

Village of Geneseo
Zoning Board of Appeals
Public Hearing for
Mary Kay & John Yanik
20 Heritage Drive
Tax Id. # 81.9-2-60
December 07, 2010; 4:50 p.m.

Present:

Carolyn Meisel, Chair
Marlene Hamilton
Paul Schmied
Thomas Wilson

Code Enforcement Officer

Ronald Maxwell

Applicant:

Mary Kay & John Yanik

Absent:

Ronald Palmer

Secretary:

Debra Lund

Public:

Sue Richardson
Dawn Aprile- Geneseo Hometown Development
Ryan Riehm
Kevin & Lisa Feor
Diane Leffler
Charles Aprile

Chair C. Meisel opened the Public Hearing at 4:50 p.m. Board members were introduced and the purpose of the hearing was to entertain a request to erect a primary residence when said structure fails to meet required backyard set back of thirty (30') feet per the Code of the Village of Geneseo; a variance of approximately fifteen (15') feet was being sought. Proper notification was published and seven certified notices were mailed and seven receipts returned. C. Meisel stated a letter had been received from Woodshire Homes, one of the neighboring properties, and there is no objection to the variance being granted (please see attached letter). The Yaniks were invited to state their case.

M. Yanik said the fifteen (15') foot variance was based on preliminary information. The plans have been revised and only a two (2') foot variance would be needed.

D. Aprile, Geneseo Hometown Development, said this would create a true hardship. Her business owns nine lots yet in the Heritage Drive development and she also has concerns for homes sold in the past.

M. Yanik noted the lot is odd shaped with only three (3) sides and has a six (6') foot utility easement. She did not want to create a hardship for any neighbors and had repositioned the home so that only a two (2') foot variance would be needed. Measurements were initially taken from the wrong location. The house will be approximately twenty-seven and one-half (27 ½') feet wide by sixty and three-quarters (60 ¾ ' feet long. R. Maxwell stated the December 1, 2010 map should be used if the variance is granted. The original maps had setbacks for the driveway and the houses but

did not have any for this lot. D. Aprile said she still had concerns over pushing the proposed house back on the lot. The lot has been rather overgrown with brush and weeds in the past.

M. Yanik said Mr. Morse had brush cut the lot a few times but acknowledged it had been overgrown at times. She would like the variance as she would like a porch on the home as well. It is a difficult lot for the building placement. C. Aprile said he appreciated the effort to keep the lot mowed. D. Aprile remarked the house width could be changed but she is ok with a two (2') foot versus the original proposed fifteen (15') foot variance request.

CEO R. Maxwell would like the motion to show that a surveyor must set the house's corner stakes should the variance be granted. This would ensure the foundation corners are accurately placed.

P. Schmied asked if Yaniks agreed to the change to the variance request to reflect that 1) an approximate two (2') foot variance is sought; 2) the submitted map with the revised date of December 01, 2010 be used for placement of the structure; and 3) a surveyor would stake the house corners? M. & J. Yanik agreed to all three stipulations. R. Maxwell noted this was the least possible variance that could be sought after the plans had been reviewed and reworked. M. Yanik said she originally thought the side yard set back was fifteen (15') feet not ten (10') feet.

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 ___
Size of the house could be different.
3. Is the requested variance substantial? Yes ___ No X
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 ___

It was noted an area variance is a type two action that does not require a SEQR; the proposed action is not environmentally significant.

T. Wilson moved to grant permission to erect a primary structure with a two (2') variance for the back yard set back of thirty (30') from the rear property line per the revised map submitted on December 01, 2010 and with the further stipulation that the structure's corner stakes to be set by a surveyor. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

M. & J. Yanik thanked the board and exited the hearing.

2011 Calendar dates were reviewed. P. Schmied moved to approve the calendar schedule for 2011 and T. Wilson seconded the motion. All were in favor and the motion passed.

P. Schmied moved to close the Public Hearing at 5:05 p.m. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

Debra Lund
Secretary

Attachment: Woodshire Homes Ltd. letter

Woodshire Homes, Ltd.

70 Westland Avenue
Rochester, New York 14618
(585) 244-3698

Received by the Village of Geneseo on 12/06/2010 via fax.

December 6, 2010

Zoning Board of Appeals
Village of Geneseo
119 Main Street
Geneseo, New York 14454

Re: Appeal For Rear Setback Variance at
20 Heritage Drive, by Mary Kay &
John Yanik

Gentlemen:

Woodshire Homes, Ltd. is the sole owner of 16 Heritage Drive (Lot #21), which abuts and is therefore most directly affected by the possible granting of the requested variance on 20 Heritage Drive. We received a copy of the Legal Notice about the Zoning Board of Appeals Hearing to be held on December 7, 2010. The Yaniks sent it to us by certified mail.

If, in fact, a 15 foot variance had been sought, as indicated in the Legal Notice, I would have very strongly objected to its being granted. However, this morning I received a copy of the proposed site plan from April Mack in the Village Clerk's office, which shows a proposed rear setback of 28 feet, in lieu of the required 30 feet. I later spoke by telephone to Dean O'Keefe, Code Officer, who confirmed that the original 15 foot variance request was based upon preliminary information. He further confirmed that the actual variance sought is only 2 feet, which would result in a 28 foot rear setback.

Assuming that the actual variance sought is two feet, and that the house, if built as proposed, would have a 28 foot setback from my property line, I have no objection to your granting this variance to the Yaniks. In the event that anyone has any questions during the meeting tomorrow, I will be at home during the meeting time, and please feel free to call me. My phone number is (585) 244-3698.

Thank you, and I appreciate the very helpful cooperation from Ms. Mack and Mr. O'Keefe.

Very truly yours,

Robert M. Sigurdson
President