

**Village of Spencerport  
Zoning Board of Appeals  
October 21, 2010**

**Present**

Chairman Dole  
Michael Flavin  
Mark Unvericht  
Dale Kellerson

**Absent**

**Others Present**

Donna Stassen, Secretary  
Paul Lane  
Joan Quigley  
Mark Frisicano

At this time Chairman Dole led the Pledge of Allegiance.

**Public Hearing**

The appeal of Paul and Shannon Lane of 10 Airy Drive, and Mark Frisicano of 322 Village Walk Circle, Spencerport NY 14559 for an area variance for an existing shed on property located at 322 Village Walk Circle with a side setback of 3.5 '. Whereas the minimum required setback is 5 ft. pursuant to Chapter 140- 14-F in a residential district.

Paul Lane stated to the Board that he was the prior owner of 322 Village Walk Circle, when he went to begin closing procedures on the house it was brought to his attention that the shed on his property did not have a building permit on file. After inspection of the shed by the Building Inspector the shed was found to be non compliant with the code and needed a variance.

Paul Lane stated that the fence was already there when he bought the property in 1998.

Chairman Dole: Is the shed on a permanent foundation?

Paul Lane: Yes.

Mark Frisicano stated that he was the new homeowner and had no problem with the shed located where it is.

After further board discussion the following resolution was offered

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**Resolution No 202**  
**October 21, 2010**

**Introduced by Chairman Dole**  
**Seconded by Michael Flavin**

Resolved that the application of Paul and Shannon Lane of 10 Airy Drive and Mark Frisicano of 322 Village Walk Circle, Spencerport for the following area variance on property located at 32 Village Walk Circle is deemed a Type 2 action and no further review is required.

**Resolution No 203**  
**October 21, 2010**

**Introduced by Chairman Dole**  
**Seconded by Michael Flavin**

Resolved, that the application of Paul and Shannon Lane of 10 Airy Drive and Mark Frisicano of 322 Village Walk Circle for the following area variance on property located at 322 Village Walk Circle be approved.

An area variance for an existing class 1 structure with an existing setback of 3.5' whereas the minimum setback for a class 1 structure shall not be less than 5' from the side property line. Such variance is pursuant to Chapter 140-13 –F of the Code of the Village of Spencerport in a residential district.

Furthermore be it resolved that such approval was granted based on the following:

1. No one from the neighborhood came to speak against such proposed variance.
2. Both applicants the seller and buyer for such property were both confident that the shed is on a permanent foundation.
3. Such area variance will not result in any negative impact on the neighborhood; such existing shed has been on the property several years at least 11 when applicant Paul Lane moved in.
4. Such variances are self created but not intentional.

Ayes: Dole, Flavin, Unvericht, Kellerson

Nays: none

### **Approval of Minutes**

Motion made by Michael Flavin seconded by Mark Unvericht and carried unanimously to approve the minutes of May 20, 2010 as written.

### **Adjournment**

Motion made by Chairman Dole seconded by Mark Unvericht and carried unanimously to adjourn the meeting at 7:30 p.m.