

Town of Geneseo
Zoning Board of Appeals
Betsy Beers
4873 Stonehouse Drive
tax map no. 91.44-1-10.23
7:30 PM Tuesday September 9, 2014

An Appeal by **Betsy Beers**, appellant, from a decision of the Code Enforcement Officer and application for permission to rebuild and expand existing cottage which fails to meet the side yard setbacks of 15 feet as per Schedule II of the Town of Geneseo Zoning Code on property located at 4873 Stonehouse Drive in the Town of Geneseo.

Board Members Present: **Chairman John Maxwell, Ken Book, Mike Dabramo, Greg Foust and Steven Haigh.**

Public Present: **Ron Maxwell**, Code Enforcement Officer, **Betsy Beers**, applicant, **Dean and Sandie Pendergast**, 4867 Stonehouse Drive, **Lois and Robert Morris**, 4875 Stonehouse Drive, **Marianne and Joseph DiLaura**, 5355 Creekside Lane, **Tamara and Tony Gullo**, 4865 Stonehouse Drive, **Donald and Georgene Ehmann**, 4887 Stonehouse Drive, **Rose Holmes**, 4889 Stonehouse Drive.

Chairman John Maxwell opened the meeting at 7:35 and noted that the County Planning Department had reviewed this application and determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option.

Chairman John Maxwell read letters from Maggios, 4891 Stonehouse Drive, and Terry and Kevin Ruddick, 4885 Stonehouse Drive. Both were supportive of the Beers request. He then welcomed **Betsy Beers** to the table.

The board members had visited the site. 27 green cards went out, 21 came back and one was returned.

Betsy Beers explained they want to tear down and start over. It will be safer, more aesthetically pleasing. They will rebuild using the same footprint except to include the 4x6 cutout on the southwest corner and to extend to the pavers of the patio (an additional 2+ feet to the lakeside) to keep this cottage in line with those on either side (4871 and 4875 Stonehouse Dr.). They would like a covered open porch elevated to the same height as the two adjacent cottages. The plans the Board had before them were drawn in 2003. These are not the current plans.

Ken Book to clarify--you are requesting the existing house which is 42'6" now + 2' and 16'6" wide as it is now.

Betsy Beers Yes. Back to front--bedroom, kitchen, front room, porch. The porch will never be enclosed. If Ron recalls, I sent a complaint at the time the Morris porch enclosure was built. The more we build out the more others will build out and more view will be lost.

Ken Book A single story porch with no living above?

Betsy Beers Yes. There will be new architectural drawings with better roof line.

Mike Dabramo How high will the porch be from the ground?

Betsy Beers Whatever the flood plain requires

Ron Maxwell The floor has to be at 823 to be two feet above the flood plain.

Greg Foust The cottage adjacent to the north at 823? Yes.

Ron Maxwell Cox meets the flood law.

Robert Morris lives next door to the south of the Beers cottage. The paper representations used for this discussion do not show how his view will be affected. The new section will obstruct their 20 year view. He shared a picture to show the blockage of the view.

Ken Book requested the total footage of the house and porch --42'6" now + 2'

Greg Foust Alignment of the principal structure which includes the porch. Then only side setbacks are needed.

Chairman John Maxwell asked for comments from the public.

Georgene Ehmann stated that 80% of the people in the cove have a north view of the cottage next door to them.

Donald Ehmann lives 6 down from Beers. In the past he could see the creek to the north but now because of the Morris porch, he cannot see the creek and now that they have window treatments on the porch all he can see is reflection.

Greg Foust If the porch is not enclosed, will the Morris' be satisfied. We can stipulate that the porch would not be enclosed as Ms. Beers has said she has never had plans to enclose the porch.

Robert Morris No. Where is the roof line? Until we know where it is to be, we can't say our view won't be blocked.

Marianne DiLaura is not opposed to the Beers request. She is opposed to the idea of a stipulation to not enclose when another cottage right next door has the same privilege.

Chairman John Maxwell asked Robert Morris about the window coating.

Robert Morris There is a coating on the south side porch windows. We didn't know they bothered others.

The Board members began to formulate a motion--fill in the cut out; extend 2' to make it equal to the others; patio is consistent with approved lot; Average of two adjacent properties.

Chairman John Maxwell directed the Board to go 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? **All answered NO**
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? **All answered NO**
3. Is the requested variance substantial? **All answered YES**
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? **All answered NO**
5. Is the alleged difficulty self created? **All answered YES**

Greg Foust moved to grant a side yard setback variance on the north side of 10' and a side setback variance of 10'7" on the southwest corner with the width of the new structure, including the covered porch, not to exceed 16'6" in width at 4873 Stonehouse Drive. Further, the proposed covered porch may not be enclosed to create conditioned living space without returning to the ZBA for approval.

Steven Haigh seconded. **Chairman John Maxwell, Ken Book, Mike Dabramo, Greg Foust and Steven Haigh all voted YES. Carried.**

Steven Haigh moved the **hearing be closed at 8:40 PM.** **Mike Dabramo** seconded. **Carried.**

Greg Foust moved approval of the **Cornerstone Baptist Church** July 22 minutes. **Ken Book** seconded. **Carried.**

Ken Book moved approval of the **Dean Pendergast** July 22 minutes. **Steven Haigh** seconded. **Carried.**

Steven Haigh moved the **meeting be closed.** **Mike Dabramo** seconded. **Carried.**

Meeting adjourned at 9:00 P.M. Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.