

**Town of Geneseo  
Zoning Board of Appeals  
Public Hearing for Randall Freeman, 4806 Lakeville Rd.  
Tuesday October 26, 2010**

Appeal by **Randall Freeman**, appellant, from a decision of the Code Enforcement Officer and application for permission to extend the area of the use variance granted by the Town's Zoning Board of Appeals on January 12, 1977 on property located at 4806 Lakeville Road in the Town of Geneseo, NY.

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

Public Present: **Ron Maxwell**, Code Enforcement Officer, **Randall Freeman**, applicant and agent for 4806 Lakeville Road LLC and **Kevin VanAllen**, attorney.

**Chairman John Maxwell** opened the meeting at 7:35 and requested the green cards (certified return receipts from adjacent properties to the applicant). Seven were sent out and seven were returned.

At this time the Board members invited the applicant and attorney to the table. All Board members had visited the site. All had received copies of the letter from the Livingston County Planning Board (attached)

**Kevin VanAllen** explained they were here seeking a change of use, rather than an area variance. The portion of the existing building set up for business is inadequate for a dental practice. Mr. Freeman is a dentist and would like to use the entire building for his dental practice. The County Planning Board's letter indicated a change of use would be the better direction to go.

**Chairman John Maxwell** noted that this property had been granted a use variance earlier and asked why go for a use variance, knowing such a variance is not granted lightly and financial hardship must be demonstrated.

Group discussion on merits and drawbacks of each kind of variance.

**Soren Thomas** thought to give an area variance for continued use as a dental office. Since it began as a beauty shop in 1977 and in 1999 went from beauty shop to insurance agency, why not from insurance to dental office. The use variance is still existing on this property. The change should be to have the use extended to the entire property--all 1.279 acra.

**Ron Maxwell** said the original map wasn't recorded even though it was referenced in the decision. Tax numbers aren't needed, just the address- 4806 Lakeville Rd. It was the consensus of the board that this applicant needed an area variance rather than a use variance.

The **Board** noted that since the proposed action has been considered under SEQR and has met the requirements for a Type II action: the proposed action is not environmentally significant.

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**
3. Is the requested variance substantial? **No**. Half the house already has that variance.
4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **No** Nothing external has changed.
5. Is the alleged difficulty self created? **Yes**

**Soren Thomas** moved to grant an area variance for the entire property at 4806 Lakeville Road for use as a dental office. **Steven Haigh** seconded. **Carried**.

**Chairman John Maxwell** asked for approval of the August 24 minutes for Craig Ferguson and for Vivian Ptak. **Soren Thomas** moved that both sets of minutes be approved and **Steven Haigh** seconded. **Carried**.

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