

Village of Geneseo
Zoning Board of Appeals
Public Hearing for
Kimber and Wendy Robinson
10 Prospect Street
Tax Id. # 80.16-2-37
May 04, 2010; 4:50 p.m.

Present:

Carolyn Meisel, Chair
Marlene Hamilton
Ronald Palmer
Paul Schmied
Thomas Wilson

Code Enforcement Officer

Dean O'Keefe
Ronald Maxwell

Applicant:

Kimber Robinson

Public Present:

Sue Richardson
Gidget Hopf, Bergmann Assoc.
Chris Centola, Bergmann Assoc.
Jeff Bush
Robert Feiburger

Chair C. Meisel called the Public Hearing to order at 5:15 p.m. The Board members were introduced. It was noted proper notices had been published and eleven (11) certified notices were sent and eleven (11) responses received. The Robinsons are seeking permission to erect a sixteen (16') x twenty-four (24') foot accessory structure when said structure fails to meet required side yard set back of six (6') feet per Table 130-131 for R-2 Residential District per the Code of the Village of Geneseo; an approximate three (3') foot variance is sought. K. Robinson was invited to state his case.

K. Robinson said he needed a building to store various items. He does historic re-enactment and has a lot of tenting supplies, tent canvas, clothing and so forth currently crammed into his house. He is also a goldsmith and would like to store the casting equipment in the building as well.

C. Meisel asked how deep the lot was. K. Robinson replied it is about two hundred (200') feet deep, half woods and has a steep drop off of approximately six feet. T. Wilson asked if the building could be moved back or did the drop off prevent this. K. Robinson responded there is a gardening shed beyond the drop off and that is also problematic for moving the structure back farther on the lot.

P. Schmied asked how the Robinsons gained access to the shed and if it was connected to the house. R. Robinson stated it was not connected to the house and there is a sidewalk from the back of the house leading to it.

C. Meisel asked if it would be possible to put the building in another part of the back yard. K. Robinson noted it would be possible but difficult as it would require regrading to get to that part of the yard and the shed would have to be moved as well.

T. Wilson asked how far the proposed building would be from the property line. K. Robinson said it would be three (3') feet from the line; there currently is a fence within one (1') foot of the line. CEO D. O'Keefe stated there is an existing carport on the neighboring property to the north that is also too close to the property line. C. Meisel asked how long the carport has been there. R. Freiburger, a neighbor and long time resident, said the carport has been there since the 1950s. He commented he has no problem with the proposed building. D. O'Keefe noted he had spoken with the neighbor in question and the neighbor has expressed the possibility of turning the carport into a garage at some point in the future.

P. Schmied asked how far apart the buildings would be assuming the variance was granted. D. O'Keefe responded it would be six (6') feet to seven (7') feet apart. The New York State Fire Code says a building must be three (3') feet from the property line. CEO R. Maxwell noted the building could be closer to the line, but must be fire rated for the whole side facing the property line and this can be quite costly.

C. Meisel noted the Zoning Board should follow the letter of the law. Is there another place on the lot the building could be located? K. Robinson commented he would need another drive, to move the shed, do considerable grade work and lose trees that he is loath to do. T. Wilson commented on the percentage of variance needed (approximately fifty (50%) percent and noted it was higher than that necessary in the first public hearing of the evening.

M. Hamilton noted the Robinsons have lovely flowerbeds. Would changing the location disrupt them? K. Robinson thanked her for the compliment to his wife's flowers and said they are predominantly planted in front of the home. P. Schmied asked if the elevation of the back yard is different in different areas. K. Robinson said he would have to take out most of the trees to find a more level spot requiring less grading and would still have to grade down to that spot. The trees provide such a nice natural habitat that he would hate to lose them. P. Schmied stated the building is almost a garage. K. Robinson noted he intends to use it for storage of items he accesses regularly.

P. Schmied noted the lot is in a developed part of the village. R. Palmer asked if there had been consideration to building a smaller structure. K. Robinson replied he actually wanted a bigger building but scaled it back. His house is old and as such, has few closets and a usable dirt floored basement under about half of the house. He now uses one room for storage as well as what he can put in the basement.

T. Wilson asked the height of the building and K. Robinson replied it is a one story with a five (5') foot high center loft area and would be constructed on site.

With no further discussion the questions were reviewed:

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.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes X No ___. The building could be built back farther but at great cost, unfeasible due to drop-off.
3. Is the requested variance substantial? Yes X No ___
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 ___.

P. Schmied moved to approve the request to erect a sixteen (16') x twenty-four (24') foot accessory structure when said structure fails to meet required side yard set back of six (6') feet per Table 130-131 for R-2 Residential District per the Code of the Village of Geneseo; T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel- aye; T. Wilson – aye; P. Schmied – aye; R. Palmer – aye and M. Hamilton – aye. The motion passed. P. Schmied moved to close the public hearing at 5:28 p.m.; C. Meisel seconded the motion. All were in favor and the hearing closed. K. Robinson thanked the board and exited the meeting.

Debra L. Lund
ZBA Secretary