

**Zoning Board of Appeals  
Minutes  
May 17, 2018**

**Present**

Chairman Dole  
Michael Flavin  
Dale Kellerson  
Mark Unvericht

**Absent**

Diana Powell Keery

**Also Present**

Zoning Board Attorney Eric Stowe  
Zoning Board Secretary Pam Gilbert  
Building Inspector Patrick Smith  
James Dickinson  
Joan Quigley

Chairman Dole led the Pledge of Allegiance.

**Public Hearing**

The application of James C. Dickinson, 59 Big Ridge Road, Spencerport, New York 14559, for an area variance for a proposed side setback of 2.5 feet for a Class 1 structure, whereas, the minimum side setback is 5 feet, pursuant to 340-14 F. This is in an R-2 Residential District.

James Dickinson: In the west corner right behind my house I would like to put a 8x8x8 shed. After speaking with Patrick Smith as long as we build it right in line with the house we won't have any issues with worrying about it being on the property line. So the plans are to build it flush with the backside of the house. They drawings I did were before I spoke with Patrick. So you can see where it will be pushed in another foot or so. The shed is a kit from Lowes to save some time and money. I plan on using for a foundation is level ground stone and pavers.

Chairman Dole: The shed is going to be lower than the back of your house.

James Dickinson: The actual exterior peak height will be 8.36 feet and the house roof line is 12 plus. So it will be below that for sure. One more note that my neighbor Ethan did stop over last night and asked what I was doing as he couldn't be here tonight. I told him a shed and where I was putting it and he said ok no worries.

At this time Chairman Dole closed the Public Hearing.

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Chairman Dole then asked Attorney Stowe, Building Inspector Smith and the board if they have any comments.

Dale Kellerson: I stopped over there today and I have no issues.

#### RESOLUTION

359/2018

WHEREAS, the Village of Spencerport Zoning Board of Appeals has before it an application from James C. Dickinson, for an area variance at 59 Big Ridge Road in the Village of Spencerport, to allow a side setback of 2.5 feet for a Class I structure on property located at 59 Big Ridge Road, Spencerport, New York 14559; and,

WHEREAS, an application for an area variances are Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA), and are subject to no further review; and,

NOW THEREFORE BE IT RESOLVED, that the Village of Spencerport Zoning Board of Appeals declares that the application of James C. Dickinson, for an area variance at 59 Big Ridge Road in the Village of Spencerport, to allow a side setback of 2.5 feet for a Class I structure on property is a Type II Action and therefore subject to no further review.

Motion: Chairman Dole

Second: Dale Kellerson

Vote of the Board:

Ayes: Dole, Flavin, Kellerson, Unvericht

#### RESOLUTION

360/2018

The Village of Spencerport Zoning Board of Appeals, in reviewing the application of James C. Dickson. 59 Big Ridge Road, Spencerport, New York 14559, for the following relief:

1. An area variance to allow a side setback of 2.5 feet for a Class I Structure on property located at 59 Big Ridge Road in the Village of Spencerport; having considered, among other things:

2. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
3. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
4. Whether the requested area variance is substantial;
5. Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district; and
6. Whether the alleged difficulty was self-created

AND, the Zoning Board of Appeals of the Village of Spencerport makes the following findings of fact:

1. An undesirable change in the neighborhood will not be produced in the character of the neighborhood or a detriment to nearby properties will not be created by granting the area variance because:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
2. The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue other than an area variance because:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
3. The area variance is not substantial because:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
5. The alleged difficulty was self-created, however, the self-created difficulty is not a reason for the board to deny the variance.

The Zoning Board of Appeals further determines that the variance requested are the minimum variance necessary and adequate and preserves and protects the character of the neighborhood and the health, safety and welfare of the community; and

The Zoning Board of Appeals further determines that the following conditions/restrictions shall be placed on the variance:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_

Said conditions/restrictions being consistent with the spirit and intent of the zoning local law and are being imposed for the purpose of minimizing any adverse impact said variance may have on the neighborhood or community.

The application for the area variance is hereby GRANTED.

Motion: Chairman Dole  
Second: Michael Flavin

Vote of the Board:  
Ayes: Dole, Flavin, Kellerson, Unvericht

#### **Unfinished Business**

Nothing requiring Board action

#### **New Business**

Nothing requiring Board action

#### **Approval of Minutes**

Motion made by Chairman Dole Seconded by Michael Flavin carried unanimously to approve the April 19, 2018 minutes.

#### **Adjournment**

Motion made by Mark Unvericht seconded by Dale Kellerson and carried unanimously to adjourn the meeting at 7:08 pm.