

**Town of Geneseo
Zoning Board of Appeals
Public Hearing for Kenneth and Julia Hathaway
7:30 p.m. Tuesday, September 30, 2008**

Reconvening of an Appeal by **Kenneth and Julia Hathaway**, appellants, from a decision of the Code Enforcement Officer and application for permission to construct a storage shed and a garage which fail to meet the front yard setback requirement of 14 feet and side yard setback requirement of 2'4" feet, as per Schedule II of the Town of Geneseo Zoning Code on property located at 4573 West Lake Road in the Town of Geneseo, NY.

Board Members Present: Chairman John Maxwell, Vice-Chairman Rick Taylor, Peter Palermo Soren Thomas and Steven Haigh.

Public Present: Ron Maxwell, Code Enforcement Officer, Raymond R. Chamberlin, Lisa Chamberlin, Kenneth Hathaway and Julia Hathaway

Chair John reconvened the hearing at 7:36 and asked if all Board members had visited the property. Yes they had. He then thanked Ken for staking the buildings.

Ken said the garage would be 24' x 24' which is adequate, with a 6 or 8;12 pitch for the roof and that would total 9' walls and 8' at center of roof or 17' to the peak.

Vice-Chair Rick commented that the request is for two variances split apart. The Board tries to minimize the number of variances. Can the shed be added to the garage or made a part of the garage and then only one variance would be needed? What if the shed were tacked on the east side?

Ken first wants a shed and then the garage and then the shed won't be needed. He won't have need for both. The shed is modular and could be removed. He needs a setback for both.

Ken continued-he could move the shed to back of the garage. He will need stable fill and another highway cut eventually. They then discussed the cost of highway cuts.

Steve-can the shed be moved to eliminate the side yard setback?

Ken-yes, but instead of 18' from ROW, it would be 15' or 16'. There is not enough room as it is.

Steve--then you would need one setback variance only of 15' or 16'.

Ken--when the garage goes in, it needs an 18' setback.

Rick A garage on skids can be moved.

Ken No problem moving shed closer to the road and parallel to the road.

John Let's consider a 16' front setback

John- Any comments from the public present?

Ray Our confusion was with the shed. Is the shed needed? What is the purpose of the shed?

Steve He has a need. He made application and paid money because he has a need. What that need is doesn't matter.

Ron Maxwell We in the Zoning office told Ken to ask for a shed and a garage variance. He came in originally for a shed variance.

Ken Is 16' enough if the tree is as he remembers? 15' would be adequate.

John asked Soren if he had more questions since he missed last weeks discussion. He had none.

They began formulating the motion--16' front yard setback variance to construct a proposed storage shed or future garage, at 4573 West Lake Rd.

The Board then went through the 5 questions necessary for an area variance:

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance? **NO**
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? **NO He could go nearer the lake but it is not feasible**
3. Is the requested variance substantial? **YES 50%**
4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **NO**
5. Is the alleged difficulty self created? **Yes**

Vice-Chair Rick then moved to grant a16' front yard setback variance to construct a proposed storage shed or future garage, at 4573 West Lake Rd.

Steven seconded. Motion carried. Voting YES were Chair John Maxwell, Vice-Chair Rick Taylor, Peter Palermo, Soren Thomas and Steven Haigh.

Peter moved to close the hearing and adjourn at 8PM. Rick seconded. Motion carried.

Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.