Village of Geneseo
Zoning Board of Appeals
Public Hearing for:
Shelton Pitney III
Address: 7 Second Street
Tax Map Id. # 80.12-1-7
June 26, 2012; 4:30 p.m.

Present:
Carol Meisel, Chair
Bruce Teall
Thomas Wilson

Absent:
Marlene Hamilton
Paul Schmied

Public Present:
Cathy & Don Schwendy
Terri & Joey Hopper

Code Enforcement Officer:
Ron Maxwell

Applicant:
Shelton Pitney III

Secretary:
Debra Lund

Chair C. Meisel opened the public hearing and the meeting at 4:30 p.m. The Board members were introduced. It was noted proper notification had been published and fourteen (14) certified letters had been sent with twelve (12) returned cards. The applicant was seeking permission to replace an existing shed that does not meet the side yard set back with a new shed that fails to meet side yard setback of six (6') feet per the Bulk and Use Table 130-131 of the Village Code.

C. Meisel invited S. Pitney to state his case. S. Pitney said he wished to replace an existing shed that is in very bad shape and move the new shed in from the property line six (6') feet to get it off the property line- the existing shed is actually slightly over the property line. He has many trees in the back yard and had added some to the back lot line as screening when he bought the property in 1981. They are mostly hemlock and pine trees. He would like to squeeze the shed into the existing area but farther over from where the original shed is located and would need a two (2') foot variance to move the new shed in six (6') feet from the original shed's footprint.

Chair C. Meisel and T. Wilson had looked from the road and noted it is difficult to see the area due to the amount and size of the trees. T. Wilson noted the shed is fifteen (15') feet from the back lot line. Why could the shed not be moved back or over? S. Pitney said he has a small garden area which must be located farther up to keep his tomato plants away from a huge black walnut tree. There is an existing fence with a giant walnut tree right behind it.

C. Meisel noted the shed could not be moved into the yard any further as a huge pine tree is in the way; there are many large trees in the yard. S. Pitney would like to utilize his yard space in the best manner possible. T. Wilson asked if any of the trees could be taken out. S. Pitney said he can take out a few of the smaller ones but one of the large ones were actually on his neighbor's property so he cannot remove it.

T. Wilson asked if the shed could be moved four (4') feet more toward the south side of the yard. S. Pitney responded there is a very healthy large tree in the way and he would prefer not to lose it.

CEO R. Maxwell commented he could not give S. Pitney a permit to place the shed in the existing footprint as part of the current shed was on the neighbor's property. C. Meisel asked if S. Pitney was aware part of the shed was on the neighbor's property when he bought his place. S. Pitney replied he was not aware of it at the time.

T. Wilson suggested it would only be necessary to take down one pine to move the shed and bring it into compliance. S. Pitney noted the pine in question is part of a cluster of other plantings and acts as the focus point for a redbud and other shrubs.

4:40 p.m.: Mr. & Mrs. Schwendy exited the meeting as their interest was in the results of the Lima Road public hearing.

T. Wilson wondered if the shed could be moved forward toward the garage. S. Pitney noted it would then be closer to the walnut tree and he was concerned about the tree's roots when setting the shed. His strategy was to rotate the new shed so the doors are on the long side for easier access.

T. Wilson noted no neighbors had attended the meeting to express their views.

With no further discussion, the area 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 _____. Smaller shed could be erected or trees could be removed.
3. Is the requested variance substantial? Yes __X__ No ____. It is more than 50%.
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 _____

Chair C. Meisel noted this is an area variance and a type two action that does not require a SEQR. 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.

B. Teall moved to grant permission to replace an existing shed that does not meet the side yard setback with a new shed that fails to meet side yard setback of six (6') feet per Bulk & Use Table 130-131 of the Code of the Village of Geneseo with a four and one-half (4 ½') foot variance for a two (2') foot side yard setback. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel, aye; B. Teall, aye; and T. Wilson, aye. The motion carried.

S. Pitney thanked the Board and exited the meeting at 4:47 p.m. T. Wilson moved to close the Public Hearing and B. Teall seconded the motion. The vote was as follows: The vote was as follows: Chair C. Meisel, aye; B. Teall, aye; and T. Wilson, aye. The motion carried. The Public Hearing closed at 4:48 p.m.

Debra Lund
Secretary