

**Town of Geneva  
Zoning Board  
October 27, 2020**

Present: James Smith, John Wilson, Douglas Roll, 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: 10 members of the public

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

**Pledge of Allegiance**

**Public Hearing  
Augustine Property ZB2020-010**

Mr. Augustine is looking to add a second bay onto the existing garage. He is requesting a side setback variance of 50%. He presented his request to the board members, explaining the size of the addition and why he would prefer to add onto the garage instead of building a shed. He also pointed out the current space between the two homes where the addition would go.

John Wilson asked if there were other members of the public wishing to speak. There were not. Floyd commented that he received two calls from neighbors. One was the neighbor to the west, at 24 Bay Heights Circle. Her concern was that Mr. Augustine would not be able to get around the garage with larger items such as a boat or skidoo for storage of these items. The other neighbor wanted to make sure that the garage's appearance would match the house. The applicant plans to have it match the existing structure.

Douglas Roll asked the applicant how he would access the back of the property if he needed to. Mr. Augustine explained that there is an access road behind the properties that could be used in necessary situations. Phillip Ilacqua asked about the other side yard area. The applicant explained that the 20 ft of side yard does have trees that would prohibit travel. John Wilson confirmed that there were no other members of the public wishing to speak.

Motion made by Douglas Roll to close the Public Hearing. 2<sup>nd</sup> by Robert Rose. All in favor. Motion carried

John Wilson explained to the board members that this was a Type II action and asked if there were any questions on the SEQR. Robert Rose confirmed the size of the proposed garage. Douglas Roll asked about the number of doors to the garage. The applicant explained there would be a new door on the addition and the same door on the existing bay. John Wilson asked the Board if they wanted to move forward or continue to the next meeting. It was decided they would discuss further.

A member of the public asked to speak, and John gave him the floor. Roy Roland stated that they were in support of the project and thought that it would be a nice addition to the

neighborhood. Robert Rose asked the applicant about the driveway and it was confirmed that the driveway would also be widened.

The Board discussed the 5 criteria for an area variance. It was decided that due to the gradient and the lot, the benefit could not be achieved by other means. There was a discussion about building the addition behind the current garage and the applicant explained why that was not desirable. The board members agreed it would not be an undesirable change. It was agreed that it was a substantial request as it was a 50% variance. The Board agreed that there would not be adverse physical or environmental effects and that the hardship is self-created as it is the applicant's wish to build the garage.

Motion made by Phillip Ilacqua to grant the side setback and rear setback as requested.  
2<sup>nd</sup> by Douglas Roll.

Roll Call Vote:

James Smith – Deny

Robert Rose – Grant

John Wilson – Grant

Douglas Roll – Grant

Phillip Ilacqua – Grant

Motion Carried.

### **Review**

#### **Fox Property ZB2020-009**

The applicant is requesting a rear setback variance for decks to be built onto the house. The proposed deck would need a 50% rear setback variance. Shawn Peisher presented her request to the board members. She highlighted that only a small portion of the deck would need a 50% variance and the variance would be smaller in most spots. She went through the timeline of the build of the house, explaining that a foundation permit was issued in 2015 and that at that time, the line to measure the setback from was not clear. The Code has since changed, and they have received clarification from the Zoning Board regarding the correct line to measure from. The variance request uses the metes and bounds line as the setback line. She also explained that there are other homes that have decks closer than the 25 ft setback.

The applicant also went through the 5 criteria for an area variance. First, she explained that there are exit doors on the house that need to meet proper egress requirements and when initially issued a permit for the foundation, the setback requirements for decks was not brought to their attention. She also explained that on the southside of the property, the deck will not go out further than the current septic retaining wall and on the northside, the neighbors' deck goes out further. Regarding the criteria, she does not feel it can be achieved by other means feasible as they needed exit doors and need a way to get down. She does not feel like it will be an undesirable change to the neighborhood as there are other properties in the area with decks closer. She also provided photos as examples of this. She explained that after hearing the last decision made by the Board, she understands 50% is considered a substantial request, but pointed out that only a small portion of the deck needs a 50% variance. She does not think it will cause adverse environmental or physical effects. Although it is the desire of the applicant to build the decks, she explained that since the foundation permit was approved and the building permit was approved for the house, the hardship is not entirely self-created. John Wilson asked her to point out the exit doors on the plans.

Motion made by Douglas Roll to set the Public Hearing for the next Zoning Board meeting to be held on November 24, 2020 at 6:30 pm. 2<sup>nd</sup> by James Smith. All in favor. Motion carried

Douglas Roll asked Floyd for clarification regarding the egress points. Floyd went over the requirements for certain rooms and the minimum requirements for the egress doors. He also explained that he reviewed the original application from 2015, and although the decks were on the plans, the permit issued was only for the foundation. When the applicant applied for the building permit earlier in 2020, they originally had the decks on the plans, but the permit was denied. They removed the decks so that they would be able to begin work on the home, knowing that they would eventually need to meet at least the minimum requirements. He also explained that prior to the code change, a variance would still have been needed, it would just not have been as great of a variance.

Douglas Roll discussed the pictures of the decks provided by the applicant. Ms. Peisher explained she was not aware if the included properties had been granted variances for the decks or when they were built. The pictures were included as examples of decks that were closer than the current 25ft setback. She also asked to clarify their intent while applying for the building permit this year. They removed the decks from the plans so that they could begin to move forward with the project, not for any other reason. Douglas Roll asked Floyd about issuing the permit without decks. Floyd explained that they could technically meet the minimum requirements at all points. He also reminded the board members that the Board looks at the largest requested variance, not each measurement individually. Robert Rose commented on the size of the deck compared to the minimum requirements. The Board moved on to the next item on the agenda.

#### **Meeting Minutes from September 22, 2020**

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

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

Steve shared information regarding a future project in the City of Geneva. The old Friendly's location is being converted into a Canandaigua National Bank. He went over the proposed site plan.

#### **Other Business**

##### **Beverage Center/Tap Room**

Floyd updated the Board on an application going before the Planning Board at their next meeting. There is someone interested in converting the old Pizza Hut building into a tasting room. They will also be putting an addition on the back that will serve as a beverage center for local beers, imports, domestics, soda, etc. If approved and built as planned, there will be no variances needed.

Motion made by Douglas Roll to close the meeting with a 2<sup>nd</sup> by Phillip Ilacqua. All in favor. Motion carried at 7:05 pm.