

**VILLAGE OF GENESEO
ZONING BOARD OF APPEALS PUBLIC HEARING FOR**

Ali Yapicioglu
33 Highland Road
Tax Map Id. # 81.13-1-2
May 06, 2008, 4:40 p.m.

Application for permission to erect an 850 square foot addition (approx. 25' x 42') to the existing house when the proposed addition to the house fails to meet side yard set back of 15' per Schedule II per the Village of Geneseo Zoning Code (3' variance would be requested).

Members Present:

Acting Chair M. Hamilton
G. Dorr
P. Schmied
T. Wilson

Code Enforcement Officer:

D. O'Keefe

Absent:

Chair C. Meisel

Applicant:

Ali Yapicioglu

Secretary:

D. Lund

Public Hearing Opened:

Acting Chair M. Hamilton called the meeting to order and opened the Public Hearing at 4:30 p.m. She stated the purpose of the hearing is to address the request of Ali Yapicioglu to erect an eight-hundred fifty (850') square foot addition (approximately twenty-five (25') feet x forty-two (42') feet) to the existing house when the proposed addition to the house fails to meet side yard set back of fifteen (15') feet per Schedule II per the Village of Geneseo Zoning Code (three (3') foot variance would be requested). Secretary D. Lund noted the proper legal notice had been duly published and the applicant had sent a copy of the legal notice to all property owners within one-hundred (100') feet of all property lines as per Village code requirement. It was noted seven certified mailings had been sent and returned receipts received.

Members of the Board were introduced and A. Yapicioglu was asked to state his case. He submitted copies of the preliminary site plan for Board members review with regard to the variance request. The house was built in the early 1900s with two subsequent additions. One in 1974 and the other in 1983 according to the building permits still posted on the interior garage wall. A. Yapicioglu stated he and his wife will reside there with their pets, currently a dog and cat. He plans to reconfigure the addition so that the original house and the addition are at the same floor level. The addition will be one story, the original is two-story. He will be removing the existing one-story section, garage and deck. It will be replaced with a one-story addition and covered deck with an angled overhanging roof line. The new deck will be pie shaped and extend behind the garage. He shares a driveway with his neighbors to the north, Jim and Barb Yeager. The new addition will include a new main entryway, library, kitchen and study. Steps from the existing front porch will be removed.

The variance is being requested to keep the addition in line with the existing house which has an approximate setback of twelve (12') feet from the side yard property line. A. Yapicioglu noted he will also be adding a shed to the north- east side of the yard but it will be within the permitted set-backs. The existing sidewalk will be removed and a new one installed leading to the new entry.

Code Enforcement Officer D. O'Keefe remarked the plan presented to the Board is a revised version of the original plan. A. Yapicioglu made changes on his and R. Maxwell's advise in order to request a lesser variance. The original plan would have needed an eight (8') foot variance for the side-yard set back. A. Yapicioglu noted the changes also made for a less expensive project.

G. Dorr asked A. Yapicioglu to clarify the need for the variance. He stated it is necessary to keep the addition in line with the footprint of the existing original structure and allows an increase of fifteen (15') foot, four (4") inches of habitable space. The new deck will add ten (10') foot of addition space.

P. Schmied asked A. Yapicioglu what was immediately south of the property line and how close the southern neighbor's house was to the property line. D. O'Keefe commented a fence and hedgerow which will be undisturbed are on the southern boundary of the property and the neighbor's house is some distance away. G. Dorr noted the neighbors have a large lot and the house is angled toward the corner.

A. Yapicioglu stated demolition work has already begun and he would like to have the new addition finished by fall of this year. He noted lot coverage would be nineteen and eight-tenths percent (19.8%). The Board commented they had never had coverage figured to the percentage point in the past and commended A. Yapicioglu for his attention to detail.

Acting Chair M. Hamilton asked if there were further questions. G. Dorr asked Secretary D. Lund if any letters or phone calls had been received. There were no letters and the phone callers who chose to remain anonymous expressed no opinion on the project. Acting Chair M. Hamilton asked if there were further questions- there were none.

Five Area Variance Questions Reviewed:

With no further discussion, the Board reviewed the five area variance questions:

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? Yes ___ No X. There will be an improvement to the property.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes ___ No X. Only 19.8 % of the lot will be covered with the building.
3. Is the requested variance substantial? Yes ___ No X. It continues the existing line of the house; only three (3) feet variance of the fifteen (15') feet required for side yard setback is requested.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes ___ No X

5. Is the alleged difficulty self-created? Yes X No

G. Dorr moved to grant the variance to erect an eight-hundred fifty (850') square foot addition (approximately twenty-five (25') feet x forty-two (42') feet) to the existing house and when the proposed addition to the house fails to meet side-yard setback of fifteen (15') per Schedule II per the Village of Geneseo Zoning Code (three foot variance would be requested) on property located at 33 Highland Rd., Tax map ID# 81.13-1-2 in the Village of Geneseo, N. Y. T. Wilson seconded the motion. The vote was as follows: Acting Chair M. Hamilton – aye; G. Dorr – aye; P. Schmied – aye; and T. Wilson – aye. The motion carried.

A. Yapicioglu thanked the Board for their time and consideration. P. Schmied moved the public hearing be closed at 4:45 p.m. T. Wilson seconded the motion. The vote was as follows: Acting Chair M. Hamilton – aye; G. Dorr – aye; P. Schmied – aye; and T. Wilson – aye. The motion carried.

Minutes of the January 08, 2008; 4:30 p.m. AutoZone public hearing, meeting #2, representative: Freddie D. Johnson, Sr., 4249 Lakeville Rd., (Tax Map ID #81.10-1-1) were reviewed. G. Dorr moved to accept the minutes as amended. Acting Chair M. Hamilton seconded the motion. The vote was as follows: Acting Chair M. Hamilton – aye; G. Dorr – aye; P. Schmied – aye; and T. Wilson – aye. The motion carried.

Minutes of the January 08, 2008, 5:00 p.m. Douglas Carman public hearing, 28 Highland Road, (Tax Map Id. # 80.16-3-32.1) were reviewed. T. Wilson moved to accept the minutes as presented. G. Dorr seconded the motion. The vote was as follows: Acting Chair M. Hamilton – aye; G. Dorr – aye; P. Schmied – aye; and T. Wilson – aye. The motion carried.

G. Dorr moved to adjourn the meeting at 4:50 p.m. P. Schmied seconded the motion. All were in favor, the meeting closed.

Debra L. Lund
Secretary