

**Town of Geneva
Zoning Board
April 27, 2021
DRAFT**

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

Absent: John Robbins

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

Others present: 2 members of the public

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

Pledge of Allegiance

**Public Hearing
Davie Garage ZB2021-002**

The applicant is requesting an area variance for the placement of a detached garage in the front yard. Per Town of Geneva Zoning Code 165-24 A, accessory structures are to be constructed in the rear yard only. John Davie presented his request to the Board. He explained that they wish to build the garage for extra storage. He confirmed that the neighbors on each side of the property are fine with the garage and that there are at least 5 other properties on the road with accessory structures in the front yard.

John Wilson checked to see if there were any other members of the public wishing to speak. There were none. He asked the Code Enforcement Officer for his comments. Floyd explained that this is a lake front property and that the topography of the lot would make it very difficult to build/access a garage in the rear yard. He also confirmed that the placement does meet side and front setback requirements for a structure in the front yard, that there are at least 5 other similar structures on the street, and that there are no easements in the way of the proposed location.

John asked Steve High for any comments from the County. Steve explained that this was classified as Class I, no significant concerns had been raised, and it was part of a block vote to return with the recommendation of approval.

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

John Wilson asked the board members if there were any questions or comments and then began the discussion of the five criteria for an area variance. The Board agreed that the benefit could not be achieved by another means feasible due to the lot. The board members also agreed that there would not be an undesirable change to the neighborhood and that it would actually fit in with nearby properties. It was determined that it is a substantial request as it is a 100% variance. The Board agreed that there would not be adverse physical/environmental effects. It was also agreed that the alleged difficulty was not self-created.

It was asked if there were any other questions or comments. James Smith asked the applicant about the extra windows in the garage plans. The applicant explained that the windows would be for lighting and ventilation. They may decide to have an exercise room in that portion of the garage. He confirmed that it would not be inhabited. James Smith asked if there would be water/sewer and the applicant confirmed there would only be a sink for hand-washing. Floyd also added that a condition of the Certificate of Compliance on such a structure would be that the building could not be occupied.

Motion made by James Smith to grant the area variance as requested. 2nd by Phillip Ilacqua.

Roll Call Vote:

Pat Cardinale: Grant

James Smith: Grant

John Wilson: Grant

Phillip Ilacqua: Grant

Robert Rose: Grant

Motion carried.

Meeting Minutes from January 26, 2021

Motion made by Phillip Ilacqua to approve minutes with a 2nd by Robert Rose. All in favor. Motion carried.

Steve High's Report

Steve explained that there were 28 referrals to the county this month but only 5 Class II referrals. Of these 5, 4 were either text amendments or comprehensive plans. 1 of the text amendments was the Town of Richmond reviewing their zoning for solar. There was nothing else significant to report.

Other Business

Floyd updated the board members on upcoming projects in the town

CCMI is working on a project on 14 North, moving their current operations out of the city. They were before the Planning Board last week for a 15,000 square foot building. No variances are needed at this time.

Several codes need adjusting/fine tuning and the town has reinstated the code committee to address these items. Floyd asked the board members to let him know if there were any specific items that they would like to have addressed. John Wilson added that examples of items that they would be reviewing would be accessory structures in the side yard or in the front yard on lake front properties. Floyd also mentioned accessory structures in the front yard in the agriculture district. He explained that there are probably around 16 items that the committee is currently looking at, including the solar code. John Wilson added that the board members should think about what they have previously approved and if there should be any changes to those codes.

Floyd went over upcoming applications that will be before the Board, including an area variance for a sign for Seneca Foods on 14N and another for a detached garage in the front yard in the R1 district.

He also explained he had received another inquiry regarding the changes made to the Short-Term Rental Permit code last year and that the individual would be speaking to the Town Board about their concerns.

Floyd welcomed Pat Cardinale to the Board.

There was a question regarding the Cobtree homes on Armstrong Road being sold. Floyd discussed with the Board the fact that some were being sold as individual lots and some as groups. They went over why this was allowable and there was a discussion on the history of the property.

Motion made by John Wilson to close the meeting with a 2nd by James Smith. All in favor. Motion carried at 6:51 pm.