

Village of Geneseo
Zoning Board of Appeals
Public Hearing for: James Garner
Address: 56 Second Street
Tax Map ID #: 80.16-1-12
July 08, 2014; 4:30 p.m.

Present:
Carolyn Meisel, Chair
Robert Meyers
Paul Schmied
Thomas Wilson

Code Enforcement Officer:
Ronald Maxwell

Secretary:
Debra Lund

Absent:
Marlene Hamilton

Applicant:
James and Susanna Garner

Public:
Gretchen Zenner

The Public Hearing and meeting opened at 4:30 p.m. The Board members were introduced. It was noted proper notification had been published and ten certified notices had been sent to all neighbors within one-hundred (100') feet of the property and not all green cards were returned. It was noted J. Garner did not have the required receipts and green cards. Chair C. Meisel extended him the courtesy of allowing the public hearing to move forward and he will return the cards and receipts to the Village Office before the close of business tomorrow.

The applicant seeks permission to erect a fence that fails to meet Section 130-55D per the Zoning Code of the Village of Geneseo; a fence may not exceed six (6') feet in height. A two (2') foot variance is requested to allow the erection of an eight (8') foot high fence on the west property boundary abutting the Village Municipal Parking lot. Chair C. Meisel noted all board members present had visited the site.

Chair C. Meisel asked J. Garner to state his case. J. Garner stated he was asking for a variance to erect an eight (8') foot fence as his property line abutting the municipal parking lot on the west side as his lot is elevated above the municipal lot level. A six (6') foot fence would not screen his property from the lot or the lot from him; a privacy issue. He noted another property sharing the municipal lot line had an earthen berm below their fence, in effect, raising the fence level to the approximate eight (8') foot height he is requesting.

C. Meisel commented she noted the lot was elevated when visiting it and the requested variance would offer both property owners some privacy; this would not be true with a six (6') foot fence. T. Wilson said the fence next door is eight (8') foot and he agreed the elevation would make this necessary for any privacy.

R. Maxwell noted the Carusos had come before the Board in the nineties and received permission to erect an eight (8') foot fence. Secretary D. Lund said it had been researched. It was believed the Code Office has a copy of the minutes for that meeting.

C. Meisel asked if the members of the public present would care to speak. G. Zenner, a neighbor across the street, stated she was in support of the Garners being given the variance.

B. Meyers read another neighbor's letter into the minutes.

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July 05, 2014

To: Zoning Board of Appeals

I write to support James Garner's request to erect an eight foot high fence at the boundary of his property on 56 Second Street in the village. It is entirely reasonable to put up a substantial barrier between a residential property and the village parking lot.

*Sincerely,
Anne D. Luthus
52 Second St.
Geneseo*

From: Richard Hatheway [<mailto:rhatheway@geneseony.org>]
Sent: Tuesday, July 08, 2014 9:55 AM
To: 'ccmeisel@frontiernet.net'
Subject: Garner variance request

Carolyn,

Nobody on the Village Board has expressed any objection to James Garner's request to erect an 8' fence on his rear property line at 56 Second Street. That line abuts the Village parking lot, and a fence the same height as the existing fence at 54 Second Street will be in keeping with the neighborhood. In addition, a fence higher than allowed will actually benefit both the Garners and the Village in that those using the parking lot will not have to stare into the Garner's back yard, and those in Garners back yard will be spared the view of a municipal parking lot.

Thank you for the ZBA's consideration.

Dick Hatheway

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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
25% of allowed height; the height matches the fence next door.
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 SEQ. C. Meisel stated it was so noted that the proposed action has been considered under SEQ and has met the requirements for a Type II action: the proposed action is not environmentally significant.

With no further discussion, P. Schmied moved to approve permission to erect a fence, not to exceed eight (8') feet in height where said fence fails to meet Section 130-55D of the Zoning Code of the Village of Geneseo- a fence may not exceed six (6') feet in height. A two (2') foot variance is granted for the western boundary of property located at 56 Second Street, Tax Map ID# 80.16-1-12; said boundary abuts the Village Municipal Parking lot. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel, aye; R. Meyers, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

R. Meyers moved to close the public hearing at 4:46 p.m. T. Wilson seconded the motion; all were in favor and the motion carried. J. Garner thanked the Board. G. Zenner and the Garners exited the meeting.

The T. W. Lin International March 11, 2014 minutes were reviewed. T. Wilson moved to approve the minutes as presented; R. Meyers seconded the motion. The vote was as follows: Chair C. Meisel, aye; R. Meyers, aye; T. Wilson, aye; and P. Schmied, abstained as he had been absent. The motion carried.

P. Schmied exited the meeting.

Discussion of upcoming zoning and code issues followed. R. Meyers moved to close the meeting at 4:55 p.m. T. Wilson seconded the motion. All were in favor and the meeting closed.

Debra Lund
Secretary