

Village of Geneseo
Zoning Board of Appeals
Public Hearing for:
Gerald Fly
Address: 36 Second Street
Tax Map Id. #: 80.12-2-25
September 6, 2011; 4:30 p.m.

Present:

Carolyn Meisel, Chair
Marlene Hamilton
Paul Schmied
Bruce Teall

Code Enforcement Officer:

Ronald Maxwell

Secretary:

Debra Lund

Absent:

Thomas Wilson

Applicant:

Gerald Fly

Public: Jeff Cole and young son

Chair C. Meisel opened the public hearing and the meeting at 4:30 p.m. Board members were introduced. The purpose of the application was to amend the variance granted by the Zoning Board of Appeals on May 1, 2001 for a one (1) story, twenty-four feet by twenty-four feet (24'x24'), two (2) car garage, located one foot six (1'6") inches from both the rear and side lot lines to allow a two (2) story garage approximately twenty-five (25') foot in height the code currently allows a building up to forty (40') feet high per Bulk and Use Table 130-131 of the Code of the Village of Geneseo. Proper notice has been published, thirteen (13) certified letters were sent and ten (10) responses were received. Livingston County was notified and responded with a determination of "no significant Countywide Impact"; approval or disapproval of the application is a matter of local option.

Applicant G. Fly was invited to state his case. He explained he would like to have an upstairs work shop to repair parts for the restoration of his old Austin Healey and his wife would like to be able to park in the garage. M. Hamilton noted G. Fly had come before the Board in 2001 for a garage variance and asked if G. Fly had built the garage. G. Fly replied he had not built the garage as he heard the Village Code would be revised and might allow the two-story garage he originally wanted; the change to the code did happen. Code Enforcement Officer R. Maxwell said the original variance limited G. Fly to a one-story garage therefor the request for the revised variance was necessary.

Chair C. Meisel asked the Board if they would prefer to rescind the original variance and issue a new variance or modify the existing one. The consensus was to modify the existing one on the advice of Code Enforcement Officer (CEO) R. Maxwell.

M. Hamilton asked when G. Fly would begin work on the building if the variance were granted. G. Fly replied he has the finances in place but is waiting on bidding for the concrete work and the building itself. That is being held up waiting for final drawings from the architect. The building footprint would be the same as the previous granted variance; the footprint of that variance was almost the same as the original building which is still standing but in poor shape. He hopes to build within the next six-months to one year. M. Hamilton asked CEO R. Maxwell

how long a permit is good for and he replied the permit is valid for one year however, the variance goes on forever.

J. Cole and young son entered the public hearing.

Chair C. Meisel noted a neighbor, G. Ruhl, had called the Village Office and spoke with Secretary D. Lund stating he had no objections to the project. A neighbor present, J. Cole, expressed his hope the variance would be granted. He saw the new building as a positive effect on the neighborhood.

J. Cole exited the public hearing with his son.

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 _____ No X.
3. Is the requested variance substantial? Yes _____ No X. Change in Zoning now allows for two-story garages therefor it is not a substantial request.
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 _____.

With no further questions, the variance was put to the vote.

M. Hamilton moved to approve an amendment to the May 01, 2001 area variance giving G. Fly permission to erect a one-story, twenty-four foot by twenty-four foot (24' x 24') two car garage, one foot six inches (1'6") from the rear property line and one foot six inches (1' 6") from the side property line which is exactly where the pre-existing one car garage is located for Gerald W. Fly at 36 Second Street, Tax Map #80.12-2-25 to allow a two story garage with the additional stipulation that the garage will never be used as living quarters. P. Schmied seconded the motion. The vote was as follows: Chair C. Meisel – aye; M. Hamilton – aye; P. Schmied – aye; and B. Teall – aye. The motion carried.

G. Fly thanked the Board and exited the hearing.

This is an area variance and a type two action that does not require a SEQR. Chair C. Meisel stated it was so noted that the proposed action has been considered under SEQR and has met the requirements for a Type II action: the proposed action is not environmentally significant.

The Board reviewed the minutes of the Fogarty June 07, 2011 public hearing and meeting. M. Hamilton moved to approve the minutes as presented. B. Teall seconded the motion. The vote was as follows: Chair C. Meisel - aye; M. Hamilton – aye; P. Schmied –aye; and B. Teall – aye. The motion carried.

Discussion of other upcoming projects and how it might impact the Zoning Board followed.

P. Schmied moved to close the public hearing and meeting at 5:00 p.m. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel - aye; M. Hamilton – aye; P. Schmied –aye; and B. Teall – aye. The motion carried; the meeting and public hearing closed.

Debra Lund
Secretary