

Village of Geneseo  
Zoning Board of Appeals  
Public Hearing for: Andrea & David Johnson  
Address: 3 Seminole Avenue  
Tax Map ID #: 81.17-1-46  
April 23, 2013, 4:30 p.m.

Present:

Carolyn Meisel, Chair  
Marlene Hamilton  
Paul Schmied  
Thomas Wilson

Code Enforcement Officer:

Dean O'Keefe

Applicant:

Andrea Johnson

Public:

Eileen O'Brien  
Emi Okada, student

Secretary:

Debra Lund

Chair C. Meisel opened the public hearing and meeting at 4:30 p.m. Board members were introduced. It was noted proper legal notices were published. The applicant had mailed nine (9) certified return receipt requested notices to neighbors within one-hundred (100') feet of the property and nine (9) green cards were returned. The applicant is seeking permission to erect an addition that fails to meet the required side yard minimum set-back of fifteen (15') feet per Section 130-130 Bulk & Use Table for the R-1 District per the Zoning Code of the Village of Geneseo; a six (6') foot variance is being sought. The applicant was invited to address the Board and state her case.

A. Johnson said she had contracted with R. Schild to build an addition, fourteen (14') feet x sixteen (16') feet on the back rear right of their colonial style home. The addition would be off the dining room and flush with the current side wall of the house. She would not be invading the O'Brien's property but the addition does not meet the current side yard set-back. She was requesting a six (6') foot variance.

C. Meisel asked Code Enforcement Officer D. O'Keefe if the six (6') foot requested would be enough.

CEO D. O'Keefe replied six (6') foot would be adequate and leave a little "wiggle" room for slight adjustments if necessary. He noted the zoning revision passed a couple of years back changed the set-back needed to fifteen (15') feet from the previous ten (10') feet when the home was originally built. Although it does not meet the current code, allowing the variance would keep the addition in line with the house. If the addition were moved over the fifteen (15') feet now required it would block windows to the west of the proposed addition and create a major jog in the side line of the home.

T. Wilson asked if this was a one story addition. A. Johnson replied it was and there would be a door into the back yard. T. Wilson said he had done a drive by and noted the addition would be on the same side as the neighbor's garage. T. Wilson asked as E. O'Brien was present, did she have any comment. She said she had no concerns with the addition. When C. Meisel visited the property, she asked if the neighbors on the west side if they had any concerns and they did not. There did not appear to be any.

M. Hamilton asked the purpose of the addition. A. Johnson said it would be a family room with a sliding door to the back yard. The family had reached the point where they would like the additional space.

E. Okada, a SUNY Geneseo student entered the meeting and when asked noted she needed to attend a meeting for one of her classes.

P. Schmied noted there had been letters received from neighbors and asked that they be entered into the minutes.

*"We received your notice of appeal on 4/17/2013. We do not object to the application to erect an addition that fails to meet the required yard set-back of 15 feet on the property David + Andrea Johnson located at 3 Seminole Ave. Geneseo, N.Y.*

*Bonnie Hammond  
David L. Hammond  
April 18, 2013"*

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*April 22, 2013*

*To: Village of Geneseo  
Zoning Board of Appeals*

*We have received the notice of a public hearing for an appeal by David and Andrea Johnson, residing at 3 Seminole Avenue. In Geneseo, NY. We are not opposed to the six (6') foot variance that is being sought in order to erect an addition. We understand that the proposed addition fails to meet the yard set-back of fifteen (15') feet.*

*Eileen O'Brien  
5 Seminole Avenue*

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*April 22, 2013*

*To: Village of Geneseo  
Zoning Board of Appeals*

*We have been informed of a public hearing for an appeal by David and Andrea Johnson, residing at 3 Seminole Avenue in Geneseo, NY. We are not opposed to the six (6') foot variance that is being sought in order to erect an addition. We understand that the proposed addition fails to meet the yard set-back of (15') feet.*

*Eric R. Schiener*

*Tiffany Lee*

*7 Seminole Ave.*

*Geneseo, NY 14454"*

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  
It follows the existing house line.
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 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.

T. Wilson moved to grant permission to erect an addition that fails to meet the required side yard minimum set-back of fifteen (15') feet per Section 130-130 Bulk & Use Table for the R-1 District per the Zoning Code of the Village of Geneseo; a six (6') foot variance is being granted. 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.

A. Johnson thanked the Board and exited the public hearing at 4:37 p.m. with E. O'Brien.

P. Schmied asked CEO D. O'Keefe to explain the zoning change to student attendee E. Okada. D. O'Keefe noted the zoning had changed and the addition would therefor not be compliant as it would have had the addition been built at the time of the original home. The side yard set back had been increased to fifteen (15') feet from ten (10') feet with a recent zoning code revision.

T. Wilson moved to close the public hearing portion of the meeting. P. Schmied 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 and the hearing closed at 4:47 p.m.

The Board discussed a recent complaint that the legal notice did not contain enough information. The complainant felt the notice should include specific information concerning the

addition such as the intended use and where it would be located in regard to property lines. CEO D. O'Keefe stated the Code Officers were in agreement that the location should have been included – ex.: east side/west side of property as faced from the street. However, they did not feel the intended use should be included, but would be something that might be discussed at the public hearing. The Zoning Board members agreed. The notice is to allow any interested public to come to a meeting and find out the particulars. These specifics do not need to be addressed in the notice but the relationship of the variance to the boundary lines could be included. The secretary will include such information in future legal notices when necessary.

General discussion of upcoming projects within the Village followed. It was noted a new restaurant would be opening soon on Main Street in the vacated Democratic Headquarters space. There is a proposed day care going in next to the Town Offices. Following the discussion, D. O'Keefe exited the meeting at 4:47 p.m.

The April 02, 2013 Garner Minutes were reviewed. M. Hamilton moved to approve the minutes as amended. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye, T. Wilson, aye; and P. Schmied, abstained as he was absent from that meeting. The motion carried.

P. Schmied suggested the Board take a few minutes to explain the purpose of the Zoning Board of Appeals to the student, E. Okada. He stated the Zoning Board of Appeals was created to weigh the needs of the property owner against the Village Code. While doing so, the board reviews how the situation arose, the effect on neighbors concerned, whether or not the proposed change will have an adverse impact on physical or environmental conditions in the district. M. Hamilton said that is the reason for the list of questions reviewed at each area variance. She provided the student with her copy of information for this meeting as examples of the information gathered prior to the meeting. C. Meisel and T. Wilson explained this request is an example of how the revised zoning did not “grandfather” previous district zoning to allow additions to homes built under less stringent regulations. This addition is in violation of the current law but not of the previous one. This condition and the neighbor being in favor of the addition was taken into account as the Board made their decision. E. Okada thanked the Board for explaining the Zoning Board of Appeals responsibilities.

P. Schmied moved to close the meeting at 5:05 p.m. and M. Hamilton seconded the motion. All were in favor and the meeting closed.

Debra Lund  
Secretary