

Village of Geneseo  
Zoning Board of Appeals  
Public Hearing for: Donald Schwendy  
Address: 178 Lima Road  
Tax Map ID #: 81.9-2-31  
August 26, 2014; 4:30 p.m.

Present:

C. Meisel, Chair  
M. Hamilton  
R. Meyers  
P. Schmied  
T. Wilson

Code Enforcement Officer:

Ronald Maxwell

Secretary:

Debra Lund

Applicants:

Donald & Catherine Schwendy

Public:

Fran Kelly  
Charles Philip  
Roberta Irwin

Chair C. Meisel opened the meeting and the public hearing at 4:30 p.m. The Board members were introduced. It was noted the proper legal notice had been published and seven notices mailed with six green cards returned. The applicant is requesting permission to erect a storage structure, that fails to meet rear yard set back of fifteen (15') feet and side yard set back of ten (10') feet per 130-131 Bulk and Use Table of the Code of the Village of Geneseo; a ten (10') foot rear yard setback and a five (5') foot side yard set back variance is being sought. D. Schwendy was invited to state his case.

D. Schwendy noted he resides at 178 Lima Road and wishes to erect thirty-eight (38') foot by forty (40') foot storage building and is requesting the variance to place the building so as to avoid taking down existing trees. He has a tree line along the back edge of the property where it abuts the green space of the Woodbine Park development and would prefer not to disrupt it. His next door neighbor, Terry Hopper, has a shed close to the shared property line in the vicinity he wishes to place his storage building. He continued that the current zoning states the building would have to be fifteen (15') feet from the back property line and ten (10') feet from the side yard line. He would like to place the building five (5') feet closer to each line.

Chair C. Meisel asked if the storage building could be placed elsewhere on the lot where it would meet the code stipulation. D. Schwendy replied he could do so but that would mean disrupting his wife's clothesline and would make her very unhappy. It would also be harder to get equipment that he wants to store into and out of the building from the Kelly's side. He can drive straight back if allowed to place the building as indicated.

M. Hamilton asked if there would be doors on the front and what the storage would be used for.

D. Schwendy said there will be doors and he intends to use the space to store and work on his tractor collection. He would be very considerate of his neighbors as far as any noise generated in the process.

C. Meisel asked where D. Schwendy currently stores his tractors. He noted he is currently working on one of them that L. Weber uses and it will go back to L. Weber once the work is done. He stores a couple on site in the current garage.

C. Meisel asked if all the Board members had been able to visit the site and they answered in the affirmative. T. Wilson thought the suggested building placement would make the most use of yard space and did not seem to present a problem with neighbor's yards.

F. Kelly commented she has been a long time neighbor and the Schwendys keep everything covered up and in nice condition. She enjoys seeing the tractors on display and they are a real show stopper. People often slow down to look at the equipment.

C. Philip, 4 Ivy Lane, stated his property does not touch Schwendys but is close by in the neighborhood and backs up to the green space. He did not feel the building would have any impact on the green space. His daughter and the other neighborhood children like Don's tractors when they are out on display and he has been a very good and sharing neighbor. This will give D. Schwendy another opportunity to maintain his tractors and store them.

D. Schwendy was asked what type of construction would be used. The barn will be aluminum with a concrete floor and storage in the attic space with a sloping ceiling. C. Meisel stated there could be no living space allowed in the structure. D. Schwendy said that was not his plan. The attic space is short enough that he can not stand straight in it; it will be strictly for storage of spare parts and that sort of thing.

With no further comments, 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 X No \_\_\_\_\_. The storage unit could be placed elsewhere but it would create a dead space in a small yard and be a detriment to green space.
3. Is the requested variance substantial? Yes 2 No 3.
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 4 No 1.

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.

With no further discussion, Chair C. Meisel asked if there was a motion. T. Wilson moved to grant permission to erect a storage structure that fails to meet rear yard set back of fifteen (15') feet and side yard set back of ten (10') feet per 130-131 Bulk & Use Table of the

Code of the Village of Geneseo; a ten (10') foot rear yard setback and a five (5') foot side yard set back is granted on property located at 178 Lima Road, Tax map ID # 81.9-2-31. The attic area may not be converted into living space and must remain storage only. R. Meyers seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; R. Meyers, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

The Schwendys thanked the Board. The Schwendys, F. Kelly and C. Phillip exited the meeting.

M. Hamilton moved to close the public hearing, R. Meyers seconded the motion. All were in favor and the public hearing closed at 4:47 p.m.

Debra Lund  
Secretary