

**Town of Geneva  
Zoning Board  
February 28, 2023  
DRAFT**

Present: James Smith, John Robbins, Phillip Ilacqua, Robert Rose, Pat Cardinale

Necessarily Absent: John Wilson

Staff: Floyd Kofahl, Code Enforcement Officer, Amy Naegele, Clerk of the Board, Steve High, Ontario County Planning Board Representative

Others present: 3 members of the public

Acting Chair John Robbins called meeting to order at 6:30 pm.

**Pledge of Allegiance**

**Public Hearing – Area Variance  
Blackman Property ZB2023-001**

The applicant is requesting an area variance for the height of a fence they would like to build in the front yard. They are requesting an 8-foot fence and a 4-foot fence is allowed, making it a 100% variance request. Curtis Blackman presented to the Board. He explained where they wish to place the fence and explained that the front yard slopes down, meaning it would not look to be as high of a fence. He went through the reasons for wanting the fence, including privacy and safety for his wife and son and their dogs. He also mentioned helping with the noise from the busy road.

John Robbins asked for conformation on what the fence would look like, and Curtis answered, explaining the provided picture in the application. He also confirmed it would be approximately 80 linear feet. John Robbins confirmed that there were no other members of the public wishing to speak. Robert Rose confirmed with the applicant that it would not be enclosed. Curtis explained that it would go from driveway to driveway. John Robbins asked about an existing chain link fence in the backyard. There was a short discussion about the fenced area. Curtis confirmed that the fence was approximately 5 feet high, and the area is used only for their two dogs. They currently use the front and side yards for themselves and children.

Motion made by Phillip Ilacqua to close the Public Hearing. 2<sup>nd</sup> by Robert Rose. All in favor, motion carried.

Robert Rose asked the applicant about the distance from the road to the house and where the fence would be. Curtis explained that the fence would be approximately 40 feet from the road and 20-30 feet from the house.

John Robbins asked Floyd for his comments. Floyd went over the application and confirmed that they are asking for an 8-foot fence where only a 4-foot fence is allowed, making it a 100% variance, which is a major request for the Board to consider. Jim Smith asked Floyd about the location of the fence. Floyd explained to the board members where the fence would be located. Phillip Ilacqua asked Floyd about the fence not being secure. Floyd confirmed the fence

would only be to block the view, dust, and maybe sound. There was board discussion on the fence being able to block sound and what would be needed to make a difference to sound from the road. There was further discussion on the location and Floyd excused himself to make copies of a map. The board members continued their discussion. They discussed previous requests for fence variances, and the location of the right-of-way. Members voiced concerns about it being a 100% variance and setting a precedent and about it not being a secure fence. Floyd returned and the location of the fence was confirmed on the map. John Robbins inquired about using a 4-foot fence. The applicant asked to address this and explained that because of the slope, a 4-foot fence would not block the view of the yard. He talked about people walking, biking, and driving by the property and being able to see what was going on in the yard.

John Robbins led the Board through the resolution and the five criteria for an area variance. It was agreed that the benefit could be achieved by other means feasible. The board members agreed it would be an undesirable change to the neighborhood because of the height and location of the fence. The Board confirmed it was a substantial request, being a 100% variance request. It was determined that there would be no adverse physical or environmental effects. The Board agreed that the alleged difficulty is self-created due to the desire to have a fence.

Motion made by Phillip Ilacqua to deny request ZB2023-001. 2<sup>nd</sup> by Robert Rose.

Roll Call Vote:

James Smith – Deny

John Robbins – Deny

Pat Cardinale – Deny

Phillip Ilacqua – Deny

Robert Rose – Deny

Variance request denied.

### **Meeting Minutes from November 22, 2022**

Motion made by Pat Cardinale to approve minutes with a 2<sup>nd</sup> by Phillip Ilacqua. All in favor. Motion carried.

### **Steve High's Report**

Steve provided the Board with the 2022 Ontario County Planning Board Annual Report. He highlighted some of the application statistics from the year and discussed trends they saw. These included requests for 2<sup>nd</sup> dwellings on lake properties and moratoriums on alternative energy. He also talked about the timeline for municipalities to refresh their comprehensive plans, a new housing survey that is being conducted by Ontario County, and the state's energy plan. He also explained that there was not a quorum at last month's meeting and the resulting impact of that.

### **Other Business**

Floyd confirmed that the organizational meeting would be held at the next zoning board meeting. He asked that the board members come prepared with any suggestions that they may have.

Motion made by Phillip Ilacqua to close the meeting with a 2<sup>nd</sup> by Pat Cardinale. All in favor. Motion carried at 7:04 pm.