

Village of Geneseo
Zoning Board of Appeals
Public Hearing for:
Teresa & Joseph Hopper Jr.
Address: 188 Lima Road
Tax Map #: 81.9-2-33
June 26, 2012; 4:45 p.m.

Present:

Chair Carolyn Meisel
Bruce Teall
Thomas Wilson

Absent:

Marlene Hamilton
Paul Schmied

Public Present:

Cathy & Don Schwendy
Joe Hopper Jr.

Code Enforcement Office:

Ronald Maxwell

Applicant:

Teresa Hopper

Secretary:

Debra Lund

Chair C. Meisel opened the public hearing at 4:45 p.m. Members of the Board were introduced. It was noted proper notification had been published and eight (8) certified letters had been mailed with seven (7) cards returned. The applicant was seeking permission to erect a garage which fails to meet side yard setback of ten (10') feet per the Bulk & Use Table 130-131 (R-2 Residential District) of the Village Code and an eight (8') foot variance was sought.

Chair C. Meisel invited the applicant to state her case. T. Hopper informed the Board she owns both the 182 and 188 Lima Road properties. T. Hopper explained she would like to bring the garage forward about nine (9') feet and the front porch out an additional five (5') feet to off set it. This would bring the garage and porch addition width to a total of thirty (30') feet and over to her 182 Lima Road property existing lot line. She would move the property line so that it is ten (10') feet from the east side of the 182 Lima Road house. She actually needs a three and one-half (3 ½') foot variance but had requested two (2') feet.

T. Wilson inquired as to why the lot line could not be moved six (6') feet. CEO R. Maxwell said the new zoning requires more set-back, it is now ten (10') feet from the side property line. A non-conforming lot cannot be created but the lot line can be moved as long as the lots are conforming lots afterwards and T. Hopper would like to do so if granted a variance. There would be no purpose in moving the lot line if the Board does not grant her the variance.

Chair C. Meisel noted neighbors were present and invited them to speak. C. Schwendy was concerned the new garage would affect her future tax assessment. She has seen this happen in the past with her parent's property. R. Maxwell said it would not. Tax assessments are re-evaluated every four years and her assessment would only go up if all the houses in the area also went up.

T. Wilson inquired if the windows facing the 182 property on the west side were necessary. CEO R. Maxwell stated the wall must be fire rated per New York State Fire Code when the building is this close to the lot line and may not have any windows. C. Meisel told T. Hopper she would not be allowed windows in that wall and T. Hopper agreed.

T. Wilson asked if the variance was based on the property line being moved. R. Maxwell stated that this was the case and suggested the Board stipulate that and that windows cannot be placed in the garage wall facing the property line to be re-parceled.

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 X No _____ It is within three (3') of the proposed property line and over 50% of the allowed setback.
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 discussion, 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. This is an area variance and a type two action that does not require a SEQR.

T. Wilson moved to grant T. Hopper permission to erect a garage which fails to meet side yard setback of ten (10') feet per the Bulk & Use Table 130-131 (R-2 Residential District) of the Code of the Village of Geneseo subject to the parcel combination of the property located at tax ID #81.9-2-33, 188 Lima Road and tax ID #81.9-2-32, 182 Lima Road both owned by applicant Teresa Rood. The lots shall be parceled such that non-conforming lots will not be created; there shall be ten (10') feet from the shared side yard property line to the house on lot #81.9-2-32, 182 Lima Road. The proposed garage on lot #81.9-2-33, 188 Lima Road is granted an eight (8') foot side yard variance and must be at least two (2') feet from the side yard lot line with the further stipulation that the garage shall not have any windows on the side facing the shared lot line on the west side of the property. B. Teall seconded the motion. The vote was as follows: Chair C. Meisel, aye; B. Teall, aye; and T. Wilson, aye. The motion carried.

T. Wilson moved to close the public hearing at 5:10 pm and B. Teall seconded the motion. All were in favor and the hearing closed.

Minutes of the May 29, 2012 Welch Public Hearing were reviewed. C. Meisel moved to approve the minutes as amended. B. Teall seconded the motion. The vote was as follows: Chair C. Meisel, aye; B. Teall, aye; and T. Wilson, aye. The motion carried. B. Teall moved to close the meeting at 5:20 p.m. and C. Meisel seconded the motion. All were in favor and the meeting closed.

Debra L. Lund
Secretary