

Village of Geneseo  
Zoning Board of Appeals  
Applicant: James & Kathleen Vokes Shoup  
Property Address: 35 Woodbine Park  
Tax map Id. #: 81.9-2-74  
May 03, 2016; 4:30 p.m.

Present:

Carolyn Meisel, Chair  
Marlene Hamilton  
Robert Meyers  
Paul Schmied  
Thomas Wilson

Code Enforcement Officer:

Ronald Maxwell

Secretary:

Debra Lund

Public Present:

Alan Moore  
Kathleen Root  
Paul Miller  
Barry Caplan

Applicant:

James Shoup & Kathleen Shoup

Chair C. Meisel opened the public hearing and the meeting at 4:30 p.m. Board members were introduced. Proper legal notices were published. Legal notices were sent certified return receipt requested to property owners within 100' of the property boundaries as per Village of Geneseo Code; eight (8) notices were sent and seven (7) green cards returned. The purpose of the hearing was a request for a four (4') foot variance of the rear yard setback for a building addition that fails to meet the required thirty (30') foot setback per Bulk & Use Table 130-131 for the R-2 district of the Code of the Village of Geneseo. The applicant was asked to state his case.

J. Shoup said a four(4') foot variance would be needed for the proposed addition to the back of the house. K. Shoup presented a set of blue prints for the Board to review. M. Hamilton asked if the addition would cover the current porch. The additional will occupy the current porch area and has two windows. They intend to eventually add a new porch.

Chair C. Meisel asked if the neighbors would like to comment. A. Moore did not have any problems with the project once he saw what was proposed. He lives a couple of doors down and wondered how the addition would fit on the property and if it would encroach on the easement or green space. He would be opposed to that as one neighbor has already done so. J. Shoup said the additional would have a full basement and be one story with a peaked roof. Placement of the addition was dictated by the windows already on that side of the house.

P. Schmied asked what was behind the house. C.E.O. R. Maxwell stated the development common use area runs along the back property line. The variance is needed as it is only twenty-six (26') feet to this boundary line. C. Meisel noted the development was a cluster development and had dedicated open space with small lots. This plan created an open space common area around the back of

the development property and creates a buffer between the development and surrounding properties. It was intended for all members of the development to have access and enjoy it. No permanent structures can be placed on it. Children do use it as a play area and T. Wilson remarked that was one of the intended uses when it was designed.

C. Meisel noted the house next door is exactly thirty (30') feet from the property line and has a shed about five (5') foot off the line.

K. Root, the Shoup's immediate neighbor stated she has no problems with the addition. K. Shoup said she had spoken to the other adjacent neighbor and they stated they did not have a problem with the addition. She said there is a ten (10') to fifteen (15') foot right of way for access to the common area next to her but it is difficult to access due to barriers erected by another neighbor. C. E. O. R. Maxwell said there was twelve (12') feet on the house side of one property and seven (7') feet of space on the garage side of the next property leaving plenty of access space if all the neighbors get along.

Members of the public P. Miller and B. Caplan entered the meeting at 4:40 p.m.

With no further discussion, the Board reviewed the questions.

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  
It is only a 4' variance on the rear lot line of the property that abuts an open common area.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes \_\_\_ No X  
A window would have to be removed to position the addition differently.
3. Is the requested variance substantial? Yes \_\_\_ No X  
4' of 30' is not substantial.
4. Will the propose variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes \_\_\_ No X  
There is a common area and does not adversely effect the neighborhood.
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. It was so noted that the proposed action has been considered under SEQR; per regulation #13 – granting of an area variance(s) for a single-family, two-family or three-family residence are not subject to review under SEQR, and has met the requirements for a Type II action: the proposed action is not environmentally significant.

R. Meyers moved to approve a four (4') foot variance for a home addition that fails to meet the rear yard setback of thirty (30') feet per Bulk & Use Table 130-131 of the R-2 Residential District of the Code of the Village of Geneseo. T. Wilson 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.

WHEREAS, The Village of Geneseo Zoning Board of Appeals, hereinafter referred to as Zoning Board, has considered the above referenced area variance application and  
WHEREAS, the Zoning Board has reviewed the application submitted by James Shoup and dated April 08, 2016 and received in the Village Office on April 08, 2016 and

WHEREAS, on May 03, 2016 the Zoning Board held a public hearing, which was duly advertised for the purpose of soliciting public comment on the proposed actions and finding the proposed action is an area variance and a type two action that does not require a SEQR per regulation #13 – granting of an area variance(s) for a single-family, two-family, or three family residence are not subject to review under SEQR; and

WHEREAS, after soliciting information from all involved parties and the public; and

NOW, THEREFORE BE IT RESOLVED that the Zoning Board approves a four (4') foot variance for a home addition that fails to meet the rear yard setback of thirty (30') feet per Bulk & Use Table 130-131 of the R-2 Residential District of the Code of the Village of Geneseo on property located at 35 Woodbine Park, Tax Id. # 81.9-2-74.

The above resolution was offered by Robert Meyers and seconded by Thomas Wilson on May 03, 2016. Following discussion thereon, the following roll call vote as taken and recorded: Chair C. Meisel, aye; M. Hamilton, aye; Robert Meyers, aye; P. Schmied, aye; and T. Wilson, aye.

K. and J. Shoup thanked the Board and exited the Public Hearing at 4:45 p.m.

P. Schmied moved to close the public hearing at 4:47 p.m.; M. Hamilton 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 and the public hearing closed.

Debra Lund  
Secretary