

**Town of Geneseo Zoning Board of Appeals**  
**James Kraus**  
**5331 West Lake Road 8:00 PM Tuesday, November 18, 2014**  
**tax map #100.35-1-10**

An Appeal by **James Kraus**, appellant, from a decision of the Code Enforcement Officer and application for permission to construct a deck addition which fails to meet the rear yard setback of 15 feet as per Schedule II L District #13, the average is the two lots on either side of the development site of the Town of Geneseo Zoning Code on property located at 5331 West Lake Road 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, **James Kraus** applicant. Mrs. Kraus was present but did not sign in.

**Chairman John Maxwell** opened the meeting at 8:00 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. The Water and Sewer Authority gave approval as well. He then welcomed **James Kraus** to the table.

The board members had visited the site. 12 green cards went out and 12 were returned. Approval letters were read from Rich and Frances Piccirelli, 5317 W. Lake Road and Richard and Deborah Oberhoffer, 5329 West Lake Road.

**James Kraus** was invited to the table. He explained he wanted to extend the deck 3' toward the lake for a 12' deck. Presently there is no deck at all and some of the Board had seen the property when staked while others came later and the stakes had been removed.

There is ample property on the lakeside to extend the deck but the line of sight between the two adjacent properties prohibits projecting any further into the property without a variance. The neighboring property that is recessed is Piccirelli, who have written to say they support this requested variance.

**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 YES**
3. Is the requested variance substantial? **Chairman John Maxwell-no, Ken Book-no, Mike Dabramo-yes, Greg Foust-no and Steven Haigh-no.**
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 **approve** the requested variance for property at 5331 West Lake Road with the southside setback of 7.5' and a rear yard measured from the high water mark of 67' to the southeast corner of the new deck which is not to exceed 12' from the front of the house and is not to be covered.. **Ken Book** seconded. **Carried unanimously.**

**Greg Foust** moved the hearing be closed at 8:25 PM. **Steven Haigh** seconded. **Carried.**

**Greg Foust** moved approval of the **Ciancone Oct. minutes.** **Steven Haigh** seconded. **Carried.**

**Ken Book** moved to adjourn the meeting at 8:35. **Mike Dabramo** seconded. **Carried.**

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