Town of Geneseo
Zoning Board of Appeals
Patrick W. and Brenda L. Cahill
5331 North Point Drive
tax map no. 91.036-01-007
7:30 PM Tuesday May 14 2013

An Appeal by **Patrick W. and Brenda L. Cahill,** appellants, from a decision of the Code Enforcement Officer and application for permission to construct a single family residence which fails to meet the side yard setback of 15 feet on both the east and west property boundaries as required by Schedule II of the Town of Geneseo Zoning Code, on property located at 5331 North Point Drive in theTown of Geneseo.

Board Members Present: **Chairman John Maxwell, Steven Haigh, Mike Dabramo, Greg Foust,** and **Carolyn Meisel**

Public Present: **Ron Maxwell**, Code Enforcement Officer, **Patrick Cahill**, applicant, **Anne Williams and John Williams**, 5329 North Point Drive.

Chairman John Maxwell convened the meeting at 7:35 and requested the green cards (certified return receipts from adjacent properties to the applicant). Twenty six went out and 20 came back.

One letter was noted-from Christopher Saunders, the neighbor directly to the east, who is in favor of the proposed changes by the Cahills.

No letter has been received from the Livingston County Planning Board although all paperwork had been submitted in a timely manner.

At this time the Board members invited **Patrick Cahill** to the table. All Board members had visited the site.

Patrick Cahill purchased the property in 2006. He is proposing a 555 sq. ft. two-story cottage with garage to the south and porch or deck to the front or lake side. It would keep 25% lot coverage. It ill be 2' closer to Saunders. He is requesting a 9' variance of the 15 feet as required.

Steven Haigh asked if the porch is included in his diagram or would be in addition to it and closer to the lake.

Patrick Cahill said the porch is included in the outline for this project and will not be closer to the lake.

Board discussion followed concerning the second floor and the outside wires. There cannot be wires over a structure. The board should consider approving the second story but not over all the garage or porch.

Anne and Pat Williams had good things to say about their neighbor and his proposed project.

They do not object.

Chairman John Maxwell stated that since the proposed action has been considered under SEQRA 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? **YES**

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?
A. YES

The Board indicated informal approval of this variance but without the county's letter, they hesitated to proceed.

Steven Haigh moved to table this hearing for two weeks until the county letter is received, until May 28 at 7:25. **Greg Foust** seconded. **Carried.**

The Board reviewed the **Rasmussen** minutes of April 23. **Steven Haigh** moved approval as amended. **Greg Foust** seconded. **Carried.**

The Board reviewed the **Rasmussen** minutes of April 30. **Steven Haigh** moved approval as amended. **Greg Foust** seconded. **Carried.**

Steven Haigh moved the **hearing be adjourned** at 7:50 P.M. **Greg Foust** seconded**. Carried.**