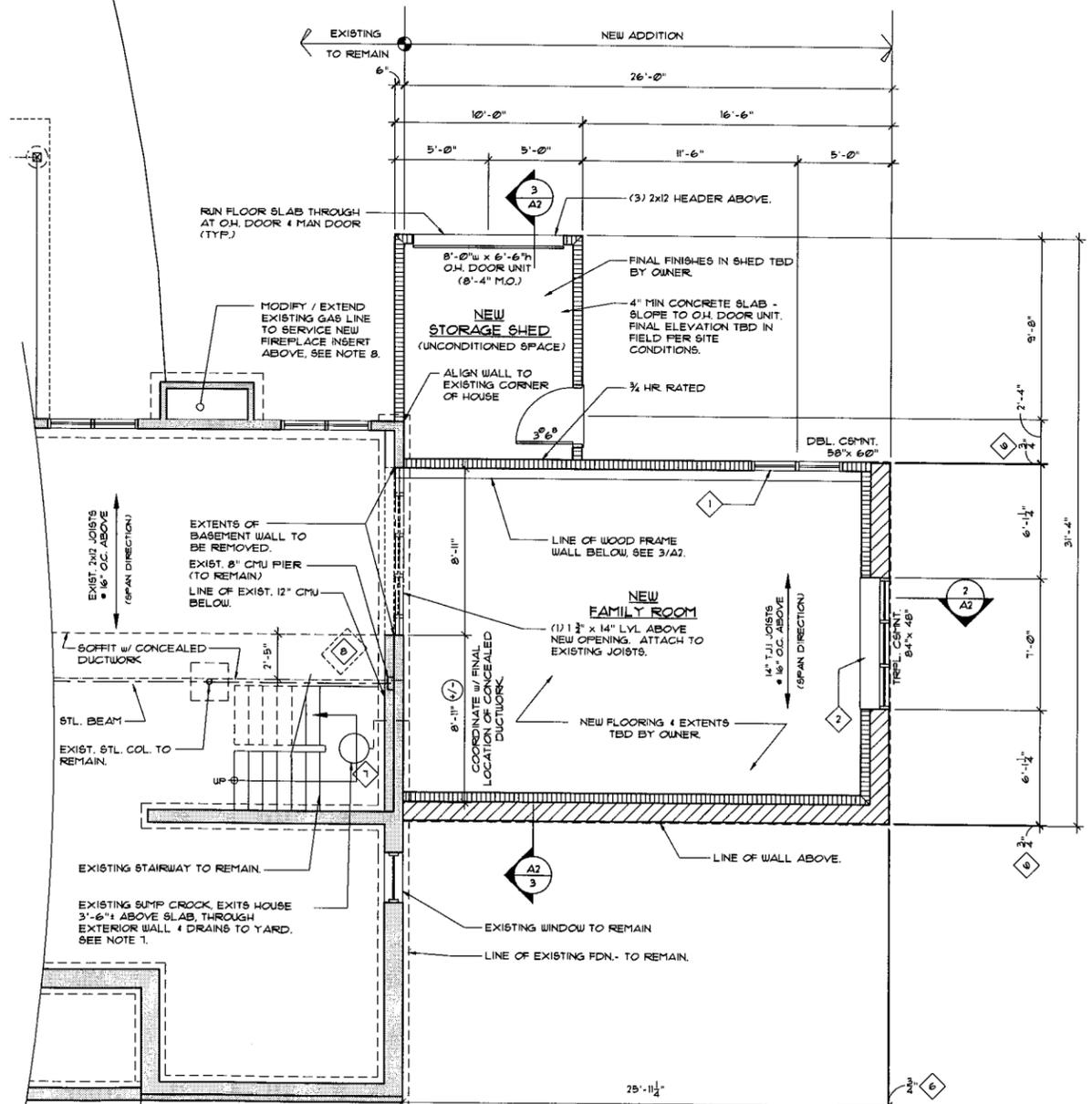


**HANLON ARCHITECTS**  
1320 UNIVERSITY AVENUE  
ROCHESTER, NY 14607  
WWW.HANLONARCHITECTS.COM  
T: 585.232.6440  
F: 585.951.0371

**Gurell Residence Addition**  
5 Krislynn Drive  
Pittsford, New York



FIRST FLOOR PLAN  
1/4" = 1'-0"  
NORTH



BASEMENT FLOOR PLAN  
1/4" = 1'-0"  
NORTH

|           |                             |
|-----------|-----------------------------|
| REVISION: | DATE: 5-25-19               |
|           | BASEMENT & FIRST FLOOR PLAN |
|           | DRAWING TITLE:              |
|           | SHEET NO: A1                |
|           | PROJECT NO: 18-194          |



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ROCHESTER, NY 14607  
WWW.HANLONARCHITECTS.COM  
T: 585.233.5440  
F: 585.503.0371

**Garell Residence Addition**  
5 Krielyn Drive  
Pittsford, New York

REVISION:

DATE: 5-25-15

BASEMENT & FIRST FLOOR PLAN

DRAWING TITLE:

**A2**

SHEET NO.:

PROJECT NO. 15-134

UNLESS NOTED OTHERWISE:

PROVIDE (3) 2x6 COLLAR TIES, EQUALLY SPACED.

RAKE PROJECTIONS- 12" UNLESS NOTED OTHERWISE. GC & OWNER TO VERIFY DIMENSIONS @ EACH LOCATION.

OVERHANGS- 12" UNLESS NOTED OTHERWISE. GC & OWNER TO VERIFY DIMENSIONS @ EACH LOCATION.

FINAL GUTTER AND DOWN SPOUT LOCATIONS TO BE COORDINATED WITH OWNER.

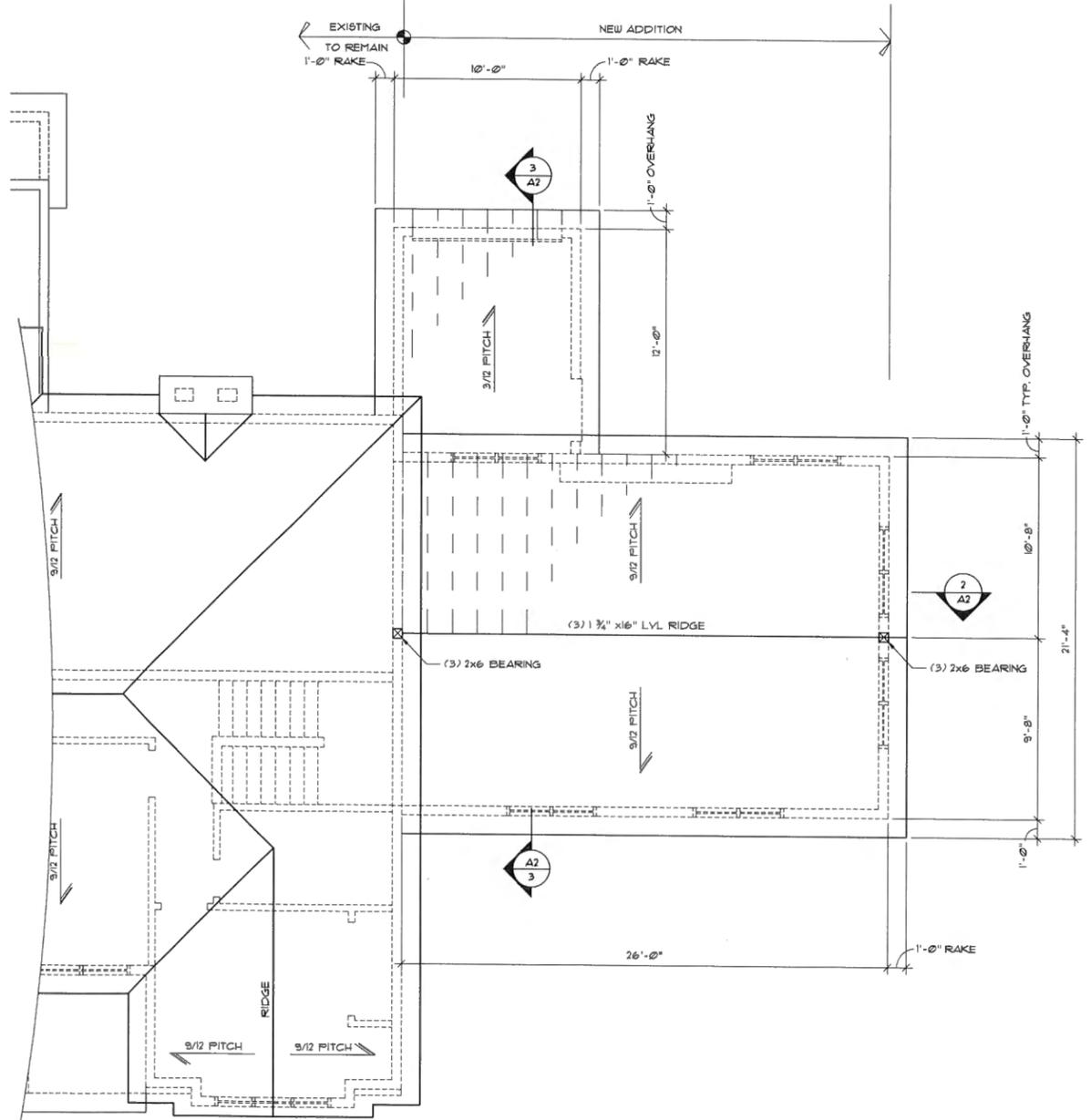
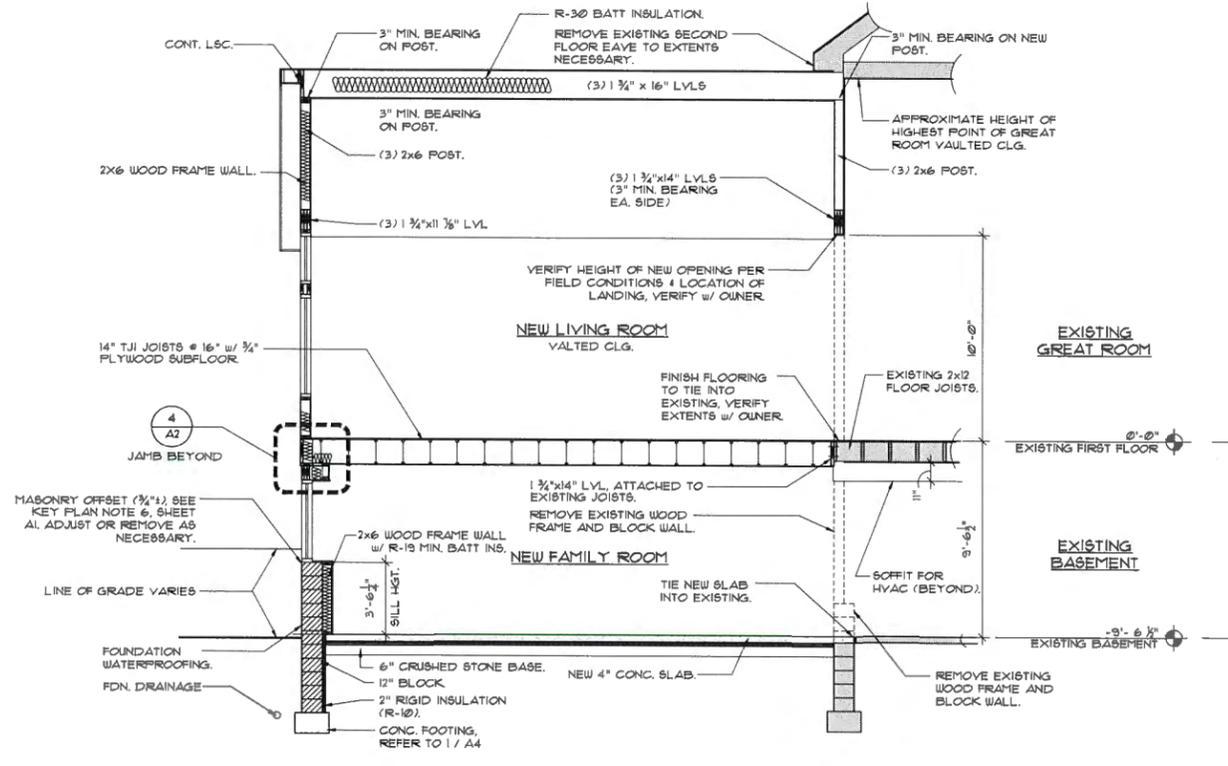
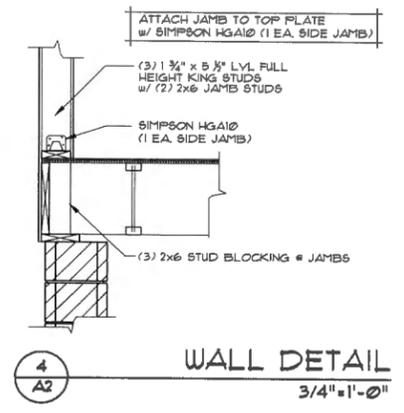
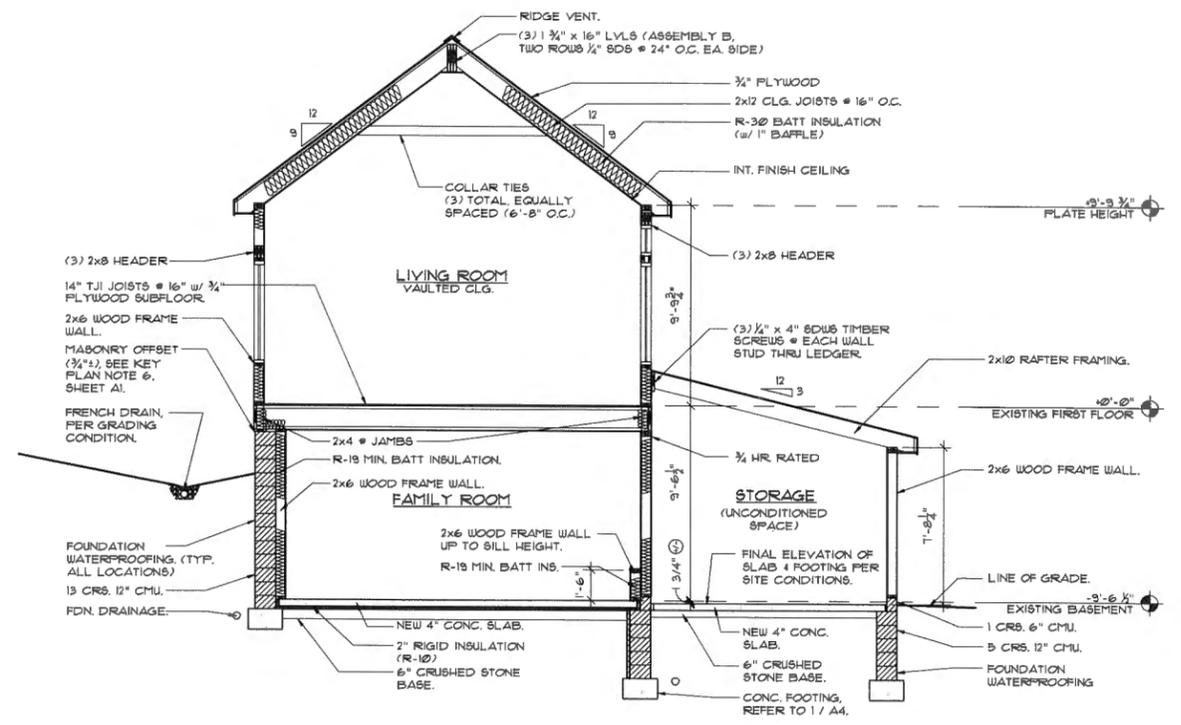
ROOF VENTING: 1 s.f. NET PER 300 s.f. ATTIC SPACE. COORDINATE WITH OWNER FINAL VENTING STYLES AND LOCATIONS. PROVIDE RIDGE VENTING @ RIDGE LINES.

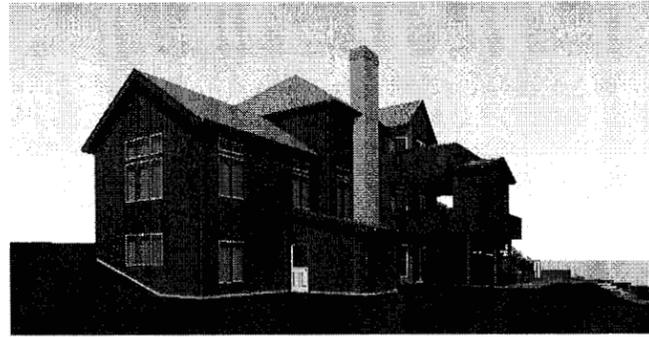
ROOF DESIGN LOADS:

GROUND SNOW LOAD-----50 psf

SLOPED ROOF UNIF. LOAD-----30 psf

UNBAL. SNOW LOAD-----57 psf

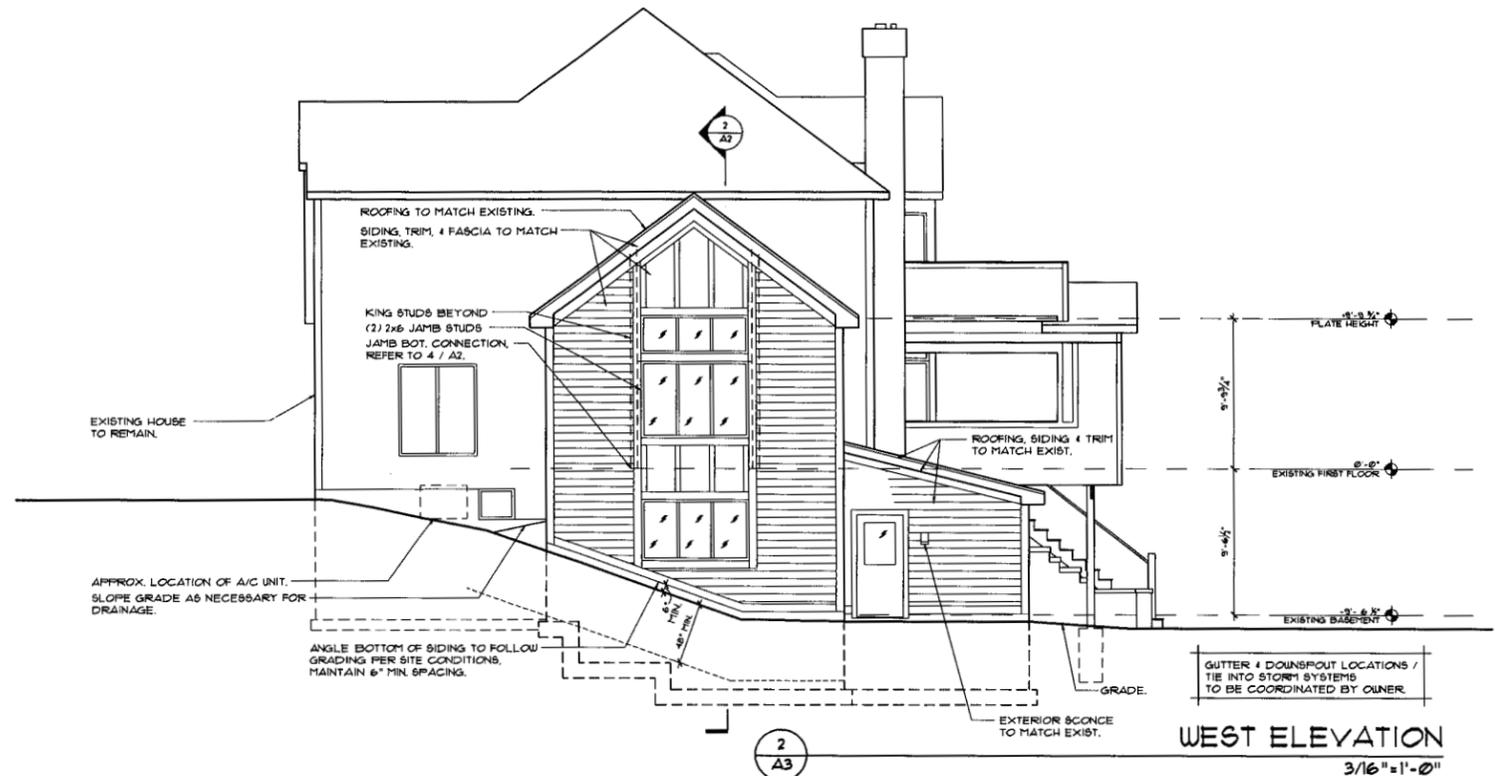




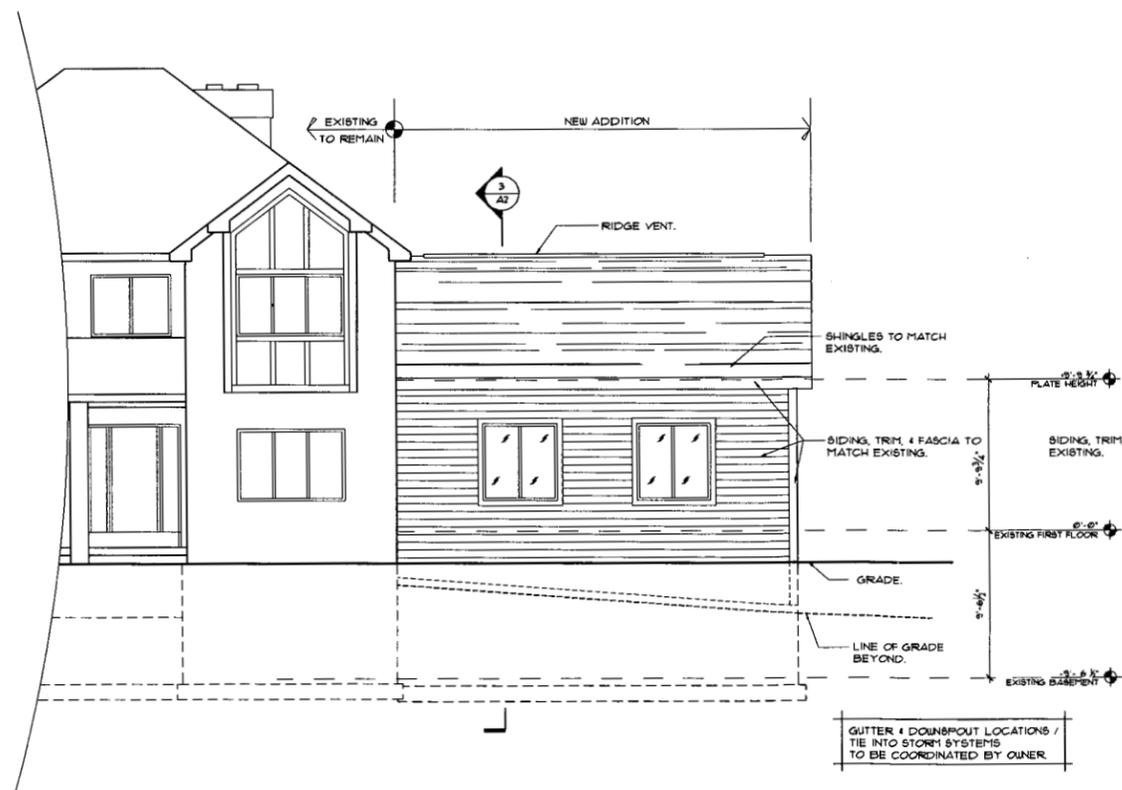
5  
A3 3D VIEW 2  
n.t.s.



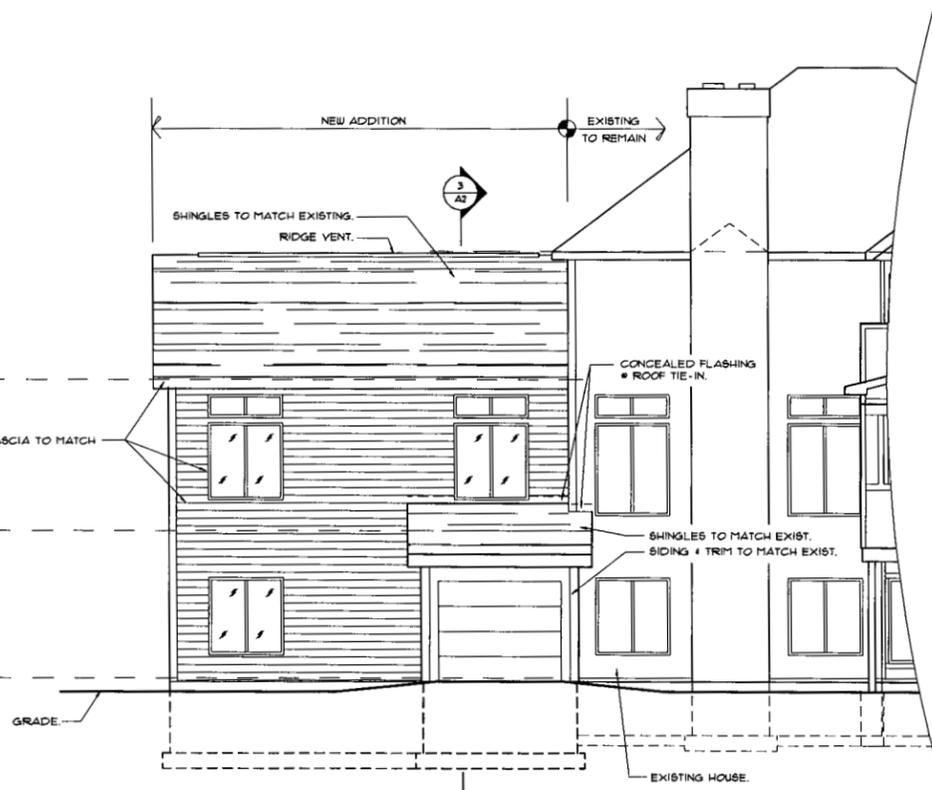
4  
A3 3D VIEW 1  
n.t.s.



2  
A3 WEST ELEVATION  
3/16"=1'-0"



3  
A3 PARTIAL NORTH ELEVATION  
3/16"=1'-0"



1  
A3 PARTIAL SOUTH ELEVATION  
3/16"=1'-0"



**HANLON ARCHITECTS**  
1300 UNIVERSITY AVENUE  
ROCHESTER, NY 14627  
WWW.HANLONARCHITECTS.COM

T: 585.270.8440  
F: 585.270.8271

**Gurell Residence Addition**  
5 Kristlyn Drive  
Pittsford, New York

REVISIONS:

DATE: 5-29-15  
ELEVATIONS & 3D VIEWS

DRAWING TITLE:

A3

SHEET NO.

PROJECT NO. 15-134



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 1300 UNIVERSITY AVENUE  
 ROCHESTER, NY 14607  
 WWW.HANLONARCHITECTS.COM  
 T: 585.232.6440  
 F: 585.593.0371

**Gurell Residence Addition**  
 5 Kriestynn Drive  
 Pittsford, New York

REVISIONS:

DATE: 9-28-19

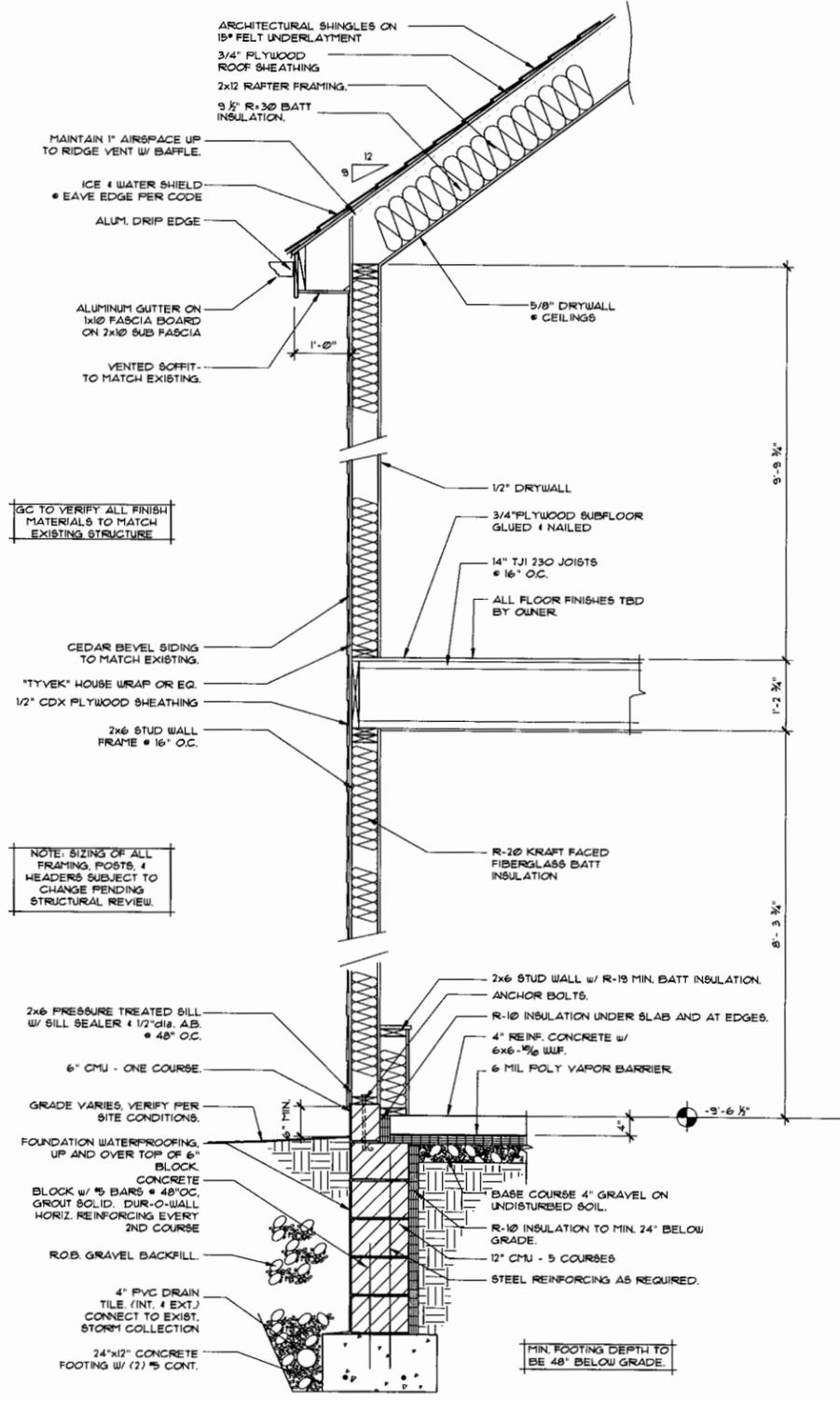
TYP. WALL SECTION

DRAWING TITLE:

**A4**

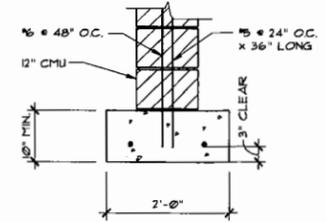
SHEET NO:

PROJECT NO: 19-184



GC TO VERIFY ALL FINISH MATERIALS TO MATCH EXISTING STRUCTURE

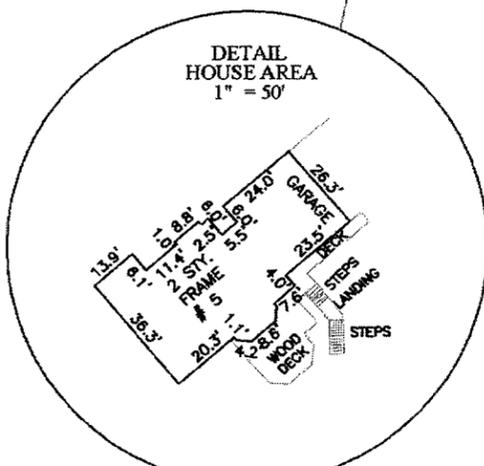
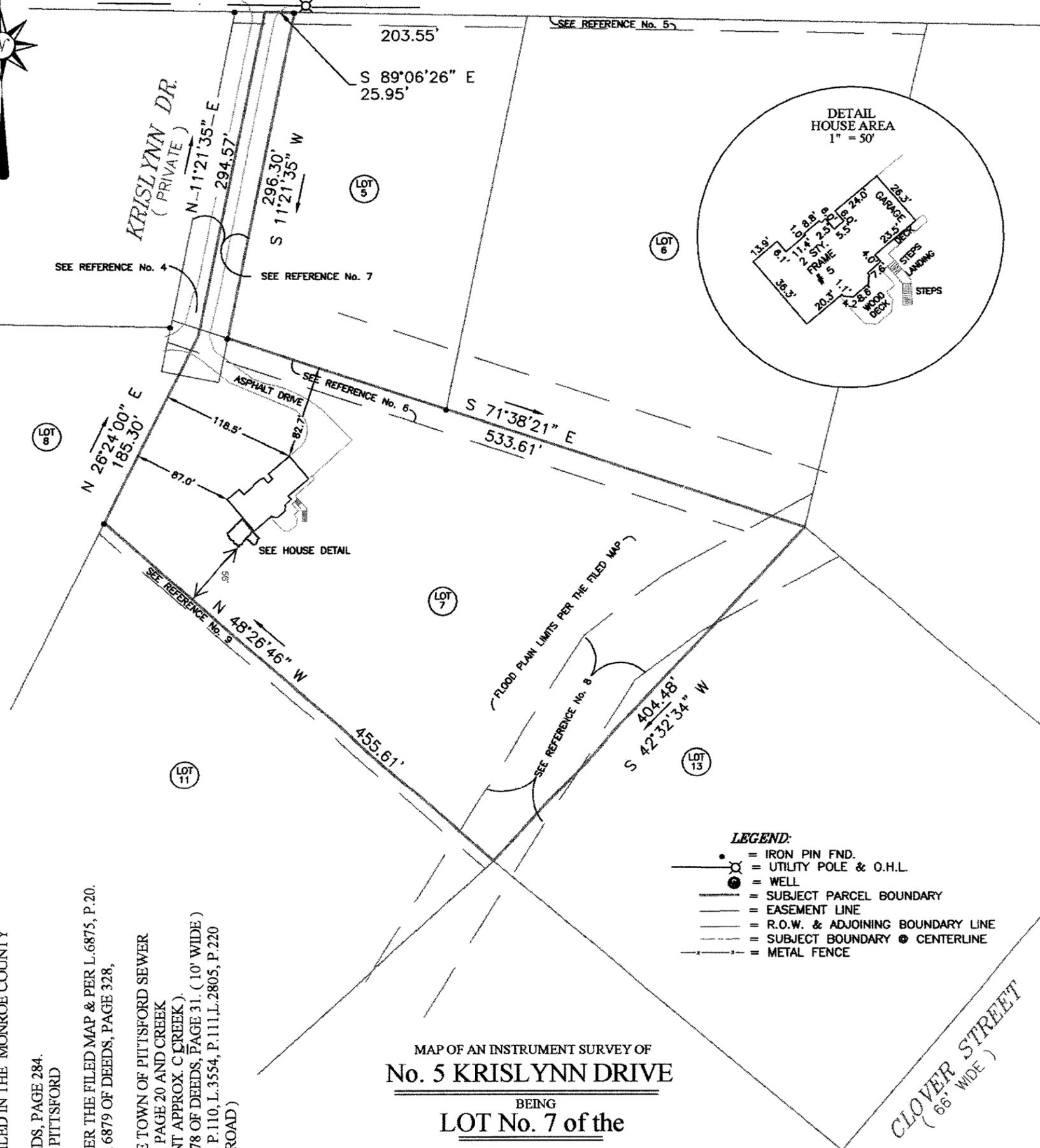
NOTE: SIZING OF ALL FRAMING, POSTS, & HEADERS SUBJECT TO CHANGE PENDING STRUCTURAL REVIEW.



**2**  
 TYP. FOUNDATION SECTION  
 3/4" = 1'-0"

**1**  
 TYPICAL WALL SECTION  
 3/4" = 1'-0"

LEHIGH STATION ROAD  
( 66.00' WIDE )  
( RTE. 253 )



- LEGEND:**
- = IRON PIN FND.
  - ⊗ = UTILITY POLE & O.H.L.
  - = WELL
  - = SUBJECT PARCEL BOUNDARY
  - - - = EASEMENT LINE
  - = R.O.W. & ADJOINING BOUNDARY LINE
  - - - = SUBJECT BOUNDARY ● CENTERLINE
  - = METAL FENCE

MAP OF AN INSTRUMENT SURVEY OF  
**No. 5 KRISLYNN DRIVE**  
BEING  
**LOT No. 7 of the**  
**ISACC GORDON FOUNDATION, INC SUB'D.**

SITUATE IN  
**PART OF TOWN LOT 48, TOWNSHIP 12, RANGE 5**  
**TOWN OF PITTSFORD**  
**COUNTY OF MONROE STATE OF NEW YORK**  
SCALE 1 INCH = 100 FEET DATE: OCTOBER 31, 2012

GROVER & BATES ASSOCIATES  
406 WEST SPRUCE STREET  
EAST ROCHESTER, NEW YORK  
585-361-0021

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

CERTIFICATIONS LISTED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE G.V.L.S.A. AND THE MONROE COUNTY BAR ASSOCIATION.

WE, GROVER & BATES ASSOCIATES DO HEREBY CERTIFY TO THE FOLLOWING:

1. OLVER KORTS LLP;
2. M & T BANK, ITS SUCCESSORS AND/OR ASSIGNS, AS THEIR INTERESTS MAY APPEAR;
3. FIRST AMERICAN TITLE INSURANCE COMPANY;
4. MICHAEL N. GURELL;
5. UNDERBERG & KESSLER, LLP; and
6. ROBERT C. GROSSMAN, ATTORNEY;

THAT THIS MAP WAS MADE FROM NOTES OF AN INSTRUMENT SURVEY COMPLETED ON OCTOBER 31, 2012.

- REFERENCES:**
1. CHICAGO TITLE INSURANCE CO., SEARCH No. 1216-02471, LAST DATED ON OCTOBER 18, 2012.
  2. LIBER 10918 OF DEEDS, PAGE 567.
  3. MAP OF THE ISAAC GORDON FOUNDATION, INC. SUBDIVISION FILED IN THE MONROE COUNTY CLERK'S OFFICE IN LIBER 236 OF MAPS, PAGE 67.
  4. SUBJECT TO A DRIVEWAY AGREEMENT PER LIBER 10835 OF DEEDS, PAGE 284.
  5. SUBJECT TO A 10' WIDE SIDEWALK EASEMENT TO THE TOWN OF PITTSFORD PER LIBER 6868 OF DEEDS, PAGE 54.
  6. 20' WIDE SAN. SEWER EASEMENT TO THE TOWN OF PITTSFORD PER THE FILED MAP & PER L. 6875, P. 20.
  7. SUBJECT TO A 51' WIDE COMMON ACCESS EASEMENT PER LIBER 6879 OF DEEDS, PAGE 328, LIBER 6875 OF DEEDS, PAGE 15 AND THE FILED MAP.
  8. SUBJECT TO A 60' WIDE DRAINAGE & UTILITY EASEMENT TO THE TOWN OF PITTSFORD SEWER DISTRICT #1 PER THE FILED MAP AND PER LIBER 6875 OF DEEDS, PAGE 20 AND CREEK EASEMENT PER LIBER 6874 OF DEEDS, PAGE 321. ( Q.O.F EASEMENT APPROX. C CREEK ).
  9. SUBJECT TO AN EASEMENT TO R.G. & E. AND R.T.C. PER LIBER 6978 OF DEEDS, PAGE 31. ( 10' WIDE )
  10. SUBJECT TO EASEMENTS TO R.G. & E. PER L. 3554, P. 109, L. 3554, P. 110, L. 3554, P. 111, L. 2805, P. 220 & L. 3472, P. 387. ( ALONG THE SOUTH SIDE OF LEHIGH STATION ROAD )

*[Signature]*  
JAMES E. BATES, Jr. LICENSE No. 49464



# Zoning Board of Appeals Referral Form Information

**Property Address:**

Clover Street ROCHESTER, NY 14618

**Property Owner:**

ROC Enterprises, LLC  
91 Harwin Dr  
Rochester, NY 14623

**Applicant or Agent:**

James Fahy Design Associates Architecture & Engineering P.C.  
2024 W. Henrietta Road Suite 3k  
Rochester, NY 14623

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

| <b>Town Code Requirement is:</b> |    | <b>Proposed Conditions:</b> |      | <b>Resulting in the Following Variance:</b> |                     |
|----------------------------------|----|-----------------------------|------|---|---------------------|
| 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:                          | 30 | Height:                     | 43.3 | Height:                                     | -13.299999999999997 |
| Size:                            | 0  | Size:                       | 0    | Size:                                       | 0.0                 |

**Code Section(s):** 185-17 M

Description: Applicant is requesting relief from Town Code §185-17 M for the construction of a two story residential home with a height of approximately 45'-3". Town Code limits the height of buildings to 30 feet.

August 08, 2019



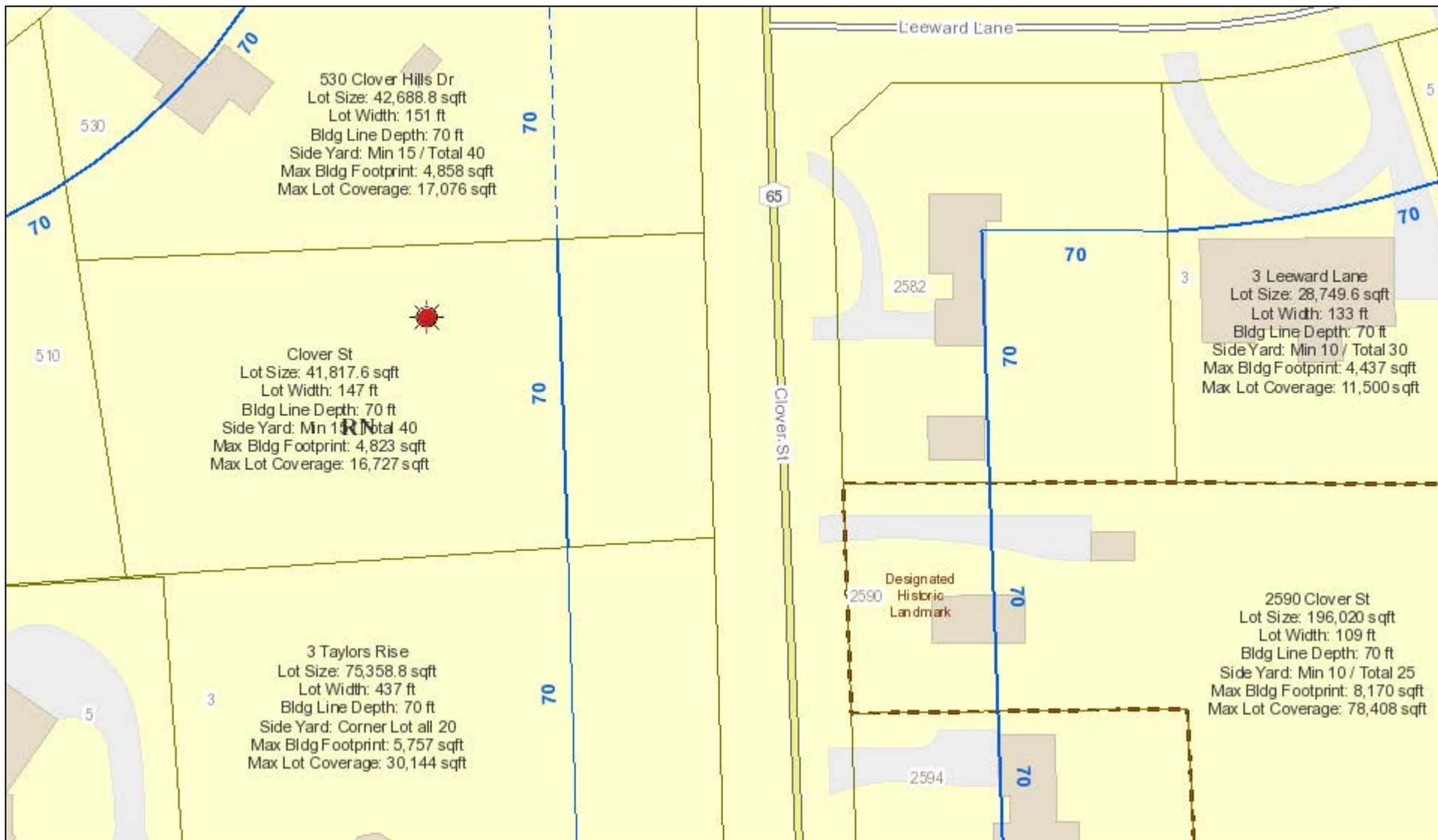
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Date

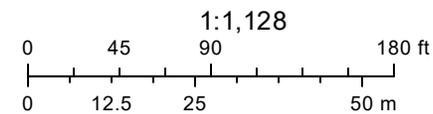
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Mark Lenzi - Building Inspector CEO

# RN Residential Neighborhood Zoning

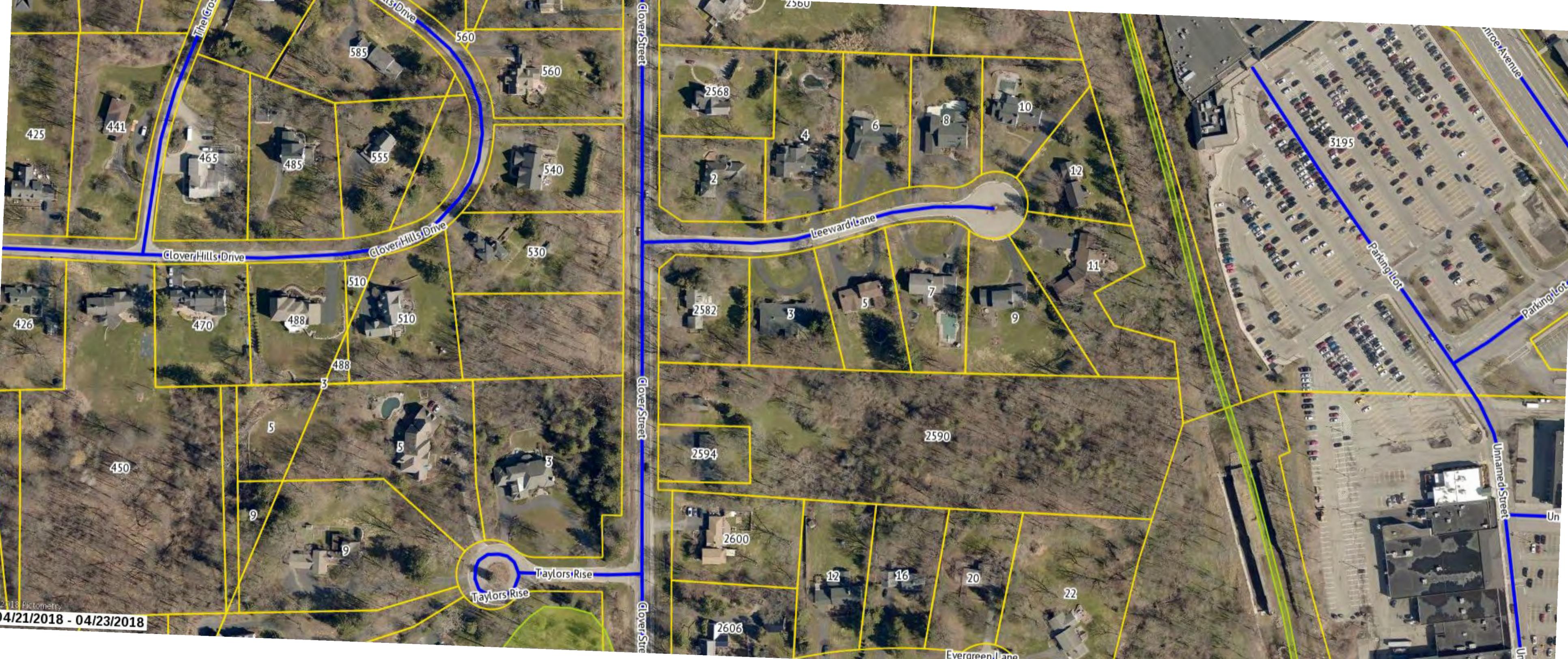


Printed August 8, 2019



Town of Pittsford GIS

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.



2018 Pictometry  
04/21/2018 - 04/23/2018

July 12, 2019

Mr. George Dounce  
Chairperson  
Town of Pittsford Zoning Board of Appeals  
11 South Main Street  
Pittsford, New York 14534

Re: Zoning Board of Appeals  
Proposed Residence – Lot 8 Clover Hills Tract Clover Street  
Area Variance Related to Development of Site – Letter of Intent

Dear Mr. Dounce and Fellow Board Members,

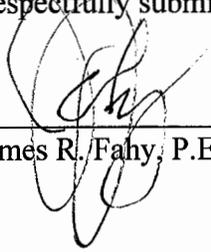
On behalf of our client, Akhtiaz Khan, we are submitting materials for your review for the above referenced project. We are requesting that this proposal be placed on the August 19, 2019 Zoning Board of Appeals agenda for an area variance approval. We are seeking relief of the Town of Pittsford Town Code for building height, Article IV, Section 185-17, limiting building height on the road side (front) of the home to less than 30-feet.

The project entails the development of a 0.96-acre parcel for construction of a new two-story single-family residence with associated site improvements. The site is currently zoned 'RN' – Residential Neighborhood district. Single-family residences border the property on the north, south and west. Clover Street borders the site to the east.

We believe the proposed development is consistent with the objectives of the RN zoning district.

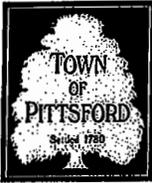
I look forward to presenting this project to the Zoning Board of Appeals. In the meantime, if you should have any questions or require additional information, please do not hesitate to contact my office.

Respectfully submitted,



---

James R. Fahy, P.E.



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

Submission Date: 7/12/19 Hearing Date: 8/19/19

Applicant: James Fahy Design Associates

Address: 2024 W. Henrietta Rd Ste. 3k Rochester, NY 14623

Phone: 585-272-1650 E-Mail: jr.fahy@jamesfahy.com

Agent: \_\_\_\_\_  
(if different than Applicant)

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Property Owner: Akhtian Khan  
(if different than Applicant)

Address: 91 Harwin Drive Rochester, NY 14623

Phone: (585) 350-4737 E-Mail: akhtiankhan@yahoo.com

(If applicant is not the property owner please complete the Authorization to Make Application Form.)

Property Location: Clover Street Current Zoning: RN- Residential Neighborhood

Tax Map Number: 150.11-2-22

Application For:  Residential  Commercial  Other

Please describe, in detail, the proposed project:

Construction of a new single family residence with associated site improvements.

**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.

[Signature]  
(Owner or Applicant Signature)

6/18/19  
(Date)

## **TESTS FOR GRANTING AREA VARIANCES**

- 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 proposed single-family residence fits comfortably on the almost 1-acre lot complying with all required setbacks and allowable lot coverage set forth in the Town of Pittsford zoning code for the Residential Neighborhood (RN) District. There is considerable separation between the proposed residence and the existing homes to the north, south and west of well over 100 feet. Additionally, the homes to the north and west have main floor elevations significantly above the proposed main floor elevation of our proposed residence.

Existing grade on site slopes upward over 30-feet from Clover Street at the front (east) to the rear(west) property line. Our proposed house footprint and driveway approach to the residence from Clover Street has been positioned to minimize regrading of existing site topography. This will enhance a more natural feel to the setting of the home on the lot and with respect to the neighboring properties.

Our requested variance is in large part due to the natural existing slope with the walk-out basement level of the proposed home fully exposed along the east (left side elevation) which by Town of Pittsford zoning code is considered the front elevation.

It is therefore argued that the construction proposed is respecting the existing setting and will not produce an undesirable change in the character of the neighborhood nor have a detrimental effect on the adjacent properties.

- 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 Khan's are proposing to build a two-story residence with a finished walk-out basement level to accommodate the needs of their growing family. The size and amenities of their proposed home is similar to those immediately adjacent to and within the adjoining Clover Hills neighborhood.

The natural topography of the site fully exposes the walk-out basement level of the proposed residence at the roadside or front of the home as defined by Town Code. Therefore, it is a practical impossibility to construct an upscale two-story home with basement on this site without the granting of a building height variance.

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

The requested variance is believed to be the minimum required in consideration of existing site topography and the style of home proposed for construction.

The home has been designed with ceiling heights and roof pitches that are reasonable and in keeping with neighboring homes and with other new upscale homes in Pittsford. As previously argued the requested building height variance is principally driven by the natural site topography. Therefore, it is believed that the requested building height variance is minimal.

**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 proposed construction has been purposefully planned to minimize existing grading on-site so as to maintain a more natural unaltered setting. The proposed home is similar in scale and massing to existing homes on neighboring properties to the south and southwest. Existing neighboring homes to the north and west of our site sit considerably higher than our proposed house footprint and therefore will not be adversely affected by our building height variance.

Additionally, the proposed residence sits comfortably on the property within all required setbacks and maximum lot coverages for the residential neighborhood district with considerable separation to all neighboring homes. It is therefore believed that the proposed construction will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district.

**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?***

Although believed to be self-created, the alleged difficulty is believed to be equally due to existing site topography as to the home proposed.

# Disclosure Form E

STATE OF NEW YORK  
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

Khan Residence  
(Project Name)

The undersigned, being the applicant(s) to the...

Town Board     Zoning Board of Appeals     Planning Board     Architectural Review Board

...of the Town of Pittsford, for a...

change of zoning     special permit     building permit     permit     amendment

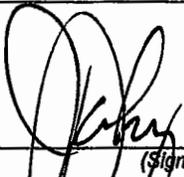
varlance     approval of a plat     exemption from a plat or official map

...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 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)



(Signature of Applicant)

6/18/19

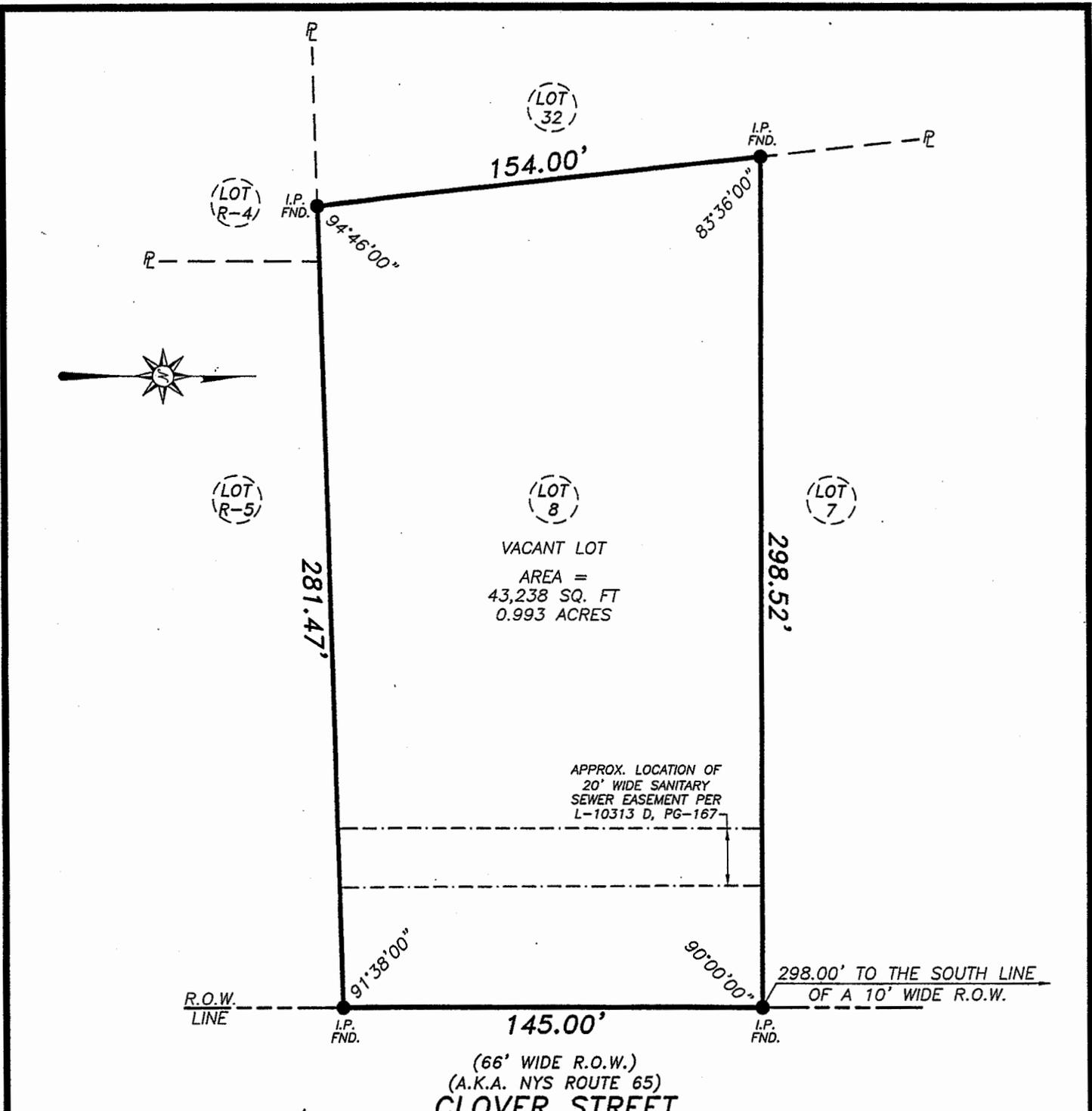
(Dated)

2024 W. Henrietta Rd. Ste. 3K

(Street Address)

Rochester, NY 14623

(City/Town, State, Zip Code)



(LOT 32)

(LOT R-4)

(LOT R-5)

(LOT 8)

(LOT 7)

VACANT LOT  
 AREA =  
 43,238 SQ. FT  
 0.993 ACRES

APPROX. LOCATION OF  
 20' WIDE SANITARY  
 SEWER EASEMENT PER  
 L-10313 D, PG-167

R.O.W.  
 LINE

I.P.  
 FND.

I.P.  
 FND.

(66' WIDE R.O.W.)  
 (A.K.A. NYS ROUTE 65)  
**CLOVER STREET**

**CERTIFICATION:**

I, DAVID A. STAUB, HEREBY CERTIFY TO:

- MUHAMMAD KHAN
- MIGUEL A. REYES, ESQ.
- THE TITLE INSURANCE COMPANY INSURING THE TITLE

**REFERENCES:**

THAT THIS MAP WAS MADE MAY 25, 2017  
 FROM NOTES OF AN INSTRUMENT SURVEY  
 COMPLETED MAY 24, 2017  
 AND REFERENCES LISTED HEREON.

- 1.) LIBER 33 OF MAPS, PAGE 31.
- 2.) LIBER 11327 OF DEEDS, PAGE 309.
- 3.) ABSTRACT OF TITLE No. 409762 (FIRST AMERICAN).
- 4.) EASEMENT TO DESPATCH HEAT, LIGHT & POWER CORP.,  
 N.Y. TELE. CO. & R.T.C. PER LIBER 958 OF DEEDS, PAGE 69.

- NOTES: 1.) PREMISES SUBJECT TO ALL EASEMENTS, RESTRICTIONS & COVENANTS OF RECORD  
 NOT REFERENCED IN ABSTRACT OF TITLE.  
 2.) THE USE OF THIS MAP IN CONJUNCTION WITH AN AFFIDAVIT OF NO CHANGES  
 RELEASES THE SURVEYOR OF ALL RESPONSIBILITY



N.Y.S. R.L.S. No. 50791 DATE

TITLE:

**INSTRUMENT SURVEY MAP**

**CLOVER STREET**

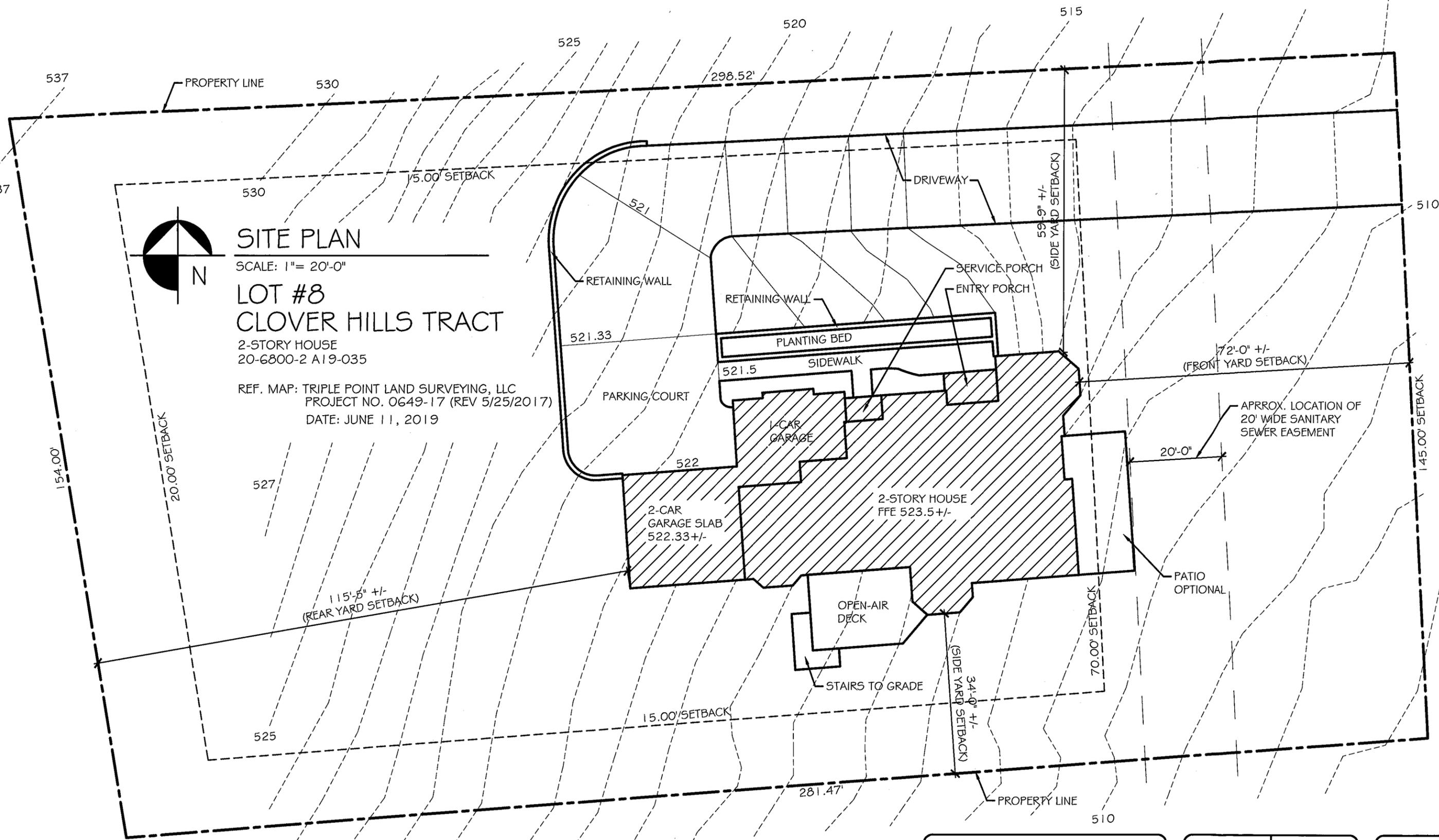
BEING LOT No. 8 OF THE CLOVER HILLS TRACT



**SITE PLAN**  
**LOT #8**  
**CLOVER HILLS TRACT**

2-STORY HOUSE  
 20-6800-2 A19-035

REF. MAP: TRIPLE POINT LAND SURVEYING, LLC  
 PROJECT NO. 0649-17 (REV 5/25/2017)  
 DATE: JUNE 11, 2019



CLOVER STREET

|   |
|---|
| PROJECT:<br>KHAN RESIDENCE<br>LOT #8, CLOVER HILLS TRACT<br>PITTSFORD, NEW YORK |
| CLIENT:<br>AKHTIAZ KHAN   |
| DRAWING TITLE:<br>PLOT PLAN   |

|                    |                          |
|--------------------|--------------------------|
| JOB NO.<br>A19-035 | PROJECT NO.<br>20-6800-2 |
| DRAWN BY:<br>CME   | C1.0                     |
| CHECKED BY:<br>JRF |                          |
| DATE:<br>7-11-2019 |                          |





north elevation

6800 s.f.

scale: 1/8"=1'-0"

|   |
|---|
| PROJECT:<br>KHAN RESIDENCE<br>LOT #8, CLOVER HILLS TRACT<br>PITTSFORD, NEW YORK |
| CLIENT:<br>AKHTIAZ KHAN   |
| DRAWING TITLE:<br>NORTH ELEVATION   |

|                    |                          |
|--------------------|--------------------------|
| JOB NO.<br>A19-035 | PROJECT NO.<br>20-6800-2 |
| DRAWN BY:<br>CME   | A1.0                     |
| CHECKED BY:<br>JRF |                          |
| DATE:<br>7-11-2019 |                          |





east elevation  
 scale: 1/8"=1'-0" (road side)



west elevation  
 scale: 1/8"=1'-0"

PROJECT:  
 KHAN RESIDENCE  
 LOT #8, CLOVER HILLS TRACT  
 PITTSFORD, NEW YORK

CLIENT:  
 AKHTIAZ KHAN

DRAWING TITLE:  
 EAST & WEST ELEVATIONS

|                    |                          |
|--------------------|--------------------------|
| JOB NO.<br>A19-035 | PROJECT NO.<br>20-6800-2 |
| DRAWN BY:<br>CME   | A1.1                     |
| CHECKED BY:<br>JRF |                          |
| DATE:<br>7-11-2019 |                          |





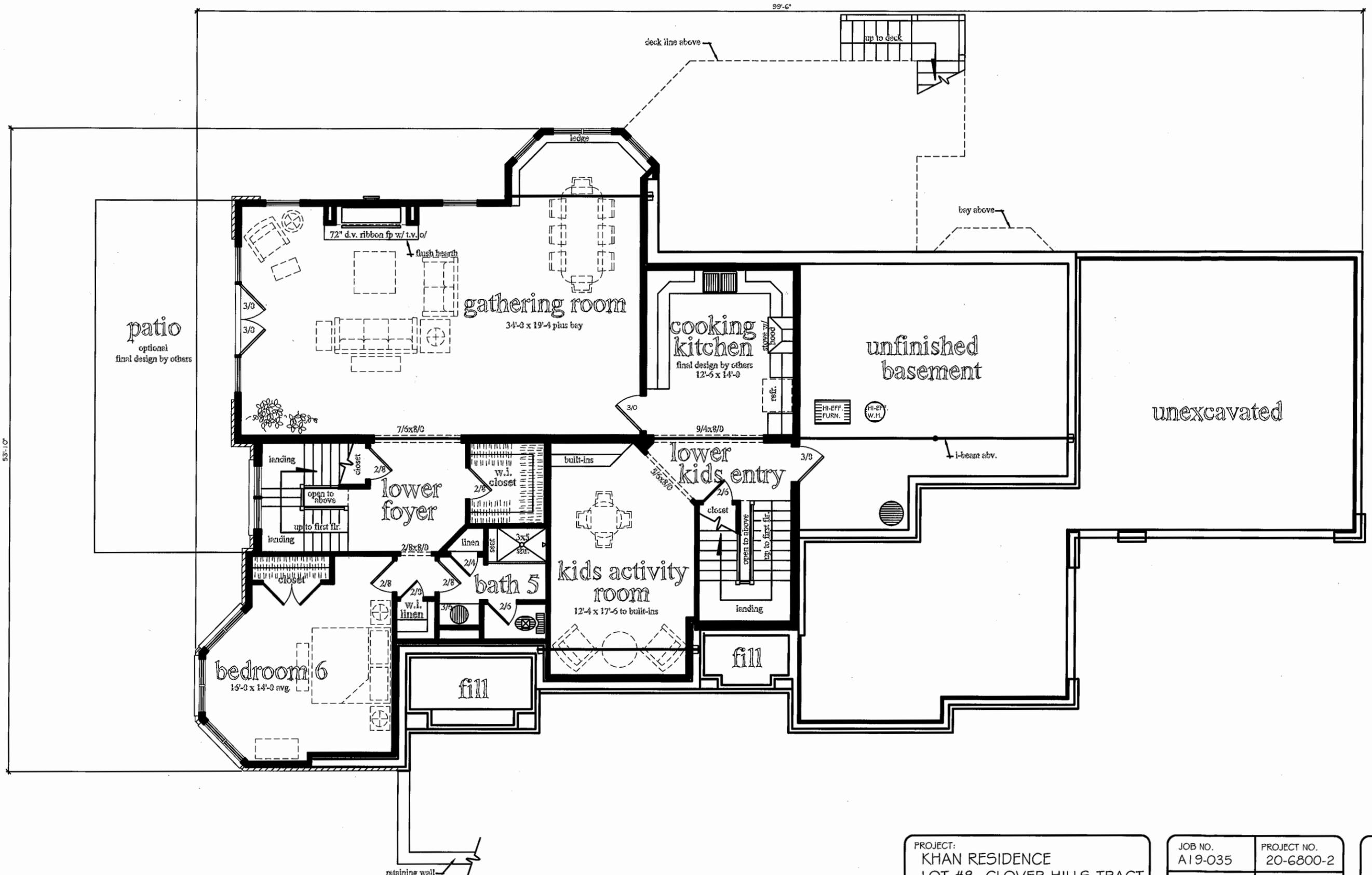
south elevation

scale: 1/8"=1'-0"

|   |
|---|
| PROJECT:<br>KHAN RESIDENCE<br>LOT #8, CLOVER HILLS TRACT<br>PITTSFORD, NEW YORK |
| CLIENT:<br>AKHTIAZ KHAN   |
| DRAWING TITLE:<br>SOUTH ELEVATION   |

|                    |                          |
|--------------------|--------------------------|
| JOB NO.<br>A19-035 | PROJECT NO.<br>20-6800-2 |
| DRAWN BY:<br>CME   | A1.2                     |
| CHECKED BY:<br>JRF |                          |
| DATE:<br>7-11-2019 |                          |



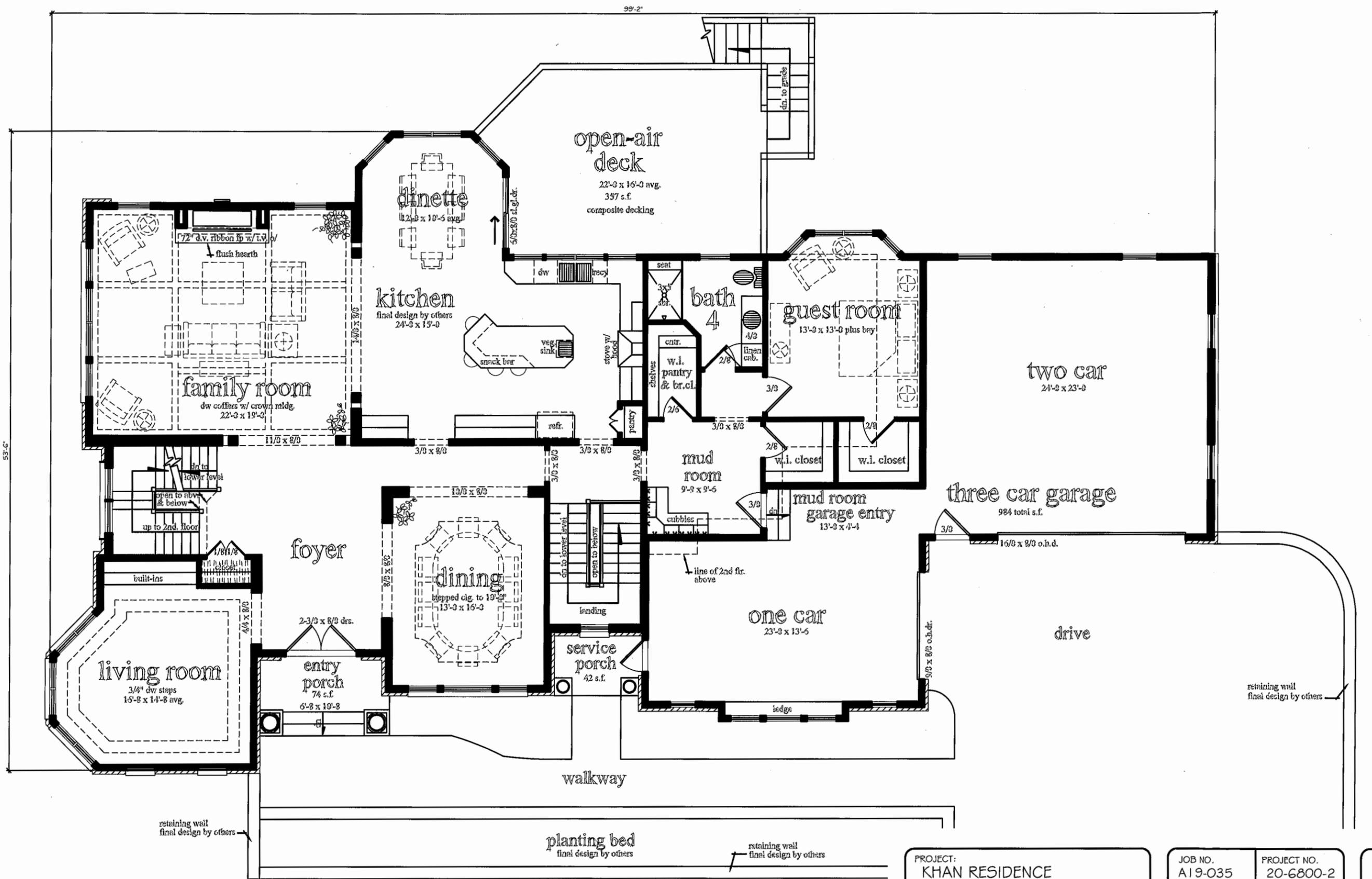


lower level floor plan 1862 s.f. finished area  
 scale: 1/8"=1'-0"

|   |
|---|
| PROJECT:<br>KHAN RESIDENCE<br>LOT #8, CLOVER HILLS TRACT<br>PITTSFORD, NEW YORK |
| CLIENT:<br>AKHTIAZ KHAN   |
| DRAWING TITLE:<br>LOWER LEVEL PLAN  |

|                    |                          |
|--------------------|--------------------------|
| JOB NO.<br>A19-035 | PROJECT NO.<br>20-6800-2 |
| DRAWN BY:<br>CME   | A2.0                     |
| CHECKED BY:<br>JRF |                          |
| DATE:<br>7-11-2019 |                          |





first floor plan

2533 s.f.

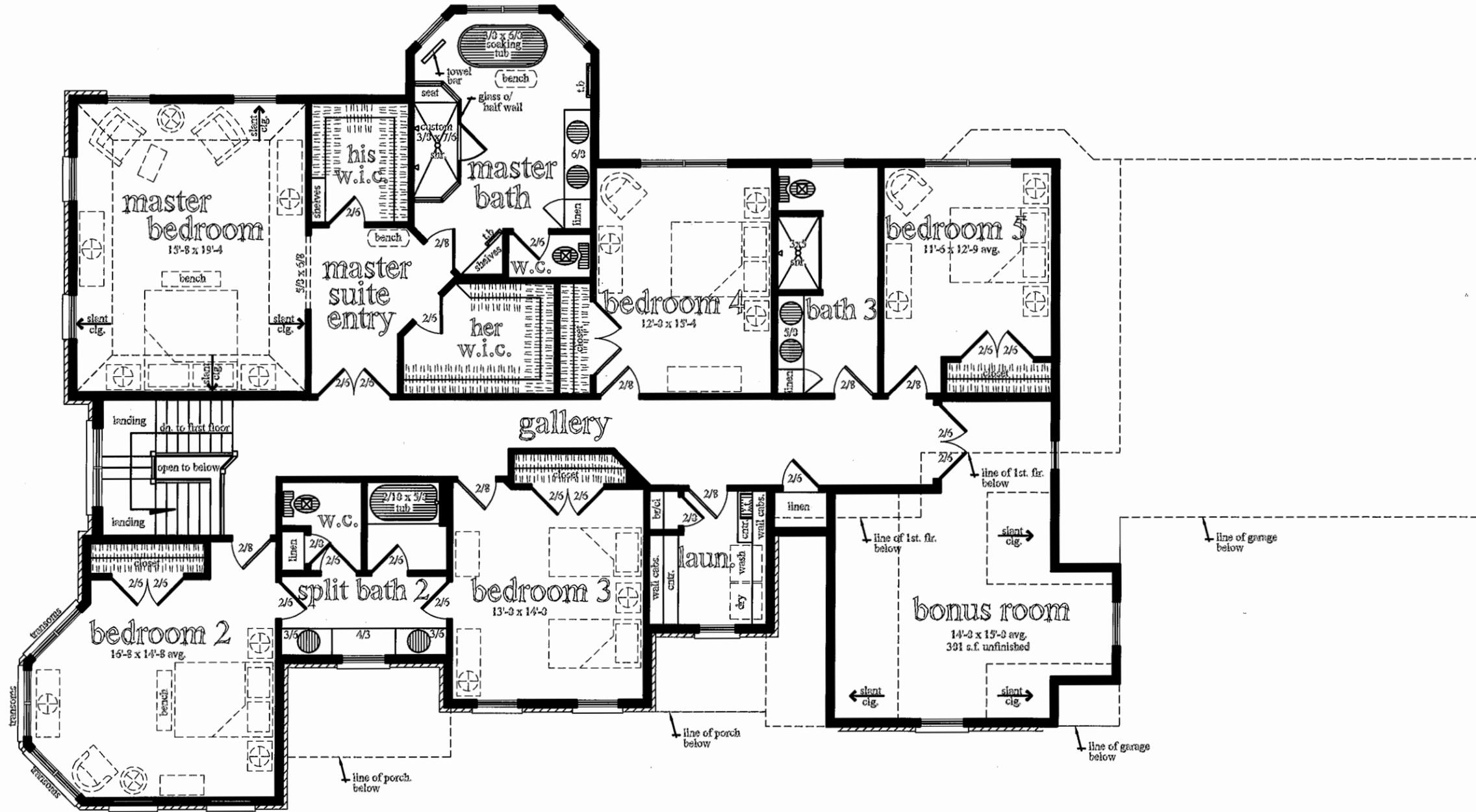
scale: 1/8"=1'-0"



|   |
|---|
| PROJECT:<br>KHAN RESIDENCE<br>LOT #8, CLOVER HILLS TRACT<br>PITTSFORD, NEW YORK |
| CLIENT:<br>AKHTIAZ KHAN   |
| DRAWING TITLE:<br>FIRST FLOOR PLAN  |

|                    |                          |
|--------------------|--------------------------|
| JOB NO.<br>A19-035 | PROJECT NO.<br>20-6800-2 |
| DRAWN BY:<br>CME   | A3.0                     |
| CHECKED BY:<br>JRF |                          |
| DATE:<br>7-11-2019 |                          |





second floor plan

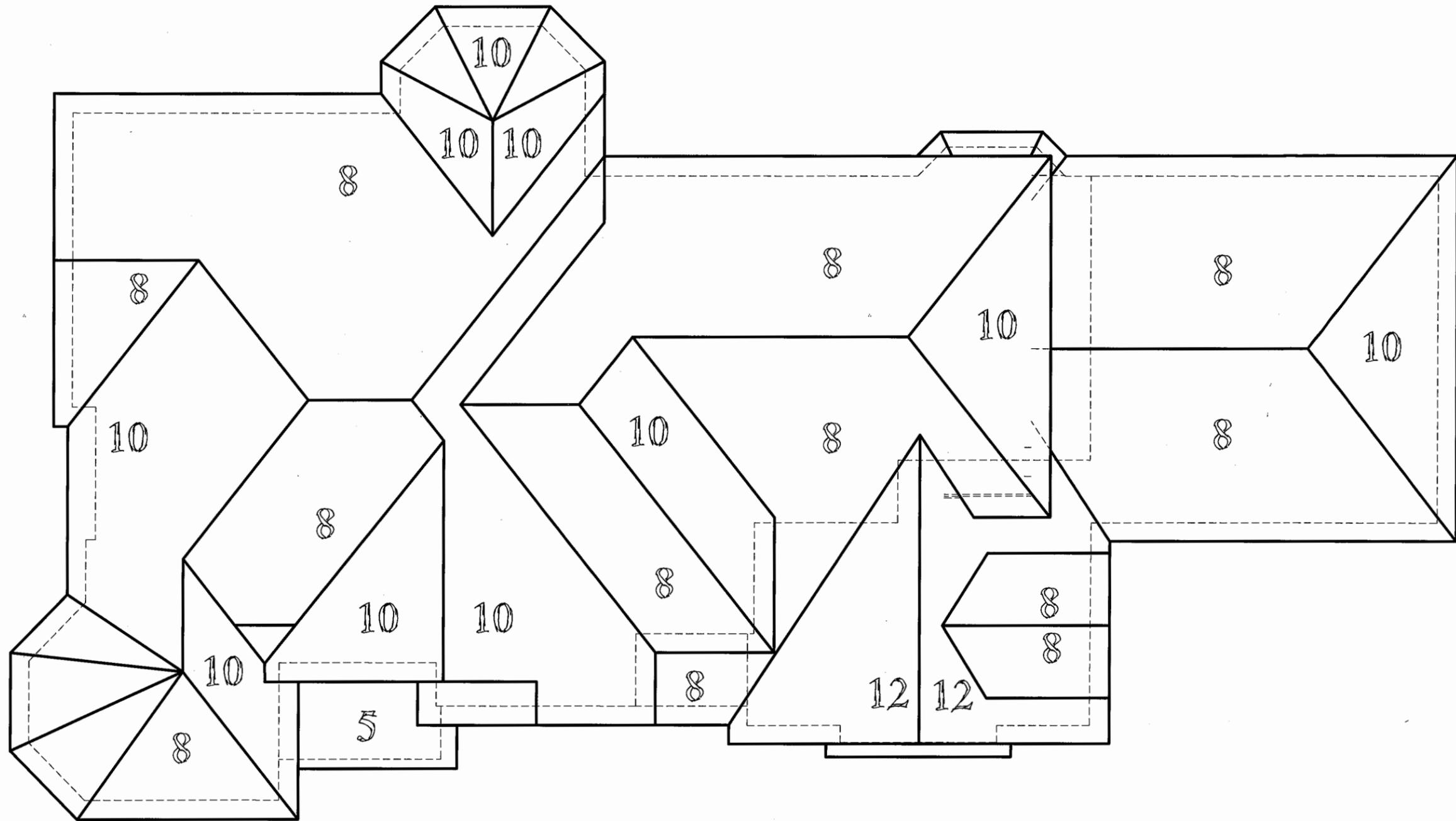
scale: 1/8"=1'-0"

2405 s.f.

|   |
|---|
| PROJECT:<br>KHAN RESIDENCE<br>LOT #8, CLOVER HILLS TRACT<br>PITTSFORD, NEW YORK |
| CLIENT:<br>AKHTIAZ KHAN   |
| DRAWING TITLE:<br>SECOND FLOOR PLAN   |

|                    |                          |
|--------------------|--------------------------|
| JOB NO.<br>A19-035 | PROJECT NO.<br>20-6800-2 |
| DRAWN BY:<br>CME   | A4.0                     |
| CHECKED BY:<br>JRF |                          |
| DATE:<br>7-11-2019 |                          |



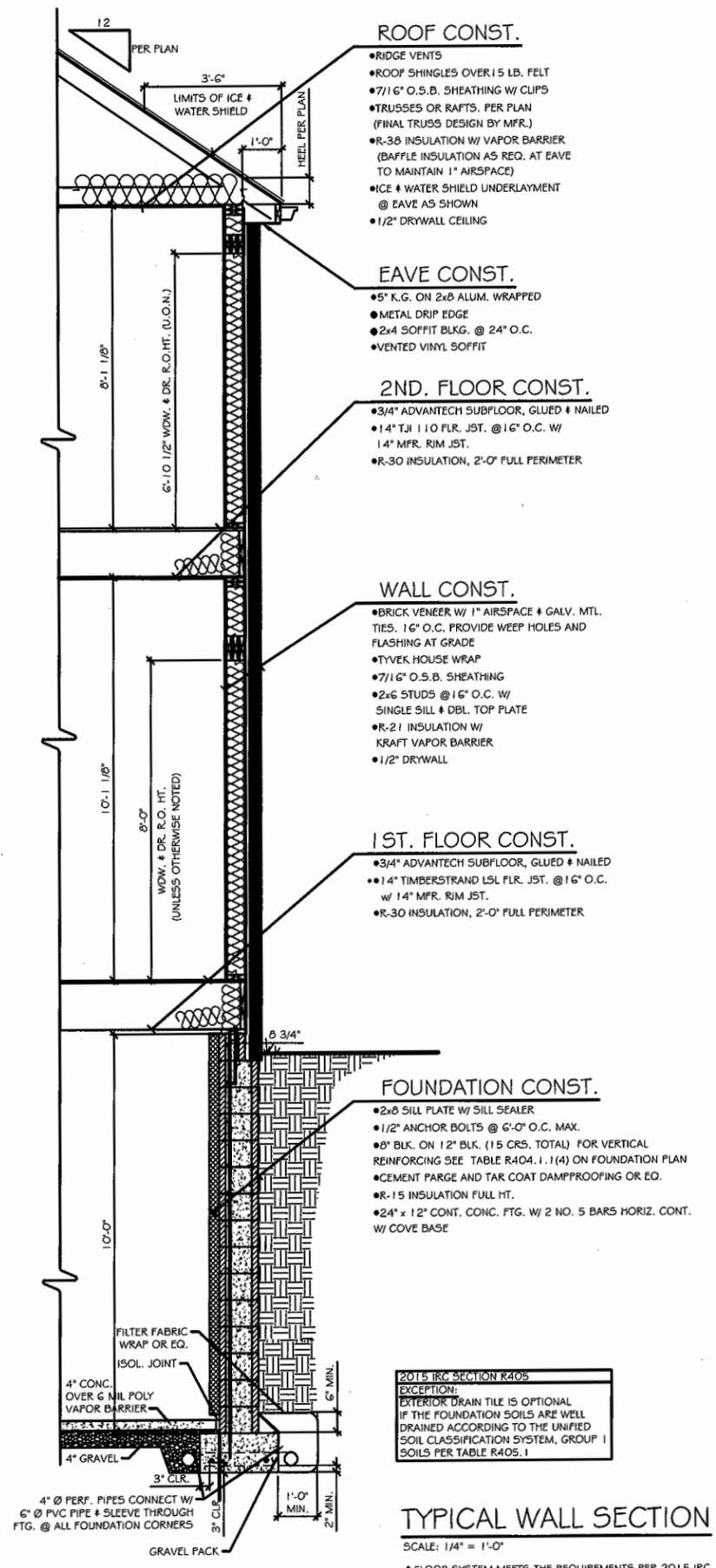


roof plan  
scale: 1/8"=1'-3"

|   |
|---|
| PROJECT:<br>KHAN RESIDENCE<br>LOT #8, CLOVER HILLS TRACT<br>PITTSFORD, NEW YORK |
| CLIENT:<br>AKHTIAZ KHAN   |
| DRAWING TITLE:<br>ROOF PLAN   |

|                    |                          |
|--------------------|--------------------------|
| JOB NO.<br>A19-035 | PROJECT NO.<br>20-6800-2 |
| DRAWN BY:<br>CME   | A5.0                     |
| CHECKED BY:<br>JRF |                          |
| DATE:<br>7-11-2019 |                          |





PROJECT:  
KHAN RESIDENCE  
LOT #8, CLOVER HILLS TRACT  
PITTSFORD, NEW YORK

CLIENT:  
AKHTIAZ KHAN

DRAWING TITLE:  
TYPICAL WALL SECTION

|                    |                          |
|--------------------|--------------------------|
| JOB NO.<br>A19-035 | PROJECT NO.<br>20-6800-2 |
| DRAWN BY:<br>CME   | AG.0                     |
| CHECKED BY:<br>JRF |                          |
| DATE:<br>7-11-2019 |                          |



# Zoning Board of Appeals? Referral Form Information

**Property Address:**

345 Kilbourn Road??ROCHESTER, NY 14618

**Property Owner:**

1563 Main St  
St Helena, CA 94574

**Applicant or Agent:**

Stahl Property Associates  
?

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

| <b>Town Code Requirement is:?</b> |     | <b>Proposed Conditions:</b> |     | <b>Resulting in the Following Variance:</b> |        |
|-----------------------------------|-----|-----------------------------|-----|---|--------|
| 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:                           | 12  | Height:                     | 25  | Height:                                     | -13.0  |
| Size:                             | 180 | Size:                       | 750 | Size:                                       | -570.0 |

**Code Section(s):** 185-113 B (1)?185-113 B(2)

**Description:** Applicant is requesting relief from Town Code for an oversized and over height accessory structure (Detached Garage) located in the rear yard. The oversized accessory structure is constructed to a height of approximately 25' and approximately 750 Sq. Ft. in size. The applicant previously received approval for max lot coverage and a side porch addition. The garage was originally part of the application as an addition with a small roof attachment to the house. The applicant wishes to remove this roof creating a detached garage that is oversize per code and requires ZBA approval.

August 08, 2019



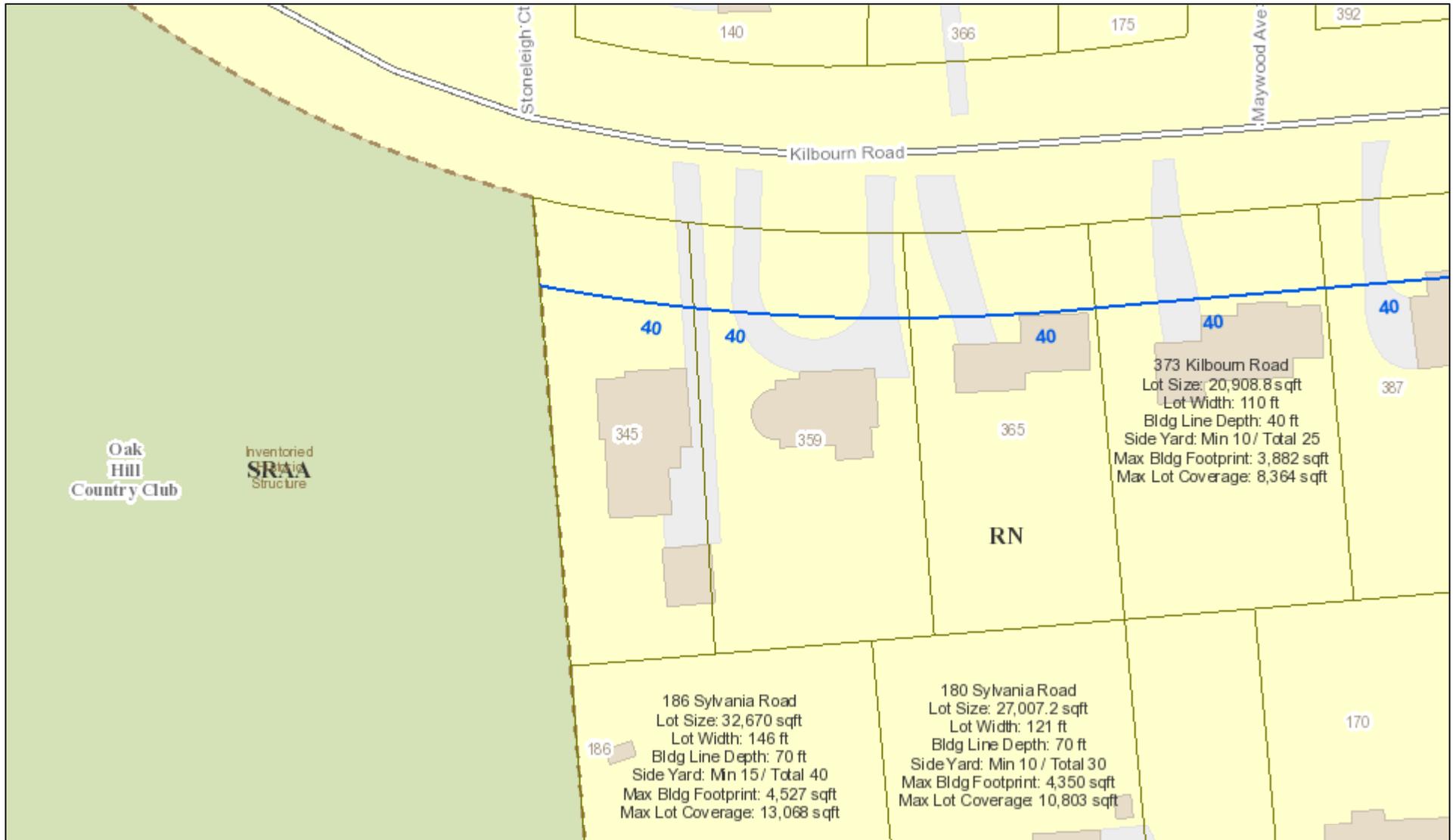
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Date

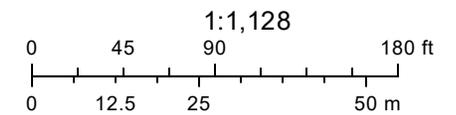
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Mark Lenzi -?Building Inspector CEO

# RN Residential Neighborhood Zoning



Printed August 8, 2019



Town of Pittsford GIS

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.



387

373

365

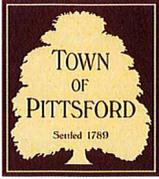
359

345

170

180

186



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

Submission Date: July 22, 2019 Hearing Date: August 19, 2019

Applicant: Stahl Property Associates, LLC

Address: 345 Kilbourn Road, Rochester NY 14618

Phone: (585) 415-9882 E-Mail: kimbailey99@gmail.com

Agent: Kimberley Bailey  
*(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 Form.)**

Property Location: Pittsford Current Zoning: \_\_\_\_\_

Tax Map Number: 138-18-3-1

Application For:       Residential       Commercial       Other

Please describe, in detail, the proposed project:

We are submitting a proposal for a detached garage. As approved, the original garage design had an attached walkway that met the code. The design had an entryway to the house at that attachment. That was altered and that particular entryway removed and therefore there is no longer an access point to the house from the garage.

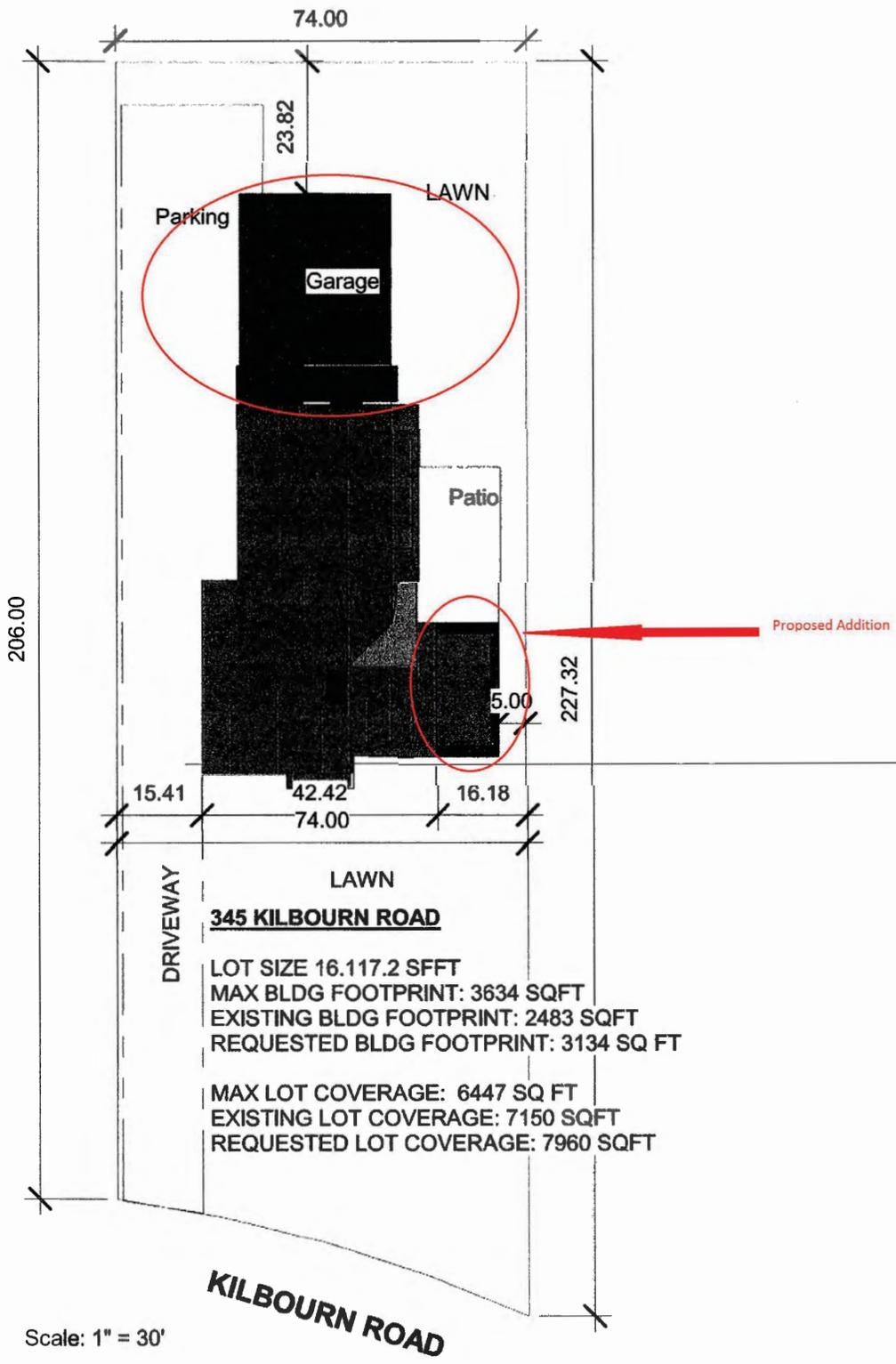
**SWORN STATEMENT:** As applicant or legal agent for the above described property, I do hereby swear that all statements, descriptions, and signatures appearing on this form and all accompanying materials are true and accurate to the best of my knowledge.

Kim Bailey

*(Owner or Applicant Signature)*

07/22/19

*(Date)*



Scale: 1" = 30'



# 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 original house had a detached garage visible from the road. We moved the garage directly behind the house so it is no longer visible from the road, and it allows for vehicles to have a turn around area that was not present originally. The footprint of the garage remains the same as the approved plans, has not changed in size or scope, except for the attachment area that led to an entryway is no longer there. This entryway was removed to accommodate the interior layout of the kitchen, and without the entryway there is no access point from the garage. We believe by moving the original unattached garage to this location we have improved the character of the lot, and the fact it is unattached presently is in no way a detriment to nearby properties as it is located in a better position and was never attached originally.

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

Due to the deep and narrow lot, we left the garage detached to allow access from the driveway/side entry to the backyard patio area. We were trying to accommodate a walkway between the garage and the house to connect the driveway to the back patio. This could be achieved with a small roof attachment that led to an entryway into the back of the house. This entryway had to be removed to accommodate the kitchen layout, therefore the small attachment serves no purpose. Due to the fact that the roof attachment serves no purpose without the entryway, and that the former garage was detached and now has been relocated to a more favorable position on the lot, we request the variance to leave the garage detached.

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

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

It is substantial in that the structure is over the 180sf X 12' height and size requirement for an attached garage. We have eliminated the previous already detached garage that was visible from the road, and the new garage has been located behind the house and has less visible impact from the road due to its close proximity to the house. Therefore the size of the garage has very limited impact on the neighborhood.

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 original house had a detached garage visible from the road that was not aesthetically pleasing to the neighborhood. We moved the garage directly behind the house so it is no longer visible from the road, and it allows for vehicles to have a turn around area that was not present originally and allowing for less vehicles parked in the driveway. The footprint of the garage remains the same as the approved plans, has not changed in size or scope, and has no environmental impact. We are only requesting the change to remove the small attachment piece from the garage to the house as it will serve no purpose and will be visually unappealing. Every other aspect of the original approved garage remains the same.

- **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?

It was only self created as the footprint of the house on the narrow lot only allowed for certain layouts to be achieved on the interior. Once it was determined that we needed to remove the entryway that would lead to the garage to accommodate the kitchen layout, the attachment was no longer necessary.

# Disclosure Form E

STATE OF NEW YORK  
COUNTY OF MONROE

TOWN OF PITTSFORD

In the Matter of

345 Kilbourn Rd, Pittsford NY 14618

(Project Name)

The undersigned, being the applicant(s) to the...

Town Board     Zoning Board of Appeals     Planning Board     Architectural Review Board

...of the Town of Pittsford, for a...

change of zoning     special permit     building permit     permit     amendment

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 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)

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*Ken Bels*  
(Signature of Applicant)

07/22/19  
(Dated)

345 Kilbourn Rd

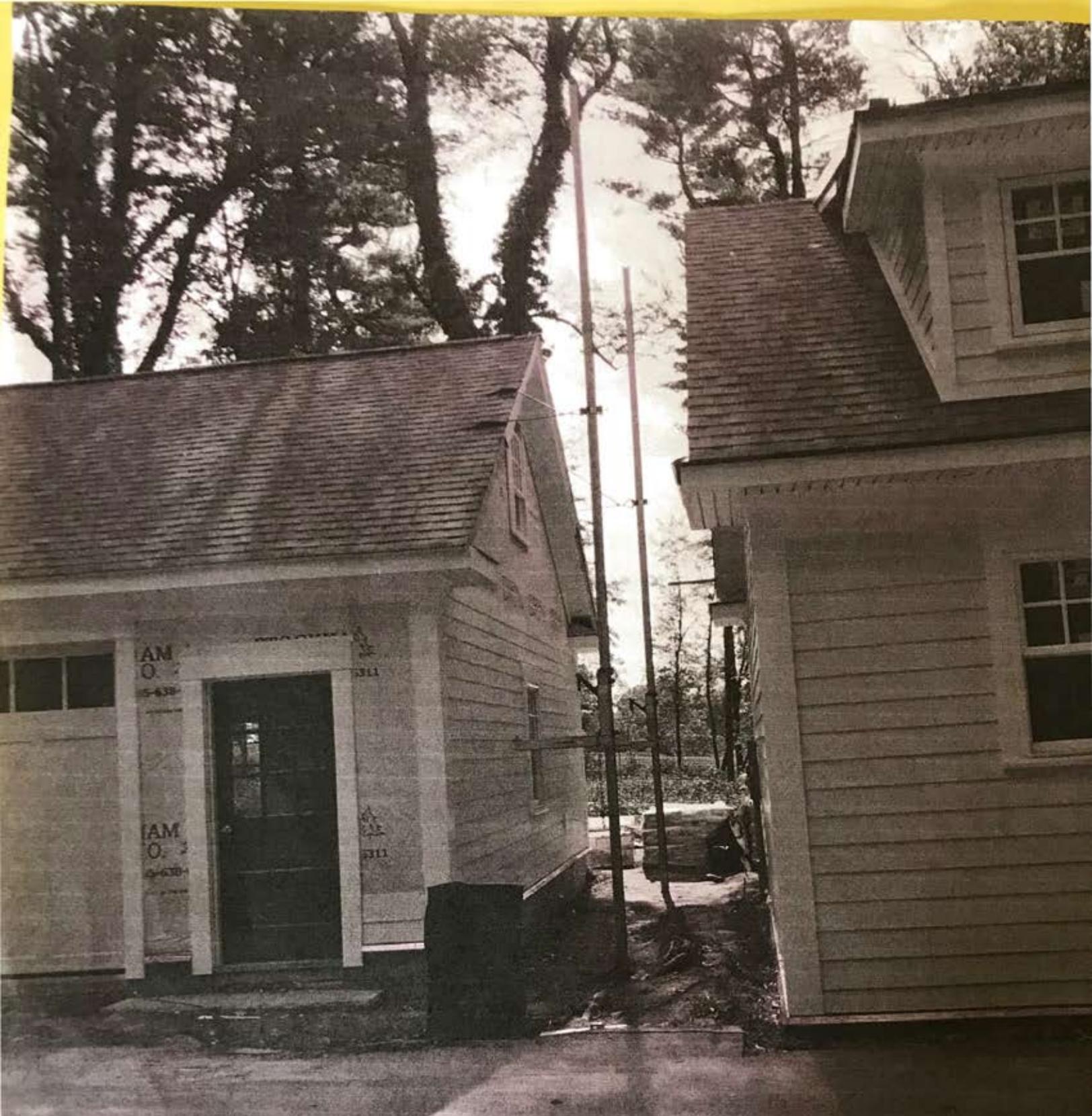
(Street Address)

Pittsford NY 14618

(City/Town, State, Zip Code)



PREVIOUS DETACHED GARAGE - NOW REMOVED



NEWLY CONSTRUCTED GARAGE SHOWING  
WALKWAY/ACCESS TO BACKYARD FROM  
DRIVEWAY



VIEW OF NEW GARAGE  
NOTE MINIMAL IMPACT ON NEIGHBOURHOOD  
DUE TO GARAGE LOCATION BEHIND HOUSE