TOWN OF PITTSFORD ZONING BOARD OF APPEALS AGENDA May 15, 2023 7:00 PM

APPLICATION FOR AN AREA VARIANCE - NEW

- 2 Charter Oaks, Tax # 178.06-3-60, Applicant is requesting relief from Town Code §185 17 B. for a proposed garage expansion encroaching into the front setback. This property is zoned Residential Neighborhood (RN).
- 7 Grey Fawn, Tax # 165.09-3-50, Applicant is requesting relief from Town Code §185 - 17 H. for greater than 40% impervious lot coverage. This property is zoned Residential Neighborhood – (RN).
- 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. The garage is proposed to be 20' from the right side property line, 22' high and 1,543 Sq. Ft. This property is zoned Residential Neighborhood (RN).
- 9 Knickerbocker Road, Tax # 164.18-1-1, Applicant is requesting relief from Town Code §185-113 B. and §185-120 A. to place a sport court forward of the rear wall of the home and less than the minimum setback from Mendon and Knickerbocker roads. This property is zoned Residential Neighborhood – (RN).
- 16 Cedarwood Circle, Tax # 178.11-2-26, Applicant is requesting relief from Town Code §185 - 17 L. for a proposed addition, garage/den expansion encroaching into the side setback. This property is zoned Residential Neighborhood – (RN).

TOWN OF PITTSFORD ZONING BOARD OF APPEALS MINUTES APRIL 17, 2023

PRESENT

George Dounce, Chairperson; Barbara Servé, Vice Chair; Phil Castleberry, Mary Ellen Spennacchio-Wagner, Jennifer Iacobucci, Tom Kidera, Jim Pergolizzi

ALSO PRESENT

Kate Munzinger, Town Board Liaison; Bill Zink, Building Inspector; Susan Donnelly, Secretary to the Board

Proceedings of a regular meeting of the Pittsford Zoning Board of Appeals were held on Monday, April 17, 2023, at 7:00 PM local time.

George Dounce, Chairperson called the regularly scheduled meeting of the Zoning Board of Appeals to order.

The applications before the Board this evening are Type II Actions under 6-NYCRR §617.5 (c) and, therefore, are 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 - NEW

 102 Washington Road, Tax # 151.11-2-47, Applicant is requesting relief from Town Code §185-17 E. to place a generator within the side yard. This property is zoned Residential Neighborhood – (RN).

Chairman Dounce opened the public hearing.

The homeowner, Amy Geithner was present.

The generator will be located off the back corner of the home. The reason for the variance request is the placement of an existing downspout.

The homeowner stated that the generator will not be seen by the neighbors. She also stated she has spoken with both of her neighbors and they have no objections.

The installation is scheduled for May 5.

Chairman Dounce called for public comment. Bob Hyman of 7 Grey Fawn inquired about the need for the variance.

Mary Ellen Spennacchio-Wagner moved to close the public hearing.

Tom Kidera seconded.

All Ayes.

 33 Amber Hill, Tax # 177.04-2-88, Applicant is requesting relief from Town Code §185-17 I. to place a pool within the rear buffer. This property is zoned Residential Neighborhood – (RN).

Chairman George Dounce opened the public hearing.

The homeowner Robert Allen was present.

The variance request is to accommodate a pool and spa in the back yard. There is Town of Pittsford land behind the home.

The timeframe for construction is summer of 2023.

A large tree will be removed.

There was no public comment.

Jim Pergolizzi moved to close the public hearing.

Jennifer lacobucci seconded.

All Ayes.

 39 Knollwood Drive, Tax # 138.13-1-9, Applicant is requesting relief from Town Code §185-17 B. & E. for the construction of a garage addition forward of the building line and within the side setback and not meeting the total side setback. This property is zoned Residential Neighborhood – (RN).

Chairman Dounce opened the public hearing.

The representative and architect for the homeowner, Jack Sigrist, was present as well as the homeowner, Matt Bender.

The timeline for construction is September of 2023. A drawing was submitted documenting a U-shaped driveway but there is no concern with impervious coverage. There has been no negative feedback from neighbors. The home is already encroaching into the setback due to pre-existing non-conforming conditions.

There was no public comment.

Barb Servé moved to close the public hearing.

Phil Castleberry seconded.

All Ayes.

DECISION FOR 102 WASHINGTON ROAD - AREA VARIANCE

A written Resolution to grant the area variance for 102 Washington Road was moved by Board Member Tom Kidera and seconded by Board Member George Dounce.

George Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
lacobucci	Aye
Dounce	Aye

The approved Resolution contains the following Specific Conditions:

- 1. This variance is granted only for the plans submitted and prepared by the Applicant dated April 3, 2023.
- 2. All construction is to be completed by December 31, 2024.

DECISION FOR 33 AMBER HILL DRIVE - AREA VARIANCE

A written Resolution to grant the area variance for 33 Amber Hill Drive was moved by Board Member Phil Castleberry and seconded by Mary Ellen Spennacchio-Wagner.

Chairman Dounce called for a roll call vote.

Servé	Aye
Pergolizzi	Aye
Spennacchio-Wagner	Aye
Castleberry	Aye
Kidera	Aye
lacobucci	Aye
Dounce	Aye

The approved Resolution contains the following Specific Conditions:

- 1. This variance is granted only for the plans submitted and prepared by the Applicant dated February 15, 2023.
- 2. All construction is to be completed by December 31, 2024.

DECISION FOR 39 KNOLLWOOD DRIVE - AREA VARIANCE

A written Resolution to grant the area variance for 39 Knollwood Drive was moved by Board Member James Pergolizzi and seconded by Board Member Phil Castleberry. Chairman Dounce called for a roll call vote.

Aye
Aye

The approved Resolution contains the following Specific Conditions:

- 1. This variance is granted only for the plans submitted and prepared by the Applicant dated February 23, 2023.
- 2. All construction is to be completed by December 31, 2024.

POINT PERSONS FOR MAY 15, 2023 MEETING

- 7 Grey Fawn Mary Ellen Spennacchio-Wagner
- 10 Poinciana Drive Jim Pergolizzi
- 2 Charter Oaks Drive Barb Servé
- 9 Knickerbocker Road Jennifer Iacobucci
- 16 Cedarwood Circle George Dounce

MINUTES AND ADJOURNMENT

It was announced that there will be no meeting of the Zoning Board of Appeals on Monday, June 19th in observance of Town closure for Juneteenth.

Chairman George Dounce moved to approve the minutes of March 20, 2023 as written.

All Ayes.

The meeting was adjourned at 7:34 PM.

Respectfully submitted,

Susan K. Donnelly Secretary to the Zoning Board of Appeals

Zoning Board of Appeals Referral Form Information

Property	Address
-----------------	---------

2 Charter Oaks Drive PITTSFORD, NY 14534

Property Owner:

Wong, Grace C RevTrus 2 Charter Oaks Dr Pittsford, NY 14534

Applicant or Agent:

Wong, Cynthia 2 Charter Oaks Dr Pittsford, NY 14534

Present Zoning of Property: RN Residential Neighborhood

Area Variance - Residential and Non-Profit

Town Code Requirement is:		Proposed Condition	ns:	Resulting in the Following Variance	e:
Right Lot Line:		Right Lot Line:		Right Lot Line:	
Left Lot Line:		Left Lot Line:		Left Lot Line:	
Front Setback:	70'	Front Setback:	61.3'	Front Setback:	8.7'
Rear Setback:		Rear Setback:		Rear Setback:	
Height:		Height:		Height:	
Size:		Size:		Size:	

Code Section(s): §185 - 17 B.

Description: Applicant is requesting relief from Town Code §185 - 17 B. for a proposed garage expansion encroaching into the front setback. This property is zoned Residential Neighborhood – (RN).

April 14, 2023

Date

Bill Zink - Building Inspector



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date:	Hearing Date:
Applicant: Scott A. Harter, P.E.	
Address: 7171 Victor-Pittsford Road	Victor, New York 14564
Phone: (585) 924-1860	E-Mail: proengineer1@prodigy.net
Agent:	
(if different than	
Property Owner: Cynthia Wong, executor for the est	
(if different than	
Address: 923 Head of Pond Road	Water Mill , New York 11976
Phone: (631) 726-7629	E-Mail: cmw923@gmail.com
(If applicant is not the property owner please compl	ete the Authorization to Make Application Form.)
Property Location: 2 Charter Oaks Drive	Current Zoning: Residential Neighborhood (RN
Tax Map Number:178.06-3-60	
Application For: Residential C	ommercial
Please describe, in detail, the proposed project:	
Interior and exterior remodel of family home with a 13.5 feet and a front entry addition of approximate	
SWORN STATEMENT: As applicant or legal agent for the about statements, descriptions, and signatures appearing on this form the best of my knowledge. Add Addada	m and all accompanying materials are true and accurate to MARCH 28, 2023
(Owner or Applicant Signature)	(Date)

	ACOI A.CHAMA	MARCH 28, 2023	
	(Owner or Applicant Signature)	(Date)	
Rev. 10/19/17			5





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)

 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 expansion of the entry would appear to fall within the allowable facade and not require a variance. The garage expansion/extension however represents a variance request of 8.7 feet. This improvement will replace an equivalent amount of driveway area and represents a relief numerically of approximately 12% from the required dimension. New landscaping proposed will buffer any visual impact from this improvement. The improvement also eliminates the need to construct a storage shed or equivalent structure in the limited area of the rear yard. As such, the net impact to the neighborhood upon project completion is judged to be positive and therefore no undesirable change or detriment to nearby properties is anticipated.

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

This residence has been the family home since it was originally constructed. For this family, like others, lifestyle and associated needs have changed over the years. Besides a general upgrade of the residence, being a single story, additional area comes from the gaining more building area where identified. Being a corner lot with two front setback distances, places the structure as/where shown into the northeast corner. Any expansion to the north reduces the already minimal rear yard area that is affected by a rear yard setback and the easterly adjoining sanitary sewer easement. As such, improvement of the residence with limited expansion could not occur without the requested variance.

Rev. 10/19/17

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The proposed expansion of the entry would appear to fall within the allowable facade and not require a variance. As such, the Town of Pittsford appears to recognize such expansion as acceptable. The garage expansion/extension represents a variance request of 8.7 feet. This improvement will replace an equivalent amount of driveway area and represents a relief numerically of approximately 12% from the required dimension. A 12% reduction is judged to be minor in this case.

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:

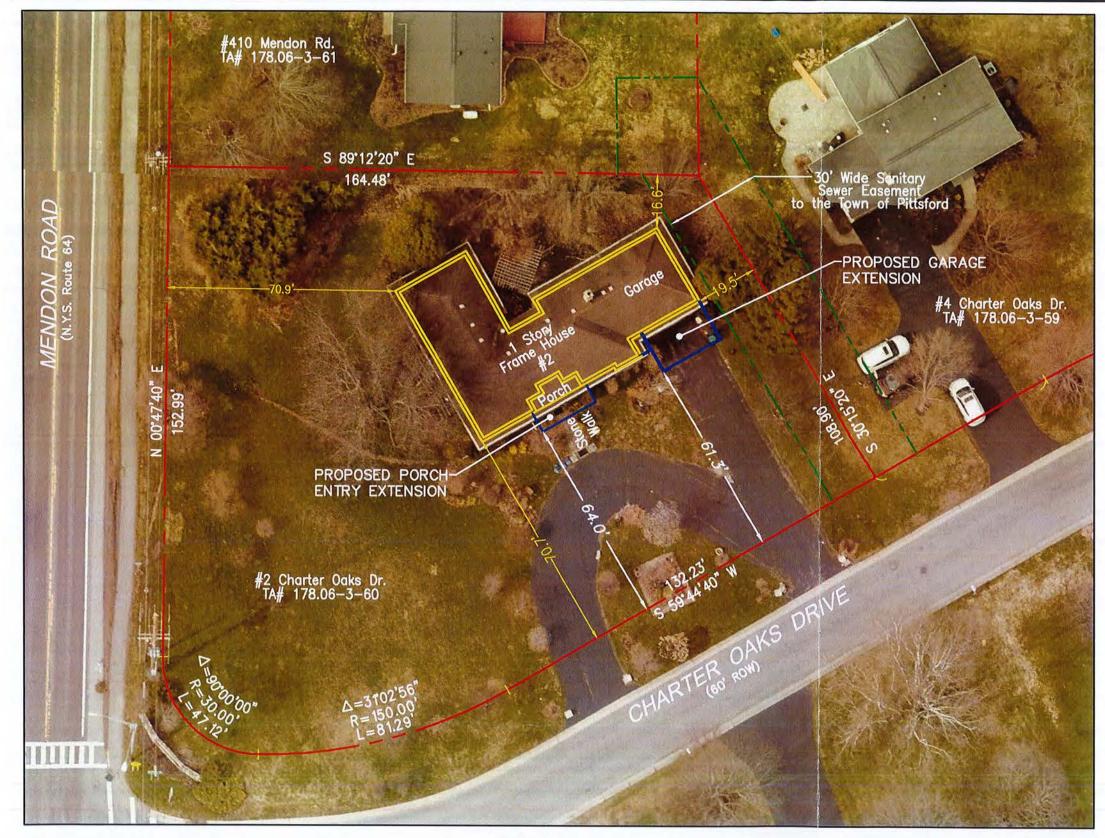
As identified, the requested area variance is minor and any visual impacts associated with the improvements will be mitigated with the new landscaping to be provided. The project is a total upgrade of both the house and yard. So in consideration of the net result of all these improvements, the property will most certainly be judged as greatly improved by the neighbors. Therefore no adverse effect or impact on the physical or environmental condition or zoning district will result from the granting of this variance.

- 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 the difficulty is created by virtue of the project itself. Without proceeding with the improvements described, there would be no variance request and therefore no difficulty.

Rev. 10/19/17 8







GENERAL NOTES

- MAP BEARINGS AND HORIZONTAL ORIENTATION IS GRID.
- EXISTING FEATURES AND TIE DISTANACES SHOWN BY LINEWORK ARE REFERENCED TO AN INSTRUMENT SURVEY BY LAND TECH ENTITLED "LOT 2 OF THE CHARTER OAKS SUBDIVISION, SECTION 1", DATED OCTOBER 12, 2022.

LEGEND

EXISTING PROPERTY LINE

EXISTING EASEMENT LINE

PROPOSED BUILDING ADDITION

SITE PLAN FOR VARIANCE

2 CHARTER OAKS DRIVE

TOWN OF PITTSFORD, MONROE COUNTY, NEW YORK STATE

PROFESSIONAL

ENGINEERING

CLIENT:

CYNTHIA WONG 923 HEAD OF POND RD. WATER MILL, NY 11976

7171 VICTOR - PITTSFORD ROAD GROUP VICTOR, NEW YORK 14564 (585) 924-1860 EMAIL: PROENGINEER1@PRODIGY.NET

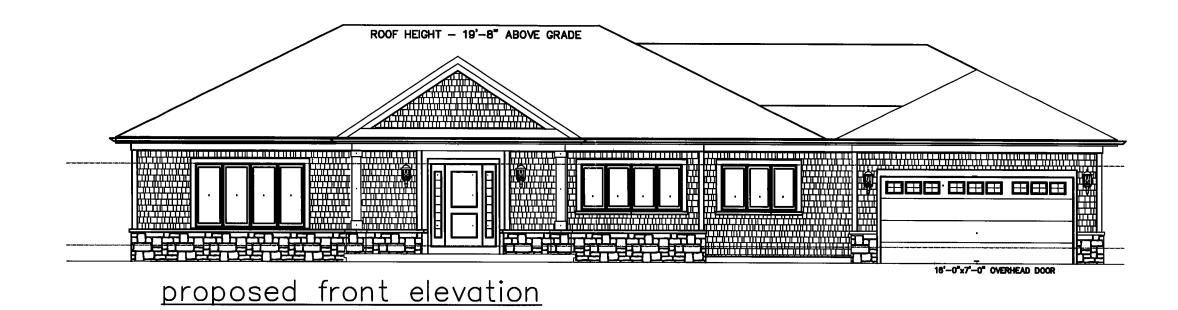
MAR 2023 S.A.H

1" = 30"

SHEET NO .: DRAWING NO .: 230324SP1

SCALE: 1"=30"

15'



0' 4' 8' 16' SCALE: 1/8"=1'

Zoning Board of Appeals Referral Form Information

Property Address:

7 Grey Fawn PITTSFORD, NY 14534

Property Owner:

Hyman, Robert S 7 Grey Fawn Pittsford, NY 14534

Applicant or Agent:

Hyman, Robert S 7 Grey Fawn 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: Right Lot Line: Right Lot Line: Left Lot Line: Left Lot Line: Left Lot Line: Front Setback: Front Setback: Front Setback: Rear Setback: Rear Setback: Rear Setback:

Height: Height: Height:

Impervious Lot Coverage: 40% Impervious Lot Coverage: 41.51% Impervious Lot Coverage: 1.51%

Code Section(s): §185 - 17 H.

Description: Applicant is requesting relief from Town Code §185 - 17 H. for greater than 40% impervious lot coverage. This property is zoned Residential Neighborhood – (RN).

April 19, 2023

Bill Zink

Date Bill Zink - Building Inspector

Print Form

Reset Form



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date:		Hearing Date:
Applicant: Robe	ert Hyman	
Address: 7 Grey	r Fawn	
Phone: 585-732-	-5222	E-Mail: bobhyman@outlook.com
Agent:	(if different t	
Address:	(if different ti	han Applicant)
		E-Mail:
	(if different ti	
	(ir amerent ti	
		E-Mail:
		plete the Authorization to Make Application Form.)
Tax Map Number:	165.19-3-50	
Application For:	☑ Residential □	Commercial
	detail, the proposed project: closed porch to the rear of the hom	ie
SWORN STATEME statements, descrip the best of my know	otions, and signatures appearing on this fo	bove described property, I do hereby swear that all orm and all accompanying materials are true and accurate to
	(Owner or Applicant Signature)	(Date)

Print Form

Reset Form



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)

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 enclosed 120SF porch will displace approx 30SF of existing brick path, and will thus add approx 90SF to impervious lot coverage.

Existing lot coverage surveyed 8,496 SF ground covering features; representing 41.07% of the total lot size (20,685 SF). No changes have been made since we moved into the home in 2005.

The proposed 120SF porch represents another 0.58% of the lot size; the net increase of 90SF represents 0.44% of the total lot size, bringing the coverage to 41.51%.

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

Placing the porch on top of existing platform deck was considered, but that wouldn't avoid dealing with pre-existing variance situation.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The change requested is minimal - represents 0.44% of the lot space

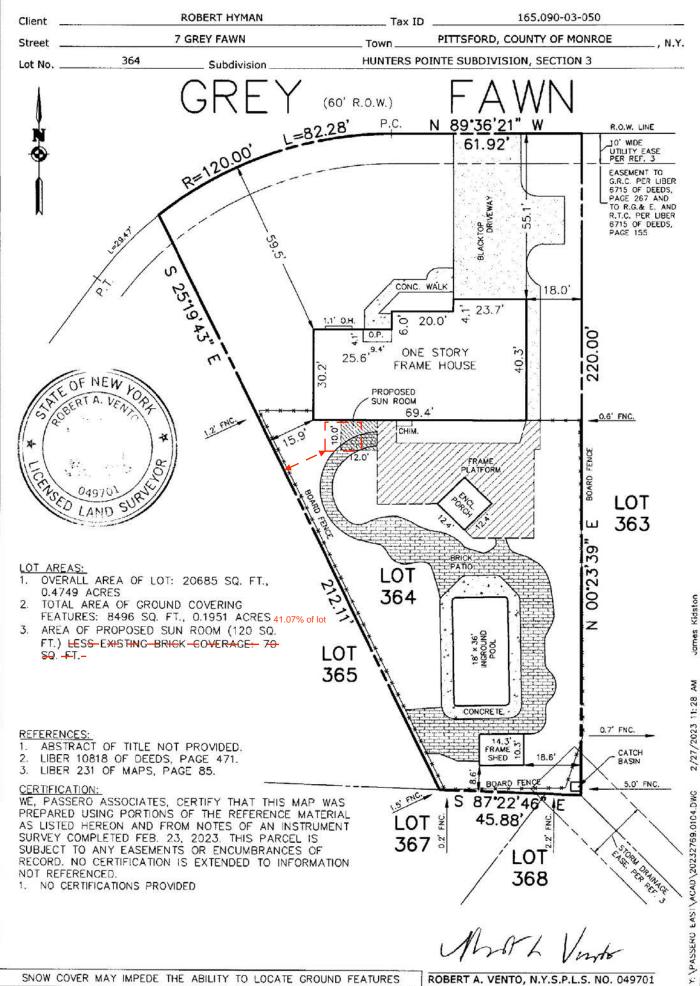
4. Please explain why you feel the requested area variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood or zoning district:

There have not been any drainage issues I'm aware of. The runoff from the porch roof will be routed thru an existing downspout into the ground at the corner of the house.

- 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, we are proposing the new enclosed porch).

INSTRUMENT SURVEY



ROBERT A. VENTO, N.Y.S.P.L.S. NO. 049701

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

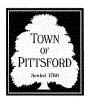
Town Code Requirement i	s:	Proposed Condition	ns:	Resulting in the Following Va	ariance:
Right Lot Line:	20'	Right Lot Line:	17'	Right Lot Line:	3.0'
Left Lot Line:		Left Lot Line:		Left Lot Line:	
Front Setback:		Front Setback:		Front Setback:	
Rear Setback:		Rear Setback:		Rear Setback:	
Height:	12'	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: 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.

Bill Zink April 14, 2023 Date

Bill Zink - Building Inspector



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date:	Hearing Date:
Applicant: Koen Goorman	
Address: 10 Poinciana Drive, Pittsford, NY	14534
Phone: (585) 383-8991	E-Mail: KMGoorman@gmail.com
Agent:	
(if differ	rent than Applicant)
Address:	
Phone:	
Property Owner: (if differ	rent than Annlicant)
Address:	
Phone:	
	complete the Authorization to Make Application Form.)
	Current Zoning:
Tax Map Number:	
Application For:	☐ Commercial ☐ Other
Accessory Structure to house vehicles and for I	hobbies. Structure will be 22 ft in height and be 1,543
SWORN STATEMENT: As applicant or legal agent for t statements, descriptions, and signatures appearing on the best of my knowledge.	he above described property, I do hereby swear that all his form and all accompanying materials are true and accurate to
Hook	8/12/2020 (Date)
(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:

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.

TESTS FOR GRANTING AREA VARIANCES (Continued)

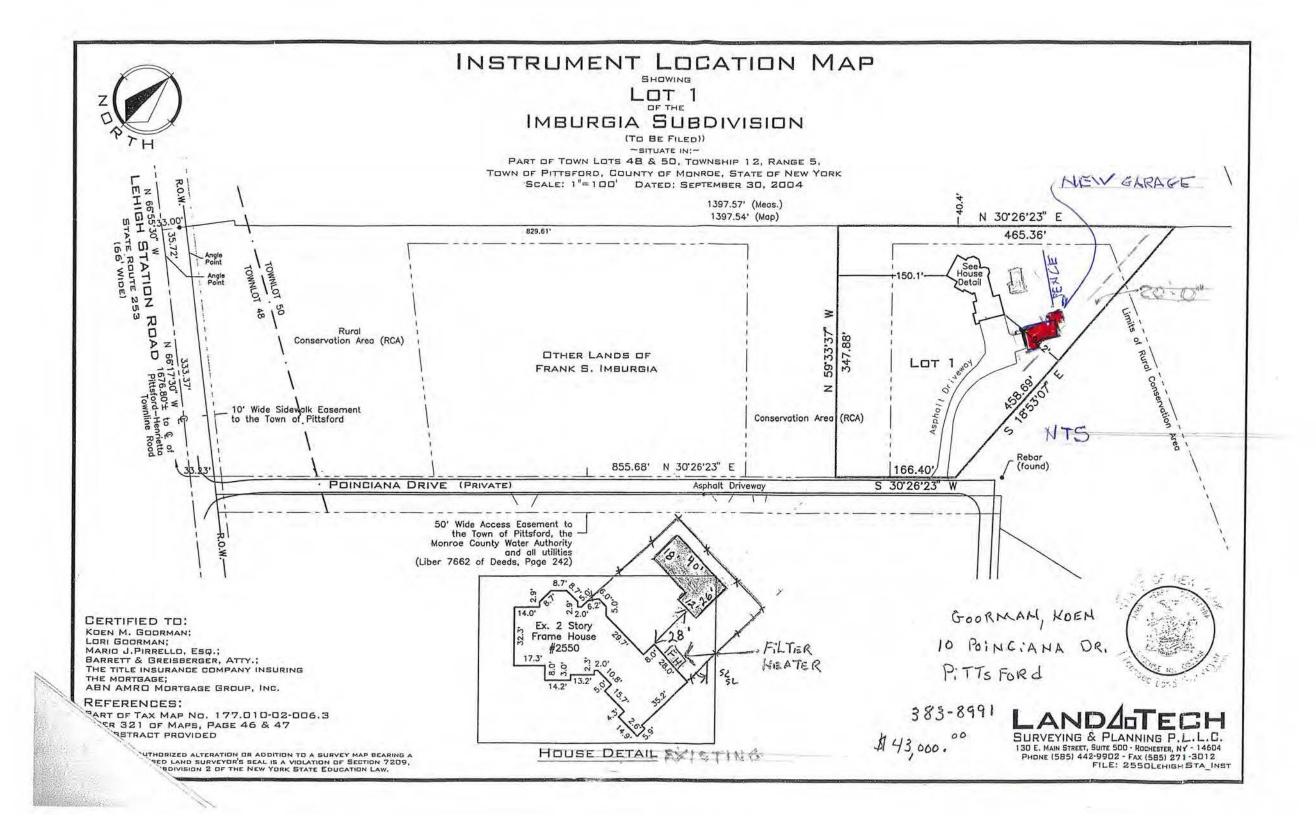
Please explain whether the requested area variance is minimal or substantial:	
Although the requested variance is substantial, it is mitigated by the following factors: It is approximately 1,154 ft from LeHigh Station Road. The speed of passerby's would have to be a slower in order to notice the structure. The size of the structure is in line with the size of the home.	
Please explain why you feel the requested area variance will not have an adverse effect or impact on the ph or environmental condition in the neighborhood or zoning district:	nysical
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 B of Appeals, but shall not necessarily preclude the granting of an area variance; Is the alleged difficulty self-created?	3oard
The difficulty is self-created. This size structure is needed due to the need for vehicle storage a hobby. The significant distance from the road and the landscaping reduce the impact and make feasible project based on what is proposed.	

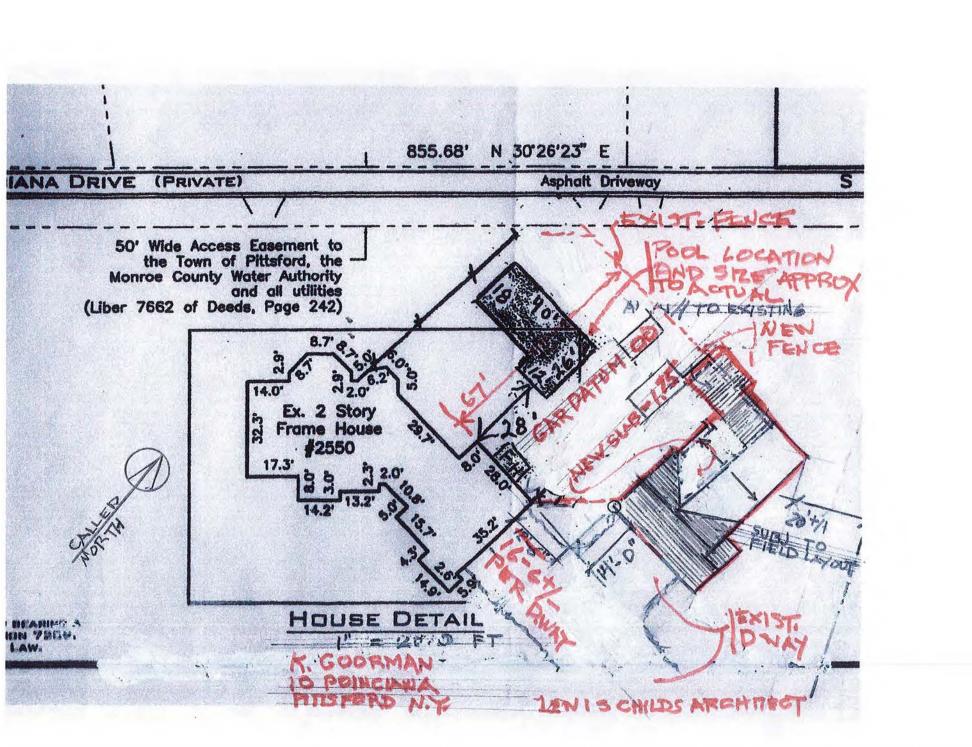
Disclosure Form E

STATE OF NEW YORK COUNTY OF MONROE

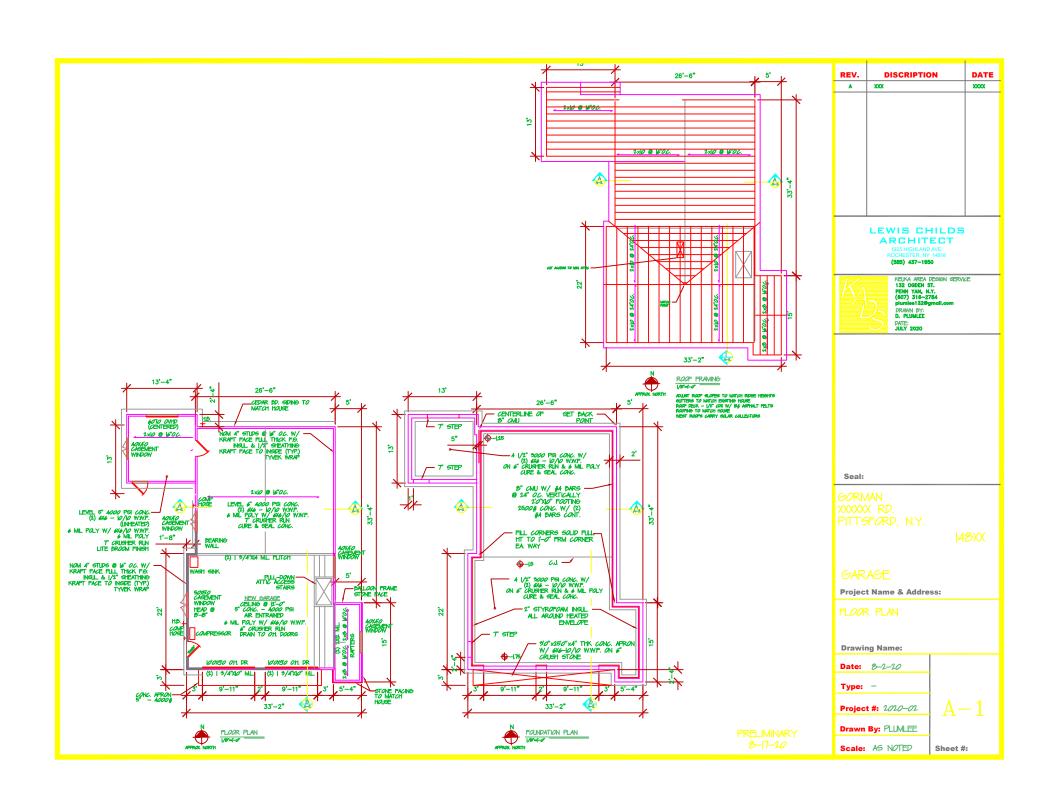
TOWN OF PITTSFORD

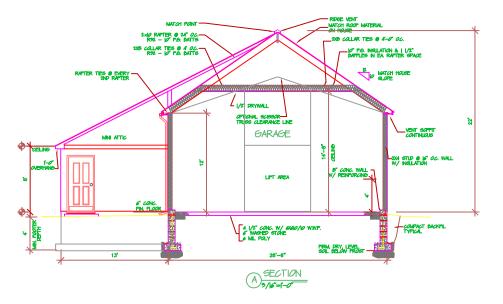
In the Matter of						
10 Poinciana Drive, Accessory Structure						
(Project Name)						
The undersigned, being the applicant(s) to the						
☐ Town Board ☑ Zoning Board of Appeals ☐ Planning Board ☐ Architectural Review Board						
of the Town of Pittsford, for a						
☐ change of zoning ☐ special 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)						
1/2 /2020						
(Signature of Applicant) (Dated) 10 Poinciana Drive						
(Street Address) Pittsford, NY 14534						
(City/Town, State, Zip Code)						

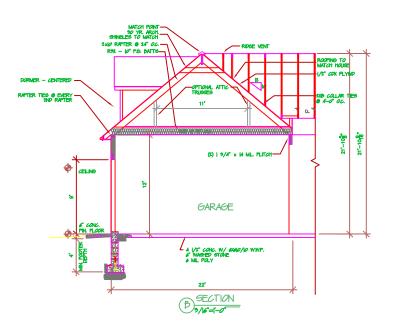










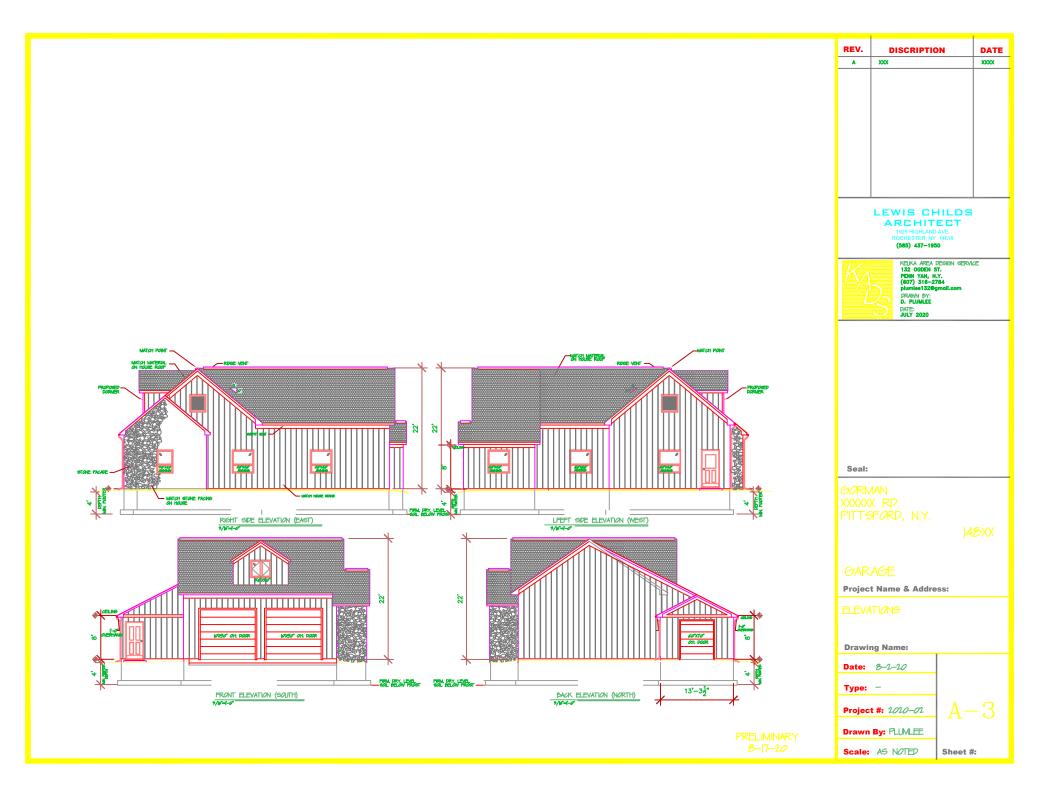


REV.	DISCRIPTION	DATE			
A	XXX	xxxx			
	LEWIS CHILDS ARCHITECT 1925 HIGHLAND AVE ROCHESTER, NY, 14618 (585) 437–1950				
NEIKA AREA PERIEN SERVICE 132 OGDEN ST. PENN YAN, N.Y. (807) 318-2784 plumien1326gmail.com PRANN PY: D. PLUMIEE JULY 2020					
Seal:					
GORN XXXXX		48XX			
GAR	AGE t Name & Address:				
	R PLAN				
Drawi	ng Name:				
Date:	8-1-10				
Type:	-				
Projec	t#: 1010-01 A-	-2			

Drawn By: PLUMLEE
Scale: AS NOTED

Sheet #:

PRELIMINARY









Zoning Board of Appeals Referral Form Information

Property Address:

9 Knickerbocker Road PITTSFORD, NY 14534

Property Owner:

Jacobs, Erica M 9 Knickerbocker Rd Pittsford, NY 14534

Applicant or Agent:

Jacobs, Erica M 9 Knickerbocker Rd 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:	70'	Right Lot Line:	+/- 37'	Right Lot Line:	+/- 3.0
Left Lot Line:		Left Lot Line:		Left Lot Line:	
Front Setback:	70'	Front Setback:	54.6'	Front Setback:	15.4'
Rear Setback:		Rear Setback:		Rear Setback:	
Height:		Height:		Height:	
Size:		Size:		Size:	

Code Section(s): §185-113 B. & §185-120 A.

Description: Applicant is requesting relief from Town Code §185-113 B. and §185-120 A. to place a sport court forward of the rear wall of the home and less than the minimum setback from Mendon and Knickerbocker roads. This property is zoned Residential Neighborhood – (RN).

April 18, 2023

Date

Bill Zink - Building Inspector



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date: April 13, 2023	Hearing Date: IVIAY 15, 2023
Applicant: Erica M. Jacobs	
Address: 9 Knickerbocker Road, Pittsford, NY	14534
Phone: (585) 314-2821	_{E-Mail:} 168westmain@gmail.com
Agent: Richard T. Williams II, Esq.	
(if different that	n Applicant)
Address: 404 Kreag Road	
Phone: (585) 748-3412	E-Mail: rtwlaw@gmail.com
Property Owner:	
(if different that	n Applicant)
Address:	
Phone:	_ E-Mail:
(If applicant is not the property owner please compl	lete the Authorization to Make Application Form.)
Property Location: 9 Knickerbocker Road	Current Zoning: RN
Tax Map Number: 164.18-1-1	
Application For:	ommercial
Please describe, in detail, the proposed project:	
The proposed project is the installation of a 40' x 60' "o asphalt. The court will be used for shuffleboard, pickle-bal relatives and friends. Submitted with this application is a stwo (2) alternative locations. The applicant is requesting A (3), requiring that the court not be located forward of the re 185-120(A) regarding the required 70' front setbacks along	Il and basketball by the applicant, her children, other site survey and drawing of the proposed court, showing area Variances from Town Code Section 185-113(B) ear wall of the main structure and from Section
THE RESERVE OF THE PROPERTY OF	of entries of the control of the con
SWORN STATEMENT: As applicant or legal agent for the abostatements, descriptions, and signatures appearing on this for the best of my knowledge.	ove described property, I do hereby swear that all mand all accompanying materials are true and accurate to
statements, descriptions, and signatures appearing on this form	ove described property, I do hereby swear that all m and all accompanying materials are true and accurate to $\frac{4-3-23}{\text{(Date)}}$



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:

The requested Area Variances relate to the installation of an "outdoor recreational court", which will be essentially on ground, rather than structures of any height. As such, the recreational court will produce minimal visual impact on any nearby properties.

Further, the recreational court use will fit in well with the neighborhood and will be used by the applicant, her children and friends, only, with absolutely no commercial use. The court will not have lighting and will only be used during the portions of the year when weather and outdoor temperatures permit. As a result, the use and the related Variances will be limited and will not be in any way undesirable or out of character with the neighborhood.

The applicant's property is already heavily screened with trees and other vegetation along both Mendon Road and Knickerbocker Road, substantially limiting potential visual impact. Further, the applicant's plans for the court include the installation of evergreen vegetation adjacent to the court, further limiting any potential impacts on nearby 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 applicant's lot is a corner lot of irregular shape with an existing swimming pool and substantial natural vegetation in the rear yard of the lot. These factors, together with the large (70') dual front setbacks make it physically impossible to locate the proposed recreational court in the rear yard or without the requested front setback Variances.

TESTS FOR GRANTING AREA VARIANCES (Continued)

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

The requested Variances are substantial from the perspective that the proposed recreational court will be located entirely forward of the rear wall of the main stricture and significantly within the front setbacks. However, the requested Variances will be minimal with respect to impacts on neighbors and the Zoning District, based on the proximity of neighbors to the proposed recreational court as well as the existing and proposed natural vegetative screening.

Further, the requested front setback Variances are minimal when taking into consideration the April, 1988 front setback Variances that were granted with regard to the primary structure, reducing the front setbacks for the primary structure from 70' to 50', as shown on the plans submitted with this application.

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 property of the applicant is located at the corner of Mendon Road and Knickerbocker Road. There are no neighbors across Knickerbocker Road, where there is an existing "open space". The applicant's only neighbor on her side of Knickerbocker Road is on the other side of her house from where the court is proposed. The applicant's two (2) closest neighbors are located behind her house and her back yard and, therefore, any visual or other impact to them will be obscured by her house. The only other homes in the "neighborhood" are located across Mendon Road and a very substantial distance from the applicant's lot.

Further, the rights-of-way for both Mendon Road and Knickerbocker Road are substantially wider than the actual road pavement, resulting in additional distance from other homes in the neighborhood.

Based on the above factors, any visual or other environmental impact on the neighborhood is negligible and would not change in the event that the court was located at any other location on the applicant's lot and with or without the requested Variances.

- 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 resulting in the requested Variances is self-created insofar as it relates to the desire of the applicant to have a recreational court on her property for use by family and friends. However, the need for the Variances results from the physical limitations of the applicant's lot, the location of the main structure on the lot, the substantial "supplemental setbacks" and the existing swimming pool and rear yard vegetation.

RICHARD T. WILLIAMS, II ATTORNEY & COUNSELOR AT LAW

404 KREAG ROAD • PITTSFORD, NEW YORK • 14534

TELEPHONE: 585-748-3412 EMAIL: RTWLAW@GMAIL.COM

April 13, 2023

Mr. Douglas DeRue Town of Pittsford 11 South Main Street Pittsford, New York 14534

> Re: Jacobs – 9 Knickerbocker Road Area Variances

Dear Doug:

On behalf of my client, Erica Jacobs, I am submitting her application for three (3) Area Variances for the 9 Knickerbocker Road property and so as to allow for the installation of an "outdoor recreational court". Such accessory structure is allowed for in accordance with the provisions of Town Code Section 185-113(A)(3).

The requested area Variances are required as a result of the 70' front setbacks along both Mendon Road as well as Knickerbocker Road and to allow the recreational court to be placed in the side yard of Erica's property and, therefore, forward of the rear wall of the primary structure.

The materials submitted to support the application include the required Application and Checklist; Survey Map; Site Plan Map; completed "Tests for Granting Area Variance"; Disclosure Form"; and check for the Application Fee.

We have also included a "Google Earth" photo of the property, which visually shows the property and the impossibility of locating the proposed recreational court in the rear yard and/or in compliance with the 70' required setbacks. Parenthetically, although the Google Earth photo is generally accurate, it shows a deck in the rear yard, which was replaced with a swimming pool subsequent to the Google Earth photo. The Site Map which is submitted as part of the application materials is fully current and shows the swimming pool.

It is also important to note that although the Town's "Supplemental Setbacks" require a 70' front setback from both Mendon and Knickerbocker Roads, an Area Variance was granted in April of 1988, allowing 50' front setbacks from both roads for the primary structure. Such Area Variance setbacks are noted on the Site Map submitted.

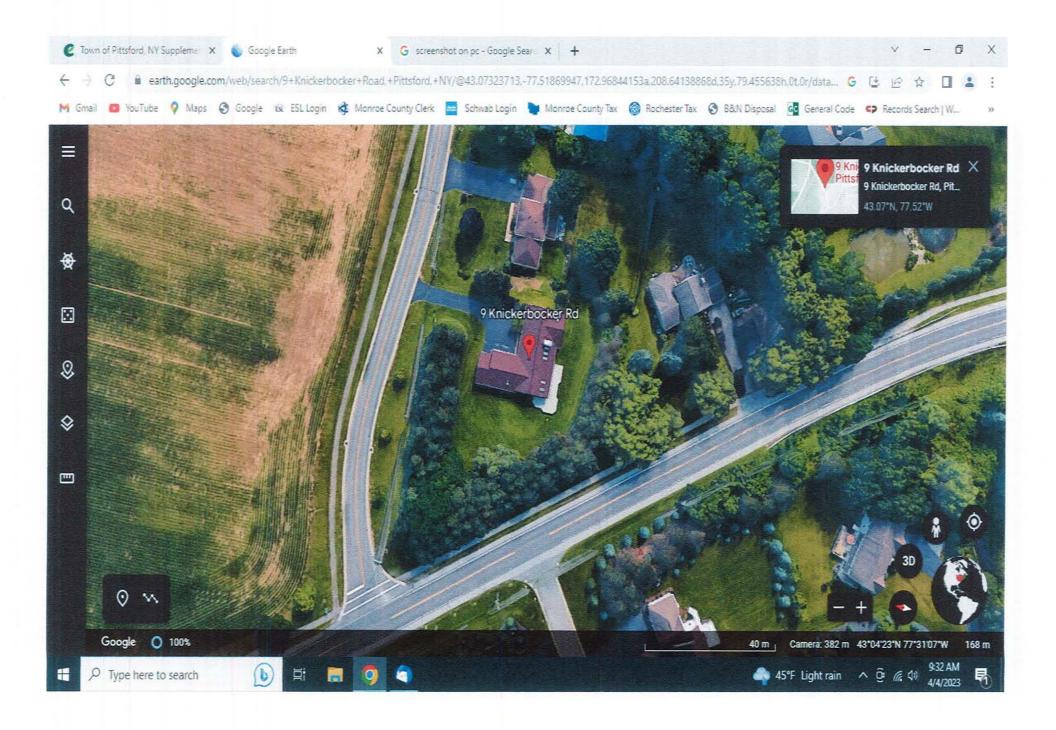
Finally, the application materials include two (2) options for the configuration of the recreational court, running in an east-west or north-south direction. My client would prefer the east-west configuration (Option #2), however if the Zoning Board finds the other option preferable, that would be perfectly acceptable.

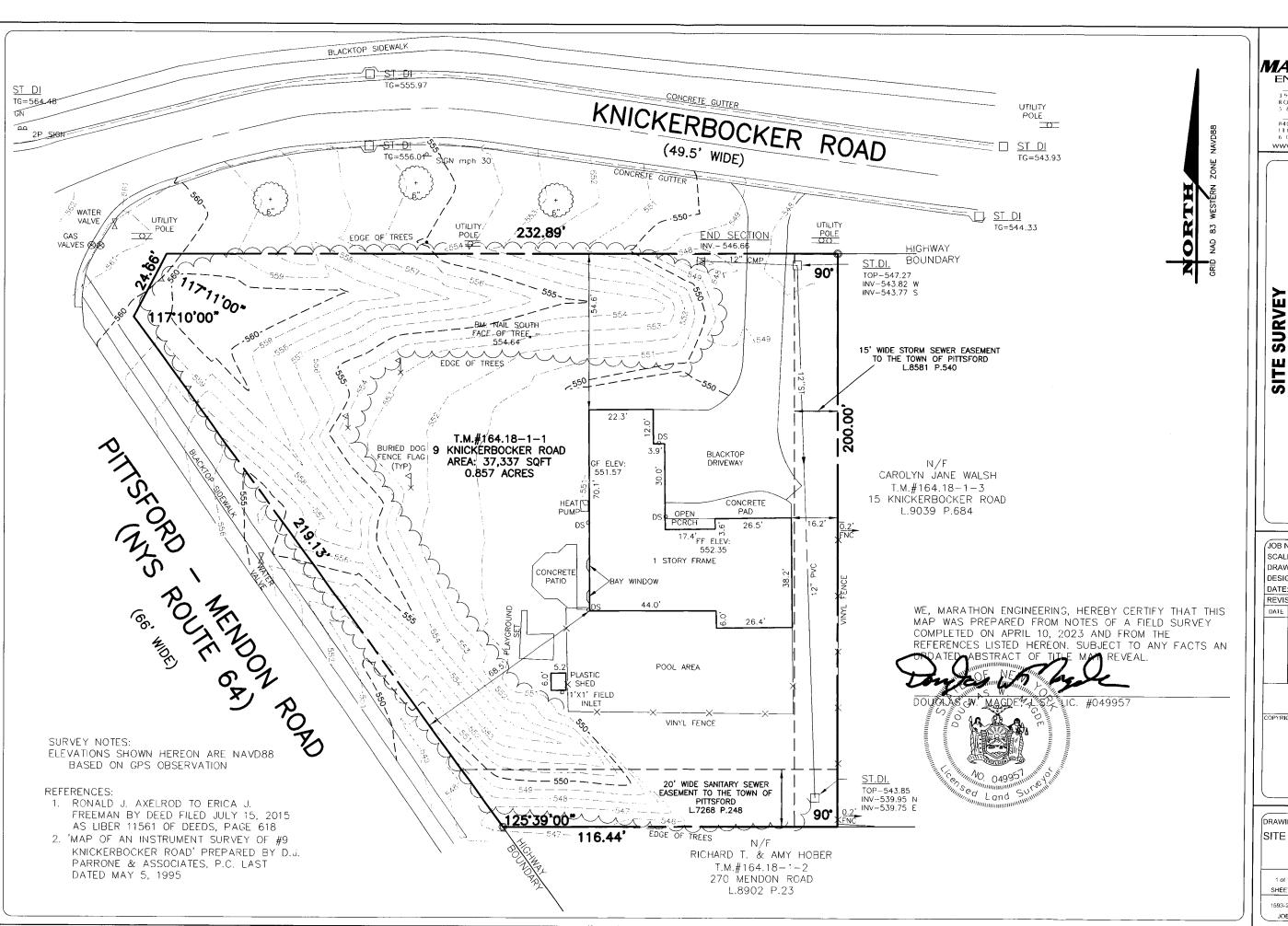
Naturally, in the event that there are any questions concerning the application and/or in the event that any other materials need be submitted, please feel free to contact me.

Very truly yours,

Richard T. Williams, II

C: Erica Jacobs





MARATHON **ENGINEERING**

ROCHESTER ROCATION

3 9 CASCADE DRIVE
ROCHESTER NV 14614
5 8 5 - 4 5 8 - 7 3 7 0 840 HANSHAW RD, STE 6 11HACA. NY 14850 607-241-2917 www.marathoneng.com

ROAD

KNICKERBOCKER

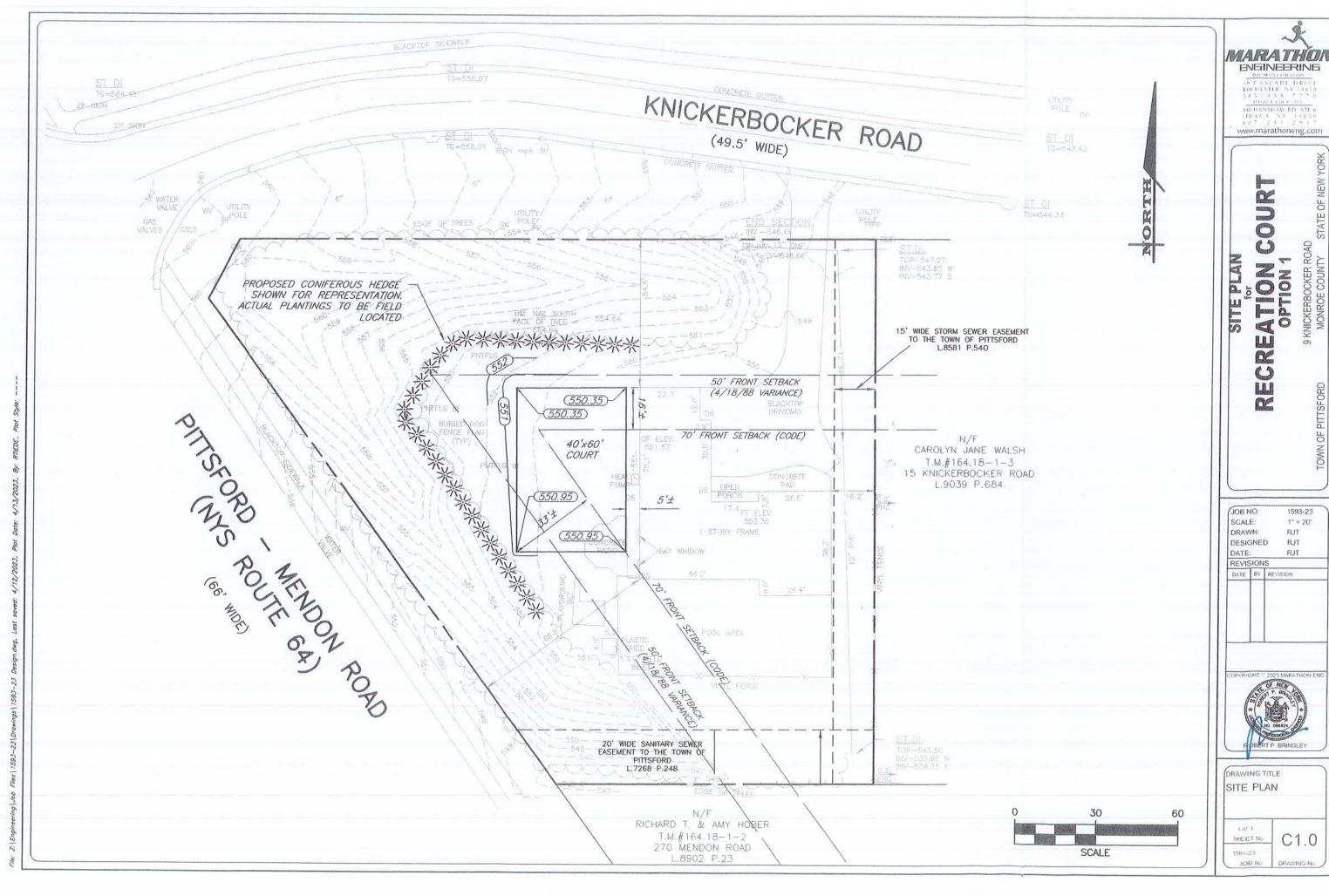
JOB NO 1593-23 SCALE: 1"=30' DRAWN: DWM DESIGNED: PJC DATE: 04/11/2023 REVISIONS DATE BY REVISION

0

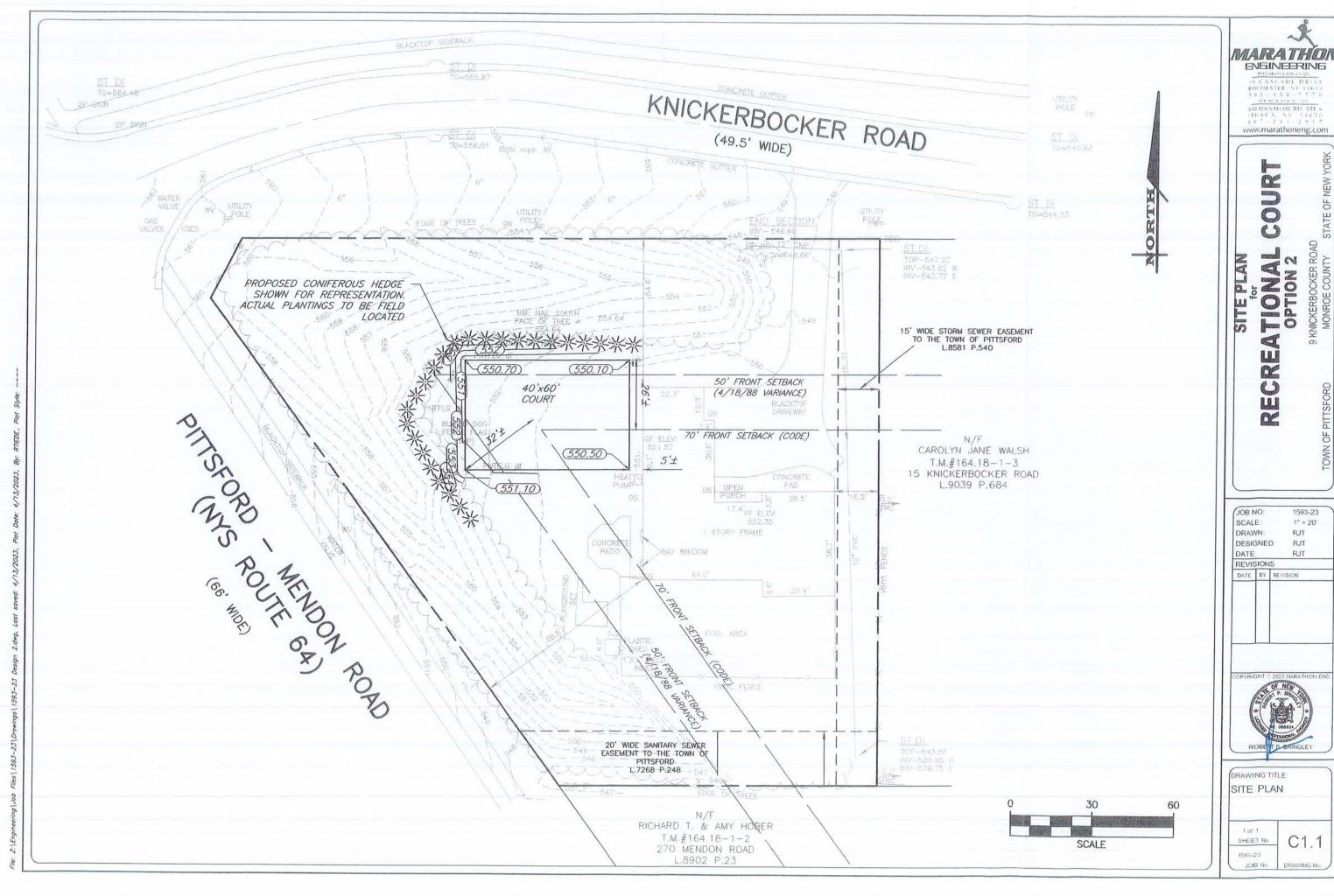
OPVRIGHT © 2023 MARATHON ENG

DRAWING TITLE: SITE SURVEY

SHEET No: 1593-23



MARATHON





Zoning Board of Appeals Referral Form Information

16 Cedarwood Circle PITTSFORD, NY 14534

Property Owner:

Timineri, Lynn 16 Cedarwood Cir Pittsford, NY 14534

Applicant or Agent:

Timineri, Lynn 16 Cedarwood Cir 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: 60' Right Lot Line: 20' Right Lot Line: 40.0' Right Lot Line: Left Lot Line: Left Lot Line: Left Lot Line: Front Setback: Front Setback: Front Setback: Rear Setback: Rear Setback: Rear Setback: Height: Height: Height: Size: Size: Size:

Code Section(s): §185 - 17 L.

Date

Description: Applicant is requesting relief from Town Code §185 - 17 L. for a proposed addition, garage/den expansion encroaching into the side setback. This property is zoned Residential Neighborhood – (RN).

April 19, 2023 Bill, Jink

Bill Zink - Building Inspector



TOWN OF PITTSFORD ZONING BOARD OF APPEALS APPLICATION FOR AREA VARIANCE

Submission Date:	Hearing Date: May 15, 2023
Applicant: Lynn Timineri	
Address: 16 Cedarwood Circle	
Phone: (585) 755-1414	E-Mail: LTimineri@aol.com
Agent:	
(if different than Address:	Applicant)
	E-Mail:
Property Owner: (if different than	Applicant
Address:	
Phone:	
(If applicant is not the property owner please comple	
Property Location:	
Tax Map Number:	
Application For: 🔽 Residential 🗀 Co	ommercial
E Residential	ommercial
Please describe, in detail, the proposed project:	
The proposed project is an addition to the existing house	to create space for a closet, pantry, laundry room,
nud room, enable a direct connection between the garag access to the residence and an independent entrance to	e and the existing kitchen, provide a handicap the Den
he design intent is to extend the the Garage 10' and the	
and maintain the current 25' Access and Utility easement	. The character of the house will also be maintained
ince the extension will be done using the same finishes a	and design features that the residence already has.
SWORN STATEMENT: As applicant or legal agent for the abount attements, descriptions, and signatures appearing on this form the best of my knowledge.	re described property, I do hereby swear that all and all accompanying materials are true and accurate to
27	
Jum M Jem as als	4/1.102
(Owner or Applicant Signature)	(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)

 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 requested variance will not produce undesirable change in the character of the neighborhood or any detriment to the nearby properties because the addition is maintaining the character of the house and also it footprint does not extend beyond existing easements and required setbacks.

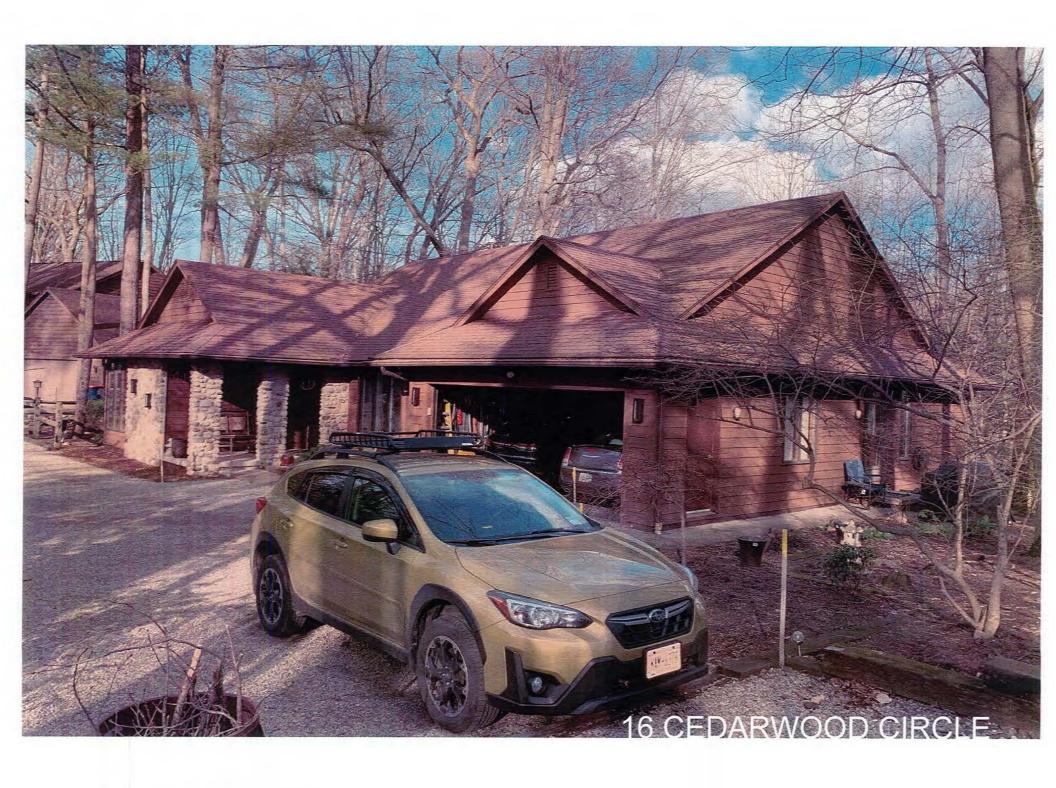
2. Please explain the reasons why the benefit sought by the owner/applicant cannot be achieved by some method other than an area variance:

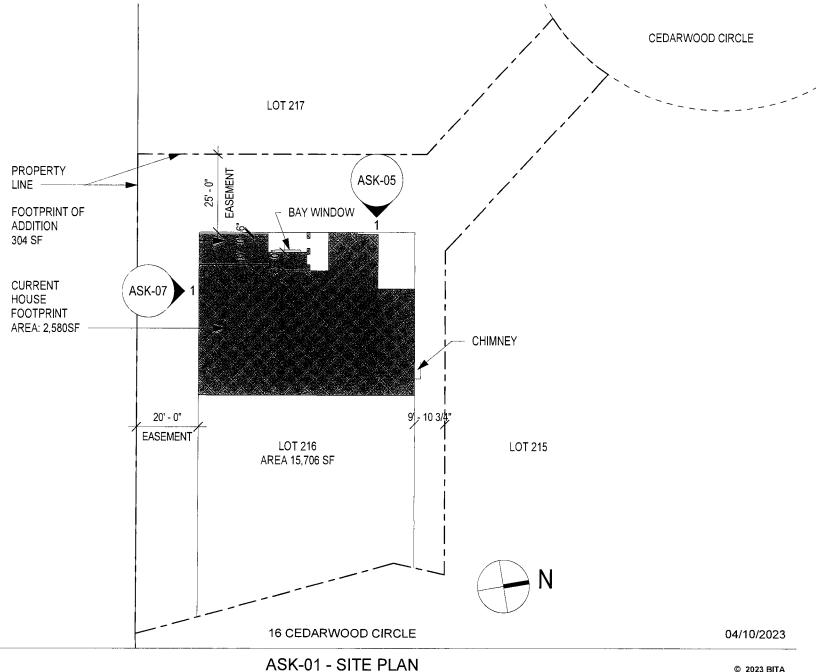
The owner needs to increase the area of the house to create dedicated spaces for laundry room, mud room, pantry and closet. They also need to create a handicap access to the house which will be accomplished by sloping the garage floor in the direction of the mud room.

The independent access to the Den will be done to allow direct access to Doctors, Nurses and Therapist that provide treatment to the applicant's husband without disturbing the main spaces of the house.

TESTS FOR GRANTING AREA VARIANCES (Continued)

3.	Please expl	ain whether the requested area variance is minimal or substantial:
	area variai 5,706 sf.	nce is minimal. The area increase will add 304 sf to a 2,580 sf house And the lot area
-		
4.	Please expl or environm	ain why you feel the requested area variance will not have an adverse effect or impact on the physical tental condition in the neighborhood or zoning district:
		crease in area and lot coverage will be minimal, the height of the house will be zoning ordinances will be respected.
	• 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 allege	ed difficulty self-created?
No,	the difficulty	y was created due to a medical condition.





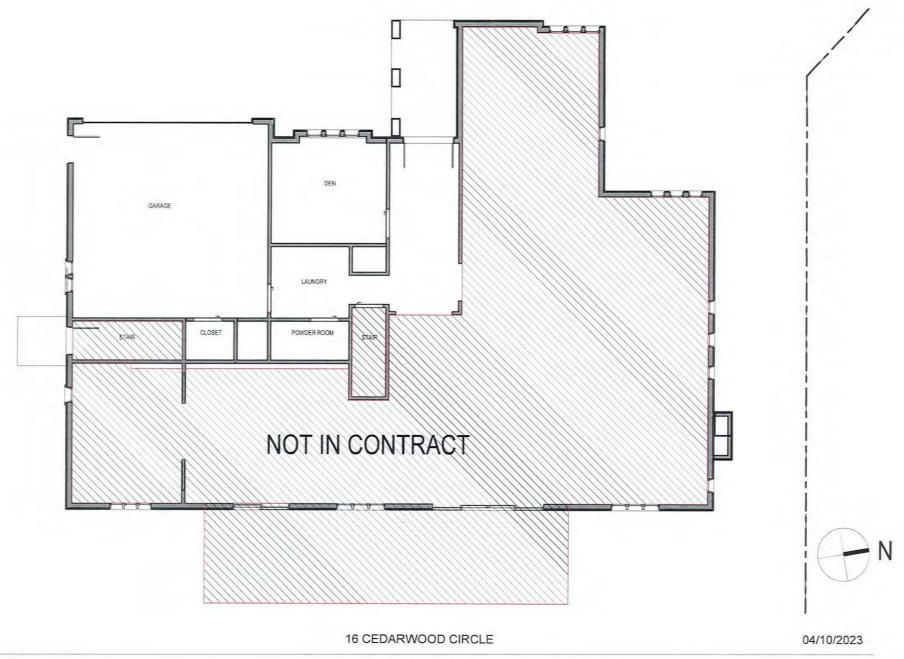


SCALE: 1" = 30'-0"

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BITA ARCHITECTURE + DESIGN 65 Meadow Cove Road Pittsford New York 14534

(773) 827-9654



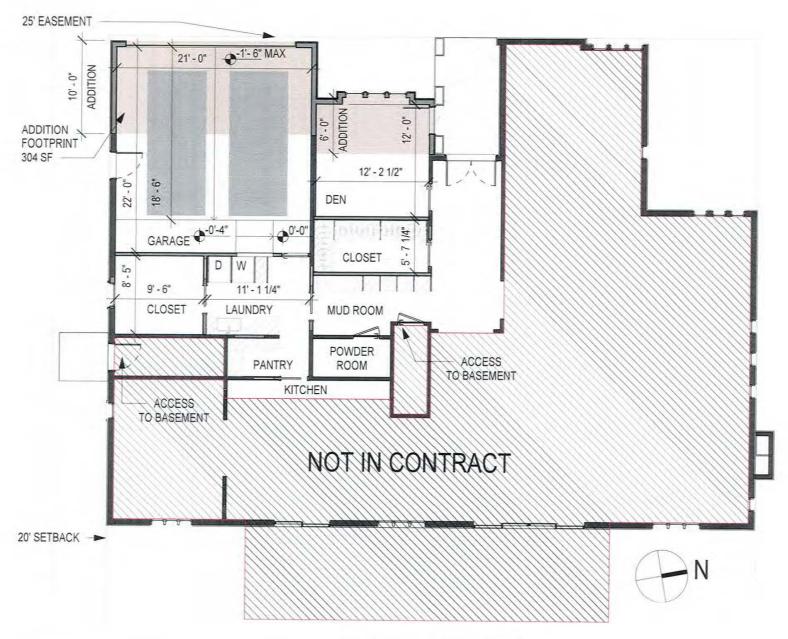


ASK-02 - EXISTING CONDITIONS

SCALE: 1" = 10'-0"

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16 CEDARWOOD CIRCLE

04/10/2023

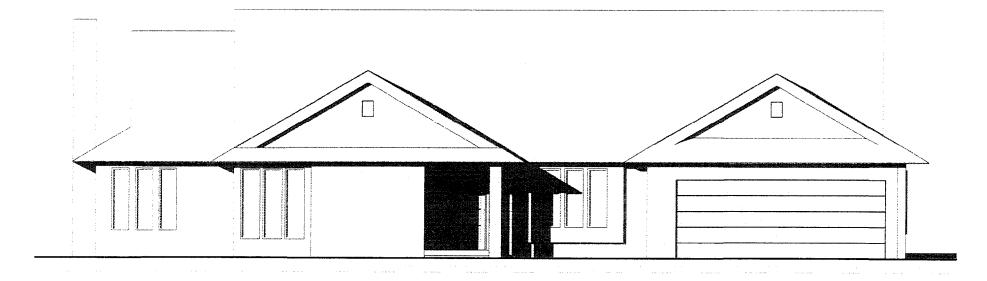


ASK-03 - PROPOSED DESIGN

SCALE: 1" = 10'-0"

BITA ARCHITECTURE + DESIGN 65 Meadow Cove Road Pittsford New York 14534

(773) 827-9654



WEST EXTERIOR ELEVATION - EXISTING CONDITIONS 1/8" = 1'-0"

16 CEDARWOOD CIRCLE

04/10/2023



65 Meadow Cove Road Pittsford New York 14534 (773) 827-9654

BITA ARCHITECTURE + DESIGN

ASK-04 - WEST EXTERIOR ELEVATION EXISTING CONDITIONS



WEST EXTERIOR ELEVATION - PROPOSED DESIGN 1/8" = 1'-0"

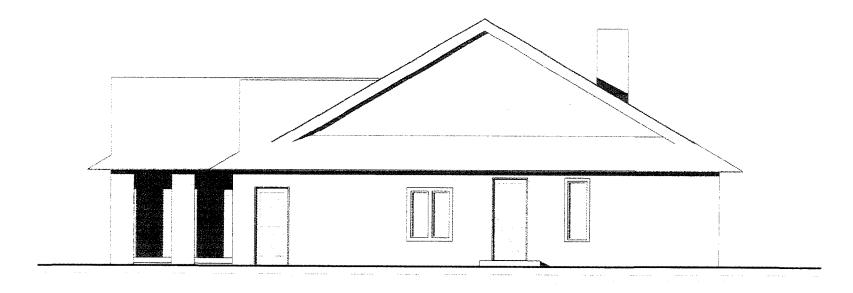
NEW FINISHES TO MATCH EXISTING

16 CEDARWOOD CIRCLE

04/10/2023



BITA ARCHITECTURE + DESIGN 65 Meadow Cove Road Pittsford New York 14534 (773) 827-9654 ASK-05 - WEST EXTERIOR ELEVATION PROPOSED DESIGN



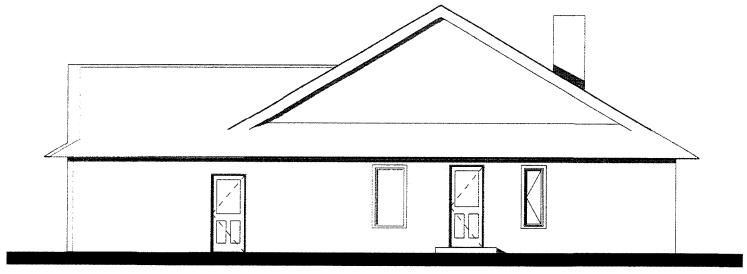
1 SOUTH EXTERIOR ELEVATION - EXISTING CONDITIONS
1/8" = 1'-0"

16 CEDARWOOD CIRCLE

04/10/2023



ASK-06 - SOUTH EXTERIOR ELEVATION EXISTING CONDITIONS



NEW FINISHES TO MATCH EXISTING

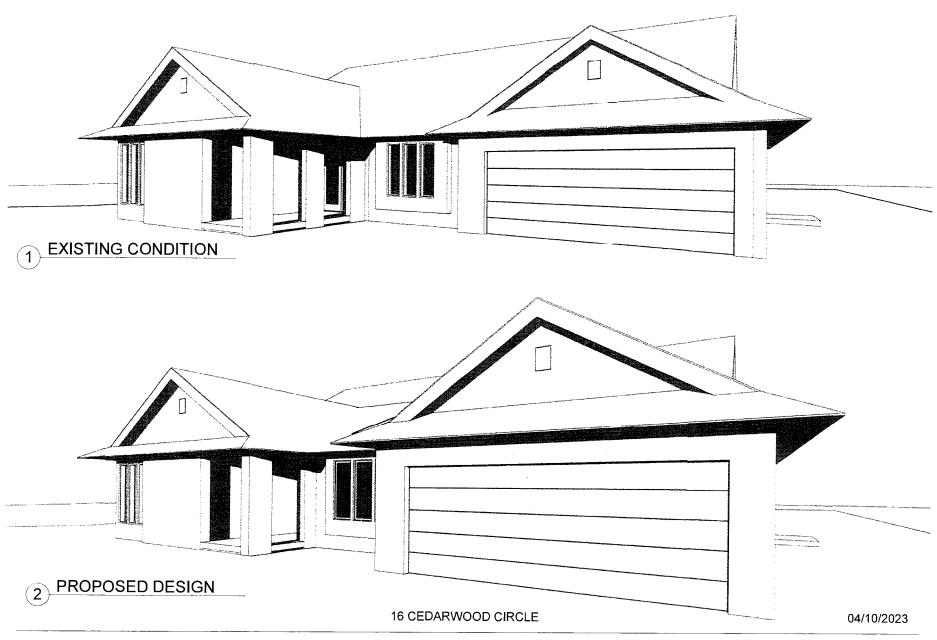
1 SOUTH EXTERIOR ELEVATION - PROPOSED DESIGN 1/8" = 1'-0"

16 CEDARWOOD CIRCLE

04/10/2023



ASK-07 - SOUTH EXTERIOR ELEVATION PROPOSED DESIGN

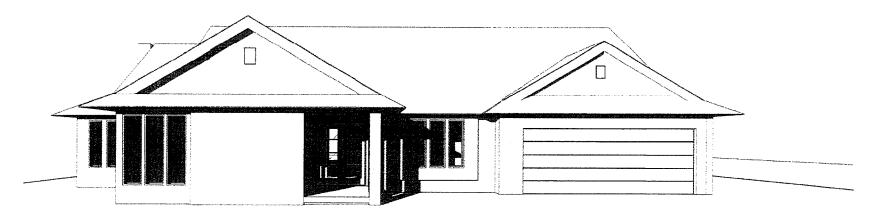




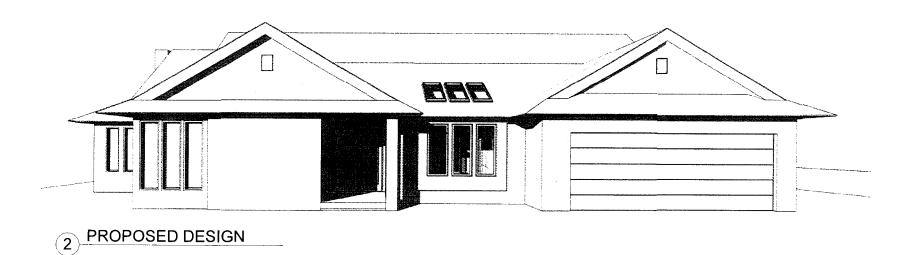
ASK-08 - EXTERIOR PERSPECTIVES

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SCALE:



1 EXISTING CONDITION



16 CEDARWOOD CIRCLE

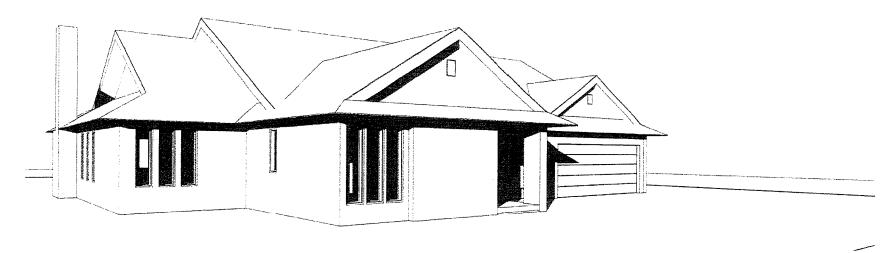
04/10/2023



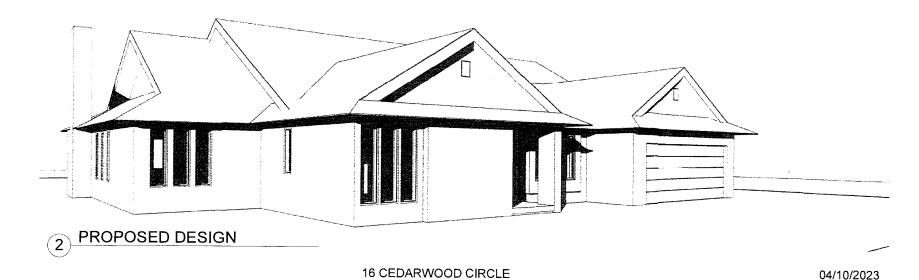
BITA ARCHITECTURE + DESIGN 65 Meadow Cove Road Pittsford New York 14534 (773) 827-9654 **ASK-09 - EXTERIOR PERSPECTIVES**

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SCALE:



EXISTING CONDITION



BITA

ASK-10 - EXTERIOR PERSPECTIVES

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SCALE:

