

**Town of Geneseo**  
**Zoning Board of Appeals**  
**Public Hearing for Anne Rosa and Richard Gray 4891 Stonehouse Drive**  
**Tuesday, August 25, 2009**

Appeal by Anne Rosa and Richard Gray, appellants, from a decision of the Code Enforcement Officer and application for permission to construct an addition to a single family residence which fails to meet the side yard setback requirement of 15 feet on the south side, as per Schedule II of the Town of Geneseo Zoning Code on property located at 4891 Stonehouse Drive in the Town of Geneseo, NY.

Board Members Present: Chairman John Maxwell, Soren Thomas and Steven Haigh.

Public Present: Ron Maxwell, Code Enforcement Officer, Anne Rosa, applicant, Sandra Rosa of 4891 Stonehouse Dr., Donald Ehmann, 4887 Stonehouse Dr., Sherre Albright, 5396 W. Lake Rd. Conesus, and James Albright, spokesman and builder for this project. **Chairman John** opened the meeting at 7:34. He asked if the minutes from the last meeting on July 14, 2009, for **Dr. Omar Qureshi** had been received and read. They had and Steven moved approval and Soren seconded. All were in favor. Carried. **Chairman John** explained the project at hand and affirmed all board members had visited the property. He then requested the green cards (certified return receipts from adjacent properties to the applicant). **James Albright**, spokesman and builder for this project, responded that forty two were sent out and forty were signed and returned. **Chairman John** invited James Albright to explain the plans. **James** stated he was to construct an addition for the Rosas including a master bedroom and bath. It would extend 12' into the side lot which is 18' from the neighboring house. There is a slab in the back and the plumbing can't go through it. It won't block the neighbor's view. He then showed how it looks at present. There is a fence on the apparent "property line" with plantings along it. The land belongs to Gray Farm Partnership and this home is on rented land. The landowner, Richard Gray, is in favor of this project. **Soren Thomas** stated that there are no property lines between properties. A note from neighbor to the north, Rosa Holmes, was read. She has no objections. A letter from Clara Marie Sloat of 5893 Stonehouse Dr., the immediate neighbor to the south, was read. She has no objection to the proposed addition. **James Albright** continued. The only tape location map is of the entire property-the whole tract. He then had photos of other properties on Stonehouse Drive showing that all properties are not to code at present. The applicant has the longest space between her property and her neighbor. **CEO Ron Maxwell** offered that the space is large because the cottage that had been between those properties had been torn down. All lots have 72' frontage on the lake. Their rental fees are based on that frontage. Richard Gray had the whole parcel surveyed and the cost was astronomical so he did not survey the individual properties. **Steven and Soren** both asked if these are leased houses, how can we give a variance without property lines? **CEO Ron** said we must go by the current code. We go by what they are renting now and how much frontage they have. **Soren** questioned the diagram distances. **James** digressed to other properties similar to this one. **Chairman John** brought the discussion back to the property at hand. **Steven** stated past history does not affect this application. You are asking for relief from the

current law. We only work with the law as it is today. **James** asked what appeal venue do they have? **Soren** asked why not put the addition on the other side? There is a feasible option going to the other side. **Steven** stated that a variance is a last resort when there are no other options. **James**--We can't block the lake view. That is Richard Gray's rule. They would block the view up the lake if they built on the other side. Board members questions this statement. **Steven**--If we grant this variance, then another property on the lake will want the same variance. **Anne Rosa** entered the discussion. Her husband has severe arthritis. The other option is to go up. but they can't. He can't go up steps. The other side, if used, will be too close to her neighbor. They have a year to year lease. They can't afford to add much to leased land. They can't go into the driveway-that is a no-no of the land owner. **CEO Ron** has spoken with the land owner who is ok with a variance on the south side. He is not in favor of a variance on the driveway side. **James**--We can't move the water lines **Soren**--Water and sanitary CAN go above grade. **Chair John** stated this board doesn't go over 50% for any variance. **Soren** Are there photos of the other side? **No**. What is the roof configuration --are there gables on both sides? **James**--The architect said it is a no brainer to go the way they have presented this addition. Neighbor **Don Ehmann**--"On the other side, the roof is the same, but it is all windows and everything is on a slab on that side. There is a crawl space on the proposed side."The board members conferred and saw a problem- **how to grant a variance for a property line that doesn't exist**. **CEO Ron** explained the changes to lot size in the zoning law were put in place to end lake congestion. **All agreed there are no survey lines**. **CEO Ron** clarified the regulations. All noted where the present house sits in relation to the neighboring homes. The applicant can go to the property owner and get a change to her property line so the addition can be built at wanted. **The Board** moved to the questions and to a final vote on this application as the applicant chose to exit the meeting. **Chairman John Maxwell** summarized: application to construct an addition to a single family residence which fails to meet the side yard setback requirement of 15 feet on the south side,

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 (3)
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? Yes (3)
3. On the north and west there is enough land.
3. Is the requested variance substantial? Yes, 85%
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 **Soren Thomas** moved to deny granting the application to construct an addition to a single family residence at 4891 Stonehouse Drive which fails to meet the side yard setback requirement of 15 feet on the south side, **Steven Haigh** seconded. Carried.

**Soren Thomas** moved that the hearing be closed and **Chairman John Maxwell** seconded. Motion carried. Meeting adjourned at 8:20 P.M. Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.