

ZONING BOARD OF APPEALS

JUNE 20, 2002

PRESENT

Chairman Powell Keery
George Fellows
John Dole
Lou Grammatico
Michael Flavin

ABSENT

OTHERS PRESENT

Jack Crooks, Building Inspector
Donna Stassen, Zoning Board Secretary

Wayne Swanger

PUBLIC HEARING

The application of Wayne Swanger for an area variance for a 6 ft. high fence, approximately 227 ft in length. Such fence to be located on property at 112 Brittain Circle. Whereas the maximum height allowed is 4 ft. and the length is not to exceed 65 linear feet. Such area variance pursuant to Chapter 140-31-A (1) & (4) of the village code in an R-1 Residential District.

Mr. Swanger stated to the Board that the intent behind installing the fence was primarily for privacy, to keep his children in the yard and eventually they would like to get a family dog.

Also, he stated that the neighbors tend to keep a lot of junk in their back yard and it is an eyesore, the fence would hide this.

Mr. Swanger stated that his wife has upgraded the originally proposed fencing. They now will be installing a dog-eared fence instead of french gothic fencing.

Mr. Swanger stated that there are many fences similar to this one in the village.

The fence will run along the back of the property and down the east property line stopping at the back of the house.

He would like to have the fence, one foot off the property line, if he had to put it two feet off the line he would have to cut down an apple tree.

Mr. Swanger has notified all his neighbors of the public hearing, no one has appeared to speak.

All the board members have been to the site.

The issue of whether or not this was a privacy fence arose a discussion from the board. Mr. Swanger has stated to the board that it is his intention to have this fence for the purpose of privacy for his family.

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Chairman Powell Keery asked to have it noted that this is an area for the code review committee to address; screening fencing versus privacy fencing.

Also, the section of the code stating that fencing must be placed two feet off the lot line should be revisited.

After board discussion the following resolution was offered:

RESOLUTION NO 119

INTRODUCED BY GEORGE FELLOWS
SECONDED BY JOHN DOLE

Resolved that the application of Wayne Swanger, 112 Brittain Circle, Spencerport for an area variance to construct a six (6) foot closed construction fence, 227 feet in length on property located at 112 Brittain Circle be approved pursuant to Chapter 140-31-A (1) & (4) of the Village Code.

Such approval was based on the following criteria:

1. The fence will not have a negative impact on the neighborhood.
2. Nor, will such fence have an adverse environmental impact on the neighborhood.

Furthermore, the following conditions have been placed on such variance.

1. Fence to be placed no less than one (1) foot from the property line.
2. Homeowner is responsible for maintaining both sides of the fence.
3. Such fence to be installed to professional standards with the good side facing outwards.

Such fence is a Type 2 action and no further environmental review is required.

Ayes: Powell Keery, Dole, Fellows, Grammatico, Flavin

Nays: none

OLD BUSINESS:

Nothing requiring board action

NEW BUSINESS

Nothing requiring board action.

APPROVAL OF MINUTES

Motion was made by Michael Flavin seconded by George Fellows and carried unanimously that the minutes of March 19, 2002 be approved as read.

ADJOURNMENT

Motion was made by George Fellows seconded by Michael Flavin and carried unanimously that the meeting be adjourned at 7:40 P.M.