

Village of Geneseo
Zoning Board of Appeals
Applicant: Neils Kurt Christiansen
Property Address: 6 Oak Street
Tax Map Id. #: 80.12-2-58
October 04, 2016; 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:

Kurt Christiansen
Barbara Christiansen

Public Present:

Louise Stomieroski, visiting relative

Roger Potter, Builder

Chair C. Meisel opened the public hearing and meeting at 4:30 p.m. Members of the Board were introduced. It was noted proper legal notices had been published. Eleven (11) legal notices were mailed to property owners within 100' of the property lines per the Village of Geneseo Code; they were sent certified return receipt requested with eleven (11) green cards returned as per the Village Code. The purpose of the hearing is a request for a variance for a seven foot (7' 6") six inch side yard variance and a nine foot (9' 11") eleven inch rear yard setback where the proposed project fails to meet the required ten (10') foot side yard setback and the fifteen (15') foot rear yard setback per Bulk and Use Table 130-131 for the R-2 District of the Village of Geneseo got property located at 6 Oak Street, Tax Map ID# 80.12-2-58. The applicant was asked to state his case.

K. Christiansen said the house is over one-hundred years old. B. Christiansen noted the garage was at least forty years old as they have lived there that long and it was on the property when they purchased it.

K. Christiansen said they had the garage lifted and wooden supports placed under it but those are in bad shape and water leaks in. They would like to replace the garage on the same footprint but five (5') feet in from the back property line and that is farther from the line than the current garage.

C. Meisel asked if the garage would be rebuilt in the exact same footprint.

B. Christiansen said the current garage had an earlier bump out addition at the back that they would be eliminating with the new garage.

K. Christiansen stated the new structure would essentially be in the same place as the old garage. He has a very narrow driveway and a small yard. It is a straight drive back to the current garage. He has talked with his neighbors. Ellen Herzman told him she did not have any problem with the project nor did Kathleen Houston or Richard Venturino when he spoke with them. He presented a letter to the

Board from Eugene and Cristine Scherline stating they were not opposed to the plans. (See attached letter).

K. Christiansen stated Roger Potter would be the builder. They have had him do work in the past and they were satisfied. He has also done work for friends and another neighbor. K. Christiansen said the building would be compliant with the fire code. C.E.O. R. Maxwell stated the wall closest to the east boundary line must meet state fire code and noted it would.

T. Wilson asked why the variance was necessary as the garage rebuild would be in the old garage's footprint. R. Maxwell said the change in the updated Code dictated it. If a building has more than fifty (50%) percent replaced and does not meet current code, a variance is required to proceed.

T. Wilson asked if the rebuild would be as close to the lot line as the original and farther from the back lot line. R. Maxwell responded that was so – it is a straight shot in from the driveway and the yard is small without much room to move the building over.

T. Wilson asked what materials would be used for the construction. K. Christiansen said it would be a concrete floor with cinderblock walls. T. Wilson asked about runoff. K. Christiansen said they would be installing tile and hoped to not bother the neighbors while doing the work.

R. Potter entered the public hearing.

C. E.O. R. Maxwell reminded K. Christiansen that he would need the completed building permit and plans as only the zoning permit had been turned in for the variance. He would need them before he could issue a building permit if the variance was granted. R. Potter said he would get that information to C. E. O. R. Maxwell.

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

This is a new structure in the same place as the old one. There were no objections from the neighbors.

2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes _____ No X

Narrow driveway that would not allow access to the garage if it were moved over ten (10') feet.

3. Is the requested variance substantial? Yes X No _____

However, the side yard setback remains the same as for the original garage. Although substantial, the change will improve the situation.

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

The new building is essentially in the same footprint as the old one.

5. Is the alleged difficulty self-created? Yes X No _____

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.

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 Neils Kurt Christiansen and dated September 08, 2016 and received in the Village Clerk's Office on September 08, 2016 and,
WHEREAS, on October 04, 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; and
WHEREAS, after soliciting information from all involved parties and the public; and,
NOW, THEREFORE BE IT RESOLVED that the Zoning Board approves the request for a variance for a seven foot (7' 6") six inch side yard variance and a nine foot (9' 11") eleven inch rear yard setback where the proposed project fails to meet the required ten (10') foot side yard setback and the fifteen (15') foot rear yard setback per Bulk and Use Table 130-131 for the R-2 District of the Village of Geneseo. The above resolution was offered by Thomas Wilson and seconded by Paul Schmied on October 04, 2016. Following discussion thereon, the following roll call vote was taken and recorded: Chair C. Meisel, aye; Robert Meyers, aye; Paul Schmied, aye; and Thomas Wilson, aye.
I, Debra Lund, Secretary of the Zoning Board of Appeals do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Village of Geneseo Zoning Board of Appeals.

T. Wilson moved to approve the request for a variance for a seven foot (7' 6") six inch side yard variance and a nine foot (9' 11") eleven inch rear yard setback where the proposed project fails to meet the required ten (10') foot side yard setback and the fifteen (15') foot rear yard setback per Bulk and Use Table 130-131 for the R-2 District of the Village of Geneseo. P. Schmied seconded the motion. The vote was as follows: Chair C. Meisel, aye; Robert Meyers, aye; Paul Schmied, aye; and Thomas Wilson, aye. The motion carried.

The May 03, 2016 James & Kathleen Vokes Shoup minutes were reviewed. T. Wilson moved to approve the minutes as presented. P. Schmied seconded the motion. The vote was as follows: Chair C. Meisel, aye; Robert Meyers, aye; Paul Schmied, aye; and Thomas Wilson, aye. The motion carried.

The May 03, 2016 Pizza Paul's 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; Robert Meyers, aye; Paul Schmied, aye; and Thomas Wilson, aye. The motion carried.

T. Wilson asked R. Maxwell if he was aware a permanent sign had replaced the sandwich board sign at the day care at 207 Lima Road. R. Maxwell said he would stop and review the sign and check to see if the sign was allowed in that district.

T. Wilson exited the meeting.

P. Schmied moved to close the public hearing at 4:50 p.m. R. Meyers seconded the motion. All were in favor and the public hearing closed.

With no further discussion, R. Meyers moved to close the meeting. P. Schmied seconded the motion, all were in favor and the meeting closed at 4:55 p.m.

Debra Lund

** Letter attached below**

RECEIVED
OCT 04 2016
Village of Geneseo

October 4, 2016

To Whom It May Concern:

We, Eugene D. Scherline & Cristine L. Scherline of 33
Second Street, Geneseo, NY, do not oppose Kurt & Barbara
Chistiansen of 6 Oak Street, Geneseo, NY moving their garage
closer to their house.


Eugene D. Scherline


Cristine L. Scherline