

**Town of Geneva  
Zoning Board  
April 23, 2019**

Present: James Smith, John Wilson, Douglas Roll, Phillip Ilacqua, and Robert Rose

Staff: Floyd Kofahl, Code Enforcement Officer, Amy Naegele, Clerk of the Board

Others present: Steve High, Charles Darling, Robert Myer, Julie Myer, Howard Sabin, Peter D'Silva

**Public Hearing  
Darling Residence ZB2019-004**

The applicant, Charles Darling, wishes to have a shed placed 7 feet from the property line where the Town Code Section 165-24 allows a minimum setback of 10 feet. The Zoning District is R-1. This is a detached shed.

Charles Darling presented his request to the board. He explained that he was requesting the variance so as to not impact drainage in the backyard and to not impact the view and aesthetics of his neighbors' yards. He would be removing the fence that is currently in the same location and putting in the shed. The location is at the end of his driveway and he plans to use the same shingles and siding as is currently on his house.

The board members asked about other locations that the shed could be located. The applicant explained that the neighbors' yards are all facing each other and he was trying to be considerate of them. Douglas Roll asked if he had spoke with the neighbors. Charles said he had, and they were okay with it. Code Enforcement Officer Floyd Kofahl was asked if he had received any phone calls. He said the phone calls he received were inquiries mostly due to the use of the new signage, but no concerns about the shed were brought to his attention. The board asked about other locations again. The applicant explained this is the only flat spot, anywhere else may affect drainage. Floyd confirmed that the drainage in the area was tiered. The applicant also discussed the access points to the shed.

John Wilson confirmed that notices went out and that nobody else from the public wished to speak. He asked the other board members if they had further questions and then closed the Public Hearing.

**Public Hearing  
Myer Residence ZB2019-005**

The applicant, Robert Myer, wishes to add an addition to the front of the existing house. This is an 8-foot addition to the garage area and the main section of the house. The applicant lives in the Agricultural District. The Zoning Setback for the Agricultural District front yard is 50 feet. The existing house is 50 feet. The addition will make the setback 42 feet. This is an 8-foot reduction in the front setback.

Robert and Julie Myer presented their request to the board. They are looking to add a couple of sections to the house. They want to expand the garage and convert a bedroom into a living room. Due to the shape of their property and the location of the septic system, they are limited as to where they can add an expansion. The front of the house is the only place where this expansion will work. The zoning was recently changed from R-1 to Agricultural. They would not

need an area variance in the R-1 District. John Wilson confirmed that no board members had questions. Floyd confirmed the recent zoning change and confirmed the setback request being made.

John Wilson asked if any members of the public wished to speak. Peter D'Silva spoke in favor of the applicants' request. He expressed his frustration with the zoning change, which also affected his own property. He explained that he was unsure why this change was made, and it was the only reason the Myers are now before the board. He had written the Town regarding his objection to the change before it occurred, and was displeased that he had not received a response. Howard Sabin also spoke in favor of the applicants' request. He has lived next to the property for 30 years and encouraged the board to approve the request as he felt it will only make the house look better.

John Wilson confirmed that notices went out and that nobody else from the public wished to speak. He asked the other board members if they had further questions and then closed the Public Hearing.

John Wilson called regular meeting to order at 7:15 pm.

### **Pledge of Allegiance**

### **Regular Meeting Continuation**

#### **Tru Lawn Care ZB 2019-002**

The applicant wishes to have a New Business for raw topsoil storage and screening operations. The vacant parcel is located in the Town of Geneva Zoning District R-2 Residential Rural District. This Zoning District does not allow for this type of business. The Town Zoning District I-1 General Industrial District is where this type of business is allowed. This was held over to give the applicant time to address some of the concerns the Zoning Board had and to provide further information to justify the four criteria.

The applicant had sent a letter to the board requesting the removal of his application for the use variance and expressed his gratitude for the time put forth. Floyd Kofahl read said letter to the board. He then explained the necessary steps for removing the application.

Motion made by Douglas Roll to accept the request from the applicant to withdraw his application for a use variance. 2<sup>nd</sup> by James Smith.

Roll Call Vote:

James Smith – Yes

John Wilson – Yes

Douglas Roll – Yes

Phillip Ilacqua – Yes

Robert Rose – Yes

Motion Carried.

#### **Darling Residence ZB2019-004**

The applicant, Charles Darling, wishes to have a shed placed 7 feet from the property line where the Town Code Section 165-24 allows a minimum setback of 10 feet. The Zoning District is R-1. This is a detached shed. Public Hearing closed.

Motion made by Phillip Ilacqua to grant the 3-foot area variance requested for the side setback. 2<sup>nd</sup> by Robert Rose.

John Wilson directed the board members through a discussion of the 5 criteria of review for an area variance. The board discussed whether the benefit could be achieved by other means

feasible to the applicant. Shed could be in back but due to the uniqueness of the property in conjunction with the neighboring yards understandable why applicant wishes not to. The board discussed that it would not be an undesirable change. The board members discussed whether the request was substantial, determining that it was not. They went over whether there would be adverse physical or environmental effects, agreeing that the applicant is trying to avoid this with the drainage issues in the back yard. Lastly, they discussed whether the alleged hardship is self-created. Although agreeing it is, they agreed the applicant is trying to preserve the character of the neighborhood and the topography of the lot.

The board discussed the size of the shed. Charles Darling confirmed he is buying the narrowest shed that the company builds. Douglas Roll asked questions regarding the neighbor on that side of the property. The applicant confirmed that he had spoke to her before and she did not express any concerns. James Smith asked about the drop from property to property on each side. The applicant explained the slope on each side, adding that this was the flattest location for the shed.

John Wilson returned to the motion made by Phillip Ilacqua to grant the 3-foot area variance requested for the side setback with a 2<sup>nd</sup> by Robert Rose.

Roll Call Vote:

James Smith – Grant	John Wilson – Grant	Douglas Roll – Grant
Phillip Ilacqua – Grant	Robert Rose – Grant	

Motion Carried.

#### **Myer Residence ZB2019-005**

The applicant, Robert Myer, wishes to add an addition to the front of the existing house. This is an 8-foot addition to the garage area and the main section of the house. The applicant lives in the Agricultural District. The Zoning Setback for the Agricultural District front yard is 50 feet. The existing house is 50 feet. The addition will make the setback 42 feet. This is an 8-foot reduction in the front setback. Public Hearing closed.

Motion made by Douglas Roll to grant the 8-foot area variance requested for the front setback. 2<sup>nd</sup> by Phillip Ilacqua.

John Wilson directed the board members through a discussion of the 5 criteria of review for an area variance. The board determined that there was not another feasible way to achieve the benefit due to the site considerations of the lot. They discussed whether it would be undesirable change, agreeing that it would not be. They determined that the request was not substantial. It was agreed that there would not be an adverse physical or environmental effect. They discussed whether hardship was self-created, determining due to the recent zoning change, it was not.

John Wilson returned to the motion made by Douglas Roll to grant the 8-foot area variance requested for the front setback with a 2<sup>nd</sup> by Phillip Ilacqua.

Roll Call Vote:

James Smith – Grant	John Wilson – Grant	Douglas Roll – Grant
Phillip Ilacqua – Grant	Robert Rose – Grant	

Motion Carried.

#### **Meeting Minutes from March 26, 2019**

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

**Other Business**

**Seneca Turk Resort PUD**

Floyd informed the Board that the Final Site Plan would be before them at the next meeting. This is due to part of the project being in the Seneca Lake Overview District. This will not require a Public Hearing.

**Town Side at Pre Emption**

Floyd invited any of the board members who would like to visit the site to set up a time with him and he can take them through. Provided an update on the progress. Board members asked questions regarding the storm water management system, whether the road in the site would be private or public, and if any changes were being made to the ingress and egress. The timeline for the opening of the stages was also discussed.

**Change of Meeting Time**

Motion made by John Wilson to change the starting time of the Zoning Board Meetings to 6:30. 2<sup>nd</sup> by Douglas Roll.

Roll Call Vote:

James Smith – Yes

John Wilson – Yes

Douglas Roll – Yes

Phillip Ilacqua – Yes

Robert Rose – Yes

Motion Carried.

**Change of Meeting Procedure**

Motion made by Douglas Roll to recite the Pledge of Allegiance before the start of any Public Hearings.

Floyd Kofahl requested time to check proper procedure and report back to the Board.

Motion made by Douglas Roll to table his request until hearing back from the Code Enforcement Officer.

**Record Retention**

The board members discussed with Floyd the retention need for any applications and the disposal of documents.

Motion made by Phillip Ilacqua to close the meeting with a 2<sup>nd</sup> by James Smith. All in favor. Motion carried at 7:50 pm.